CITY OF PROSPECT

DELEGATIONS AND SUBDELEGATIONS REGISTER

September 2024

CITY OF PROSPECT

DELEGATIONS AND SUBDELEGATIONS REGISTER

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1. POSITION ACRONYMS

ACC	Accountant	**MICT**	Manger Information Communication and Technology
AOCS	Administration Officer Community Standards	**MPMOPD**	Manager PMO and Project Delivery
AOD	Administration Officer Development	**PDO**	Planning Development Officer
APO	Asset Protection Officer	**SCIM**	Senior Coordinator Information Management
BDO	Building Development Officer	**SEDO**	Senior Economic Development Officer
CAP	Council Assessment Panel	**SPP**	Senior Policy Planner
CDO	Compliance Development Officer	**SRO**	Senior Rates Officer
DCC	Director City Corporate	**STE**	Senior Traffic Engineer
DCGD	Director City Growth and Development	**TLCE**	Team Leader City Event and Activation
DCSCC	Director City Strategy Community and Culture	**TLCM**	Team Leader City Maintenance
DCWP	Director City Works and Presentation	**TLCD**	Team Leader Community Development
FPO	Fire Prevention Officer	**TLCS**	Team Leader Community Standards
GI	General Inspector x 2	**TLCUS**	Team Leader Customer Service
LHCM	Leading Hand City Maintenance	**TLDS**	Team Leader Development Services
MAM	Manager Assets and Maintenance	**TLFS**	Team Leader Financial Services
MCSE	Manager Communications Strategy and Engagement	**TLG**	Team Leader Governance
MCRP	Manager Community Relations and Program	**TLHR**	Team Leader Human Resources and Work Health Safety
MCS	Manager Corporate Services	**TLL**	Team Leader Libraries
MDRS	Manager Development and Regulatory Services	**TOCM**	Technical Officer City Maintenance
MF	Manager Finance		

2. INSTRUMENT OF DELEGATION TO THE CEO

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024, the following powers and functions provided under Section 2 of this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation. The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

Note

- *The column on the right sets out any sub-delegations made by the Chief Executive Officer to officers or employees of the Council, or to authorised persons.*
- *Any powers and functions that listed, but are to remain with Council, are recorded as **Not Delegated.***
- *If the column on the right contains the word **Nil**, then the power or function has not been sub-delegated and, therefore, **remains with** the Chief Executive Officer.*

APPENDIX 1

INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 8	**Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground**		
8(2)	The power pursuant to Section 8(2) of the *Burial and Cremation Act 2013* (**the Act**) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	CEO	**Nil**
Section 13	**Opening of Interment Sites, Exhumation and Re-interment**		
13(6)	The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	N/A	
Section 18	**Disposal of Unclaimed Cremated Human Remains**		
18(2)	The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate things fit where the Council is the relevant authority for the crematorium.	N/A	

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 19	**Establishment of Cemeteries, Natural Burial Grounds and Crematoria**		
19	Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	Not Delegated	
Section 20	**Power of Councils to Establish and Manage Public Mortuaries**		
20	The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.	Not Delegated	
Section 21	**Establishment of Mausolea within Cemeteries**		
21	The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish Mausolea within the cemetery for which the Council is the relevant authority.	N/A	
Section 22	**Designation of Natural Burial Grounds within Cemeteries**		
22	The power pursuant to Section 22 of the Act to set a part any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	N/A	
Section 23	**Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religion**		
23	The power pursuant to Section 23 of the Act, to set a part any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.	N/A	
Section 24	**Closure of Cemeteries and Natural Burial Grounds**		
24(1)	Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:	N/A	

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
24(1)(a)	the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains: or		
24(1)(b)	50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.		
24(8)	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	N/A	
24(8)(a)	Discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or		
24(8)(b)	Discharge the interment right and issue to the former holder, free of charge:		
24(8)(b)(i)	A new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or		
24(8)(b)(ii)	If the closure relates only to part of the cemetery or natural burial ground – a new interment right in relation to another part of the cemetery or natural burial ground.		
24(9)	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	N/A	
24(9)(a)	Discharge the interment right and issue to the former holder, free of charge:		
24(9)(a)(i)	A new interment right in relation to another cemetery or natural burial ground administered by the Council is the relevant authority; or		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
24(9)(a)(ii)	If the closure relates to only art of the cemetery or natural burial ground – a new interment right in relation to another part of the cemetery or natural burial ground; and		
24(9)(b)	Remove any human remains interred at the original interment site and re-enter the remains pursuant to the new interment right; and		
24(9)(c)	Remove any memorial erected at the original interment site and re-position the memorial at the new interment site.		
24(10)	The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	N/A	
24(12)	The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.	N/A	
Section 25	**Dedication of Closed Council Cemeteries as Park Lands**		
25(4)	The power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:	N/A	
25(4)(a)	Remove memorials to deceased persons;		
25(4)(b)	Relocate memorials to deceased persons in the park lands;		
25(4)(c)	Replace memorials to deceased persons with some other form of memorial in the park lands.		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 26	**Conversion of Closed Cemeteries into Public Parks or Gardens**		
26(2)	The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.	N/A	
26(6)	The power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden, to:		
26(6)(a)	Remove memorials to deceased persons;		
26(6)(b)	Relocate memorials to deceases persons in the park or garden;		
26(6)(c)	Replace memorials to deceased persons with some other form of memorial in the park or garden.		
Section 27	**Powers of Relevant Authorities in Relation to Closed Cemeteries**		
27(1)	The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:	N/A	
27(1)(a)	Construct roads and pathways on the land;		
27(1)(b)	Erect or construct buildings or structures on the land;		
27(1)(c)	Construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere;		
27(1)(d)	Erect lighting, seating and any other infrastructure or public amenity; and		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
27(1)(e)	Take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.		
Section 30	**Issue of Interment Rights**		
30(1)	Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	N/A	
30(1)(a)	Identifies the person to whom the interment right is issued; and		
30(1)(b)	Identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and		
30(1)(c)	Identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and		
30(1)(d)	Specifies the period for which the interment right is granted; and		
30(1)(e)	Sets out the rights to renewal of the interment right; and		
30(1)(f)	Specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
30(3)	The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.		
30(4)	Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right permit a memorial to the deceased person to be erected at the site.		
30(5)	The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.		
Section 31	**Duration of Interment Rights**		
31	The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	N/A	
31(a)	For the period specified in the interment right; or		
31(b)	In perpetuity.		
Section 32	**Renewal of Interment Rights**		
32(1)	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	N/A	
Section 33	**Transfer of Interment Rights**		
33(1)	The power pursuant to Section 33(1) of the Act to transfer an interment right.	N/A	

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 38	**Re-use of Interment Sites**		
38(1)	Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires and Council is the relevant authority, to:	N/A	
38(1)(a)	Re-use the interment site to which the interment right related; and		
38(1)(b)	Remove any memorial to a deceased person erected on or at the site.		
Section 39	**Ownership of Memorial**		
39(2)	The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	N/A	
Section 40	**Function to Maintain Memorial**		
40	The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	N/A	
Section 41	**Power to Require Repair, Removal or Reinstatement of Memorial**		
41(1)	The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice.	N/A	

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
41(2)	The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.		
41(3)	The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:		
41(3)(a)	A memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and		
41(3)(b)	Urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,		
	to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.		
Section 42	**Power of Relevant Authority to Dispose of Unclaimed Memorial**		
42(1)	The power pursuant to Section 42(1) of the Act, if:	N/A	
42(1)(a)	2 years or more have elapsed:		
42(1)(a)(i)	Since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or		
42(1)(a)(ii)	Since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and		
42(1)(b)	A memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
42(1)(c)	the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial;		
42(1)(c)(i)	by public advertisement in a newspaper circulating throughout the State; and		
42(1)(c)(ii)	by written notice affixed to the memorial; and		
42(1)(d)	the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and		
42(1)(e)	6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period, to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.		
Section 43	**General Powers of Relevant Authority**		
43	The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:	N/A	
43(a)	Enlarge the cemetery, natural burial ground or crematorium; and		
43(b)	Improve or embellish the cemetery, natural burial ground or crematorium; and		
43(c)	Restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and		
43(d)	Take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 45	**Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground**		
	The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	N/A	
Section 46	**Neglected Cemeteries and Natural Burial Grounds**		
46(1)	The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	CEO	**DCGD, DCWP**
46(1)(a)	The delegate is of the opinion that a cemetery or natural burial ground within its area:		
46(1)(a)(i)	Is in a neglected condition; or		
46(1)(a)(ii)	Fails in any manner to comply with the requirements of this Act;		
	to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.		
46(3)	The power pursuant to Section 46(3) of the Act, if:	CEO	**DCGD, DCWP**
46(3)(a)	The work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and		
46(3)(b)	No application for review of the decision to give the notice is made within 14 days after the notice is given, to have the work carried out.		
46(4)	The power pursuant to Section 46(4) of the Act, if:	CEO	**DCGD, DCWP**

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
46(4)(a)	The work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and		
46(4)(b)	An application for review of the decision to give the notice is determined in favour of the Council;		
	to, within 14 days after the determination of the review, have the work carried out.		
46(5)	The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	CEO	**DCGD, DCWP**
Section 47	**Right of Review**		
47(1)	The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the Council or designated Minister (as the case may be) to give the notice to the relevant authority.	N/A	
Section 48	**Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land From Trustees**		
48(1)	Power pursuant to Section 48(1) of the Act, subject to Section 48(4), to accept a trust from the trustees of land in the Council's area, held on trust for a cemetery or natural burial ground.	Not Delegated	
Section 49	**Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds**		
49(1)	Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:	Not Delegated	
49(1)(a)	There is no existing relevant authority for the cemetery or natural burial ground; or		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
49(1)(b)	The relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or		
49(1)(c)	The relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.		
Section 50	**Public Access to Cemeteries, Natural Burial Grounds and Crematoria**		
50(2)	The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committed or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	N/A	
Section 51	**Disposal of Surplus Cemetery Land etc**		
51(2)	Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.	N/A	
Section 52	**Disposal of Land After Closure of Cemetery etc**		
52(1)	The power pursuant to Section 52(1) of the Act, if:	N/A	
52(1)(a)	A cemetery or natural burial ground has been closed in accordance with this Act; and		

BURIAL AND CREMATION ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
52(1)(b)	All human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground, to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.		
Section 56	**Power of Public Trustee to Act on Behalf of Holder of Interment Right etc**		
56(1)	The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	N/A	
56(1)(a)	The holder of an interment right in relation to the cemetery or natural burial ground; or		
56(1)(b)	The owner of a memorial erected in a cemetery or natural burial ground,		
	fail, to request the Public Trustee act on behalf of the holder or owner.		
Section 58	**Authorised Officers**		
58(2)	The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	CEO	**Nil**
58(3)	The power pursuant to Section 58(3) of the Act to make an appointment, subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.		
58(7)	The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.		

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER CITY OF PROSPECT 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

CITY OF PROSPECT BY-LAW 1 of 2022 – Permits and Penalties			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Clause 5	**Council May Grant Permits**		
5.3	If any By-Law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing then Council may:	CEO	**DCGD, MDRS, TLCS, SEDO, DCSCC, MCRP, TLCE, TLCD, DCWP, MAM, TLCM, STE**
5.3.1	provide that the permit provides for a particular term;		
5.3.2	attach conditions to the permits the Council considers appropriate;		
5.3.3	change or revoke a condition, by notice in writing;		
5.3.4	add new conditions, by notice in writing.		

CITY OF PROSPECT BY-LAW 1 of 2022 – Permits and Penalties			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
5.5	The Council may revoke a permit, by notice in writing, if:	CEO	**DCGD, MDRS, TLCS, SEDO, DCSCC, MCRP, TLCE, TLCD, DCWP, MAM, TLCM, STE**
5.5.1	the holder of the permit fails to comply with a condition attached to it; or		
5.5.2	the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.		
Clause 6	**Penalties**		
6.1	If a person contravenes, or fails to comply with any By-Law of the Council, that person is guilty of an offence and Council may apply the maximum penalty referred to in the *Local Government Act 1999,* which may be fixed for offences against a By-Law	CEO	**DCGD, MDRS, TLCS, SEDO, DCSCC, MCRP, TLCE, DCWP, MAM, TLCM, STE**

APPENDIX 3

INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

NOTES

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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 3	**Interpretation**		
3(11)(a)	The power 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:	CEO	**DCGD, MDRS**
3(11)(b)(i)	all the consents or approvals required under the *Planning, Development and Infrastructure Act 2016* 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		
3(11)(b)(ii)	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.		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 14	**Application**		
14(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:	Not Delegated	
14(1)(a)	land comprising an allotment or allotments;		
14(1)(b)	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.		
Section 15A	**Application May Deal with Statutory Encumbrances**		
	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
Section 16	**Consents to Application**		
16(1)	The power pursuant to Section 16(1)(a) of the Act,	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
16(1)(a)	where the Council is the holder of a registered encumbrance over the land to be divided; or		
16(1)(b)	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		
16(1)(c)	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.		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 21	**Application to Amend Schedule of Lot Entitlements**		
21(4)	The power pursuant to Section 21(4)(a) of the Act, where the Council is	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
21(4)(a)	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		
21(4)(b)	a prospective owner at the relevant time of a community lot; or		
21(4)(c)	a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or		
21(4)(d)	where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.		
21(5)	The power pursuant to Section 21(5) of the Act:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
21(5)(a)	where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:		
21(5)(a)(i)	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		
21(5)(a)(ii)	a prospective owner at the relevant time of a secondary lot; or		
21(5)(a)(iii)	a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or		
21(5)(b)	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:		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
21(5)(b)(i)	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		
21(5)(b)(ii)	a prospective owner at the relevant time of a tertiary lot; or		
21(5)(b)(iii)	a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.		
Section 27	**Encroachments**		
27(1)(b)(i)	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	**Nil**
Section 30	**Scheme Description**		
30(4)	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:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
30(4)(a)	add any information that is necessary or desirable; or		
30(4)(b)	clarify any part of the description; or		
30(4)(c)	remove any unnecessary detail.		
Section 31	**Amendment of Scheme Description**		
31(3)	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.	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 32	**Persons Whose Consents are Required**		
32(1)	The power pursuant to Section 32(1) of the Act, where the Council is:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
32(1)(a)	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		
32(1)(b)	the prospective owner at the relevant time of a community lot;		
32(1)(c)	the owner or prospective owner at the relevant time of a development lot;		
32(1)(d)	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		
32(1)(e)	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		
32(1)(f)	a person referred to Section 32(2) of the Act, to grant consent		
32(2)	The power pursuant to Section 32(2) of the Act:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
32(2)(a)	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:		
32(2)(a)(i)	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		
32(2)(a)(ii)	the prospective owner at the relevant time of a secondary lot; or		
32(2)(a)(iii)	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		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
32(2)(b)	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:		
32(2)(b)(i)	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		
32(2)(b)(ii)	the prospective owner at the relevant time of a tertiary lot; or		
32(2)(b)(iii)	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.		
Section 34	**By-laws**		
34(6)(e)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
34(6)(g)	The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.		
Section 36	**By-law as to the Exclusive Use of Part of the Common Property**		
36(5)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 49	**Enforcement of Development Contract**		
49(2)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
49(2)(a)	the developer; and		
49(2)(b)	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.		
49(2a)	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.		
49(2b)	The power pursuant to Section 49(2b) of the Act to make application to a court to:		
49(2b)(a)	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		
49(2b)(b)	state a question of law for the opinion of the Supreme Court.		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 52	**Application for Amendment**		
52(1)(a)(ii)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
52(2)(b)	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 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or a person who holds a registered encumbrance over the lot, consent to the amendment.		
52(2)(c)	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.		
Section 53	**Status of Application for Amendment of Plan**		
53(2)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
53(3)	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*.		
Section 53A	**Application May Deal With Statutory Encumbrances**		
53A(b)(i)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 57	**Alteration of Boundaries of Primary Community Parcel**		
57(2)(b)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
Section 58	**Amendment of Plan Pursuant to Development Contract**		
58(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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
Section 59	**Amendment by Order of ERD Court**		
59(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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
59(3a)	The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.		
Section 61	**Persons Whose Consents are Required**		
61(1)	The power pursuant to Section 61(1) of the Act, where the Council is:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
61(1)(a)	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		
61(1)(b)	the prospective owner at the relevant time of a community lot; or		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
61(1)(c)	the owner or prospective owner at the relevant time of a development lot; or		
61(1)(d)	a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or		
61(1)(e)	a person referred to in Section 61(2) of the Act, to consent to the amalgamation.		
61(2)	The power pursuant to Section 61(2) of the Act,	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
61(2)(a)	where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:		
61(2)(a)(i)	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		
61(2)(a)(ii)	the prospective owner at the relevant time of a secondary lot; or		
61(2)(a)(ii)	the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or		
61(2)(a)(iv)	a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or		
61(2)(b)	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:		
61(2)(b)(i)	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		
61(2)(b)(ii)	the prospective owner at the relevant time of a tertiary lot; or		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
61(2)(b)(iii)	the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or		
61(2)(b)(iv)	a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot, to consent.		
Section 62	**Deposit of Amalgamated Plan**		
62(3)	The power pursuant to Section 62(3) of the Act, where the Council is:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
62(3)(a)	the owner of the servient land; or		
62(3)(b)	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.		
Section 66	**Persons Whose Consent is Required**		
66(1)	The power pursuant to Section 66(1) of the Act, to, where the Council is:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
66(1)(a)	an owner at the relevant time of a community lot and a development lot (if any); or		
66(1)(b)	the prospective owner at the relevant time of a community lot or a development lot; or		
66(1)(c)	a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot, to give consent to the application.		
Section 67	**Application to ERD Court**		
67(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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
67(1a)	The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 69	**Cancellation**		
69(2)(e)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
69(6)	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.		
Section 70	**Division of Primary Parcel Under Part 19AB**		
70(2)	The power pursuant to Section 70(2) of the Act, where the Council is:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
70(2)(a)	an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;		
70(2)(b)	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		
70(2)(c)	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.		
Section 84	**Voting at General Meetings**		
84(3)	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	**DCGD, MDRS, DCWP,**

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
84(11)	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.		**MPMOPD, MAM**
Section 100	**Administrator of Community Corporation's Affairs**		
100(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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
Section 101	**Power to Enforce Duties of Maintenance and Repair etc**		
101(6)	The power pursuant to Section 101(6) of the Act, where:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
101(6)(a)(i)	the Council incurs costs in complying with a notice under Section 101(1) of the Act; or		
101(6)(a)(ii)	the corporation recovers costs from the Council under Section 101(5) of the Act; and		
101(6)(b)	the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.		
Section 108	**Right to Inspect Policies of Insurance**		
108(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	**DCGD, MDRS, DCWP,**
108(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.		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
108(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.		**MPMOPD, MAM**
Section 139	**Information to be Provided by Corporation**		
139(1)	The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
139(1)(a)	provide a statement setting out:		
139(1)(a)(i)	particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and		
139(1)(a)(ii)	particulars of the assets and liabilities of the corporation; and		
139(1)(a)(iii)	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		
139(1)(a)(iv)	particulars in relation to any other matter prescribed by regulations; and		
139(1)(b)	provide copies of:		
139(1)(b)(i)	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		
139(1)(b)(ii)	the statement of accounts of the corporation last prepared by the corporation; and		
139(1)(b)(iv)	current policies of insurance taken out by the corporation; and		
139(1)(c)	make available for inspection such information as is required to establish the current financial position of the corporation including:		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
139(1)(c)(i)	a copy of the accounting records of the corporation; and		
139(1)(c)(ii)	the minute books of the corporation; and		
139(1)(c)(iii)	any other documentary material prescribed by regulation; and		
139(1)(d)	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		
139(1)(e)	make available for inspection the register maintained under Section 135 of the Act.		
139(1a)	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.		
Section 140	**Information as to Higher Tier of Community Scheme**		
140(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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
140(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.		
Section 141	**Persons Who May Apply for Relief**		
141	The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
Section 142	**Resolution of Disputes, etc**		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
142(2)	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	**DCGD, MDRS, DCWP, MPMOPD, MAM**
142(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.		
142(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.		
142(6)	The power pursuant to Section 142(6) of the Act to make an application to a court to:		
142(6)(a)	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		
142(6)(b)	state a question of law for the opinion of the Supreme Court.		
Section 142A	**Holding of Deposit and Other Contract Moneys When Lot is Pre-sold**		
142A(3)	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.	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
142A(4)	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:		
142A(4)(a)	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		
142A(4)(b)	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,		

COMMUNITY TITLES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.		
Section 146	**Entry onto Lot or Common Property**		
146(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:	CEO	**DCGD, MDRS, DCWP, MPMOPD, MAM**
146(1)(a)	give notice to the owner of the lot to be entered; or		
146(1)(b)	where it is necessary to enter the common property, to give notice to the corporation.		
146(4)	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.		
146(6)	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.		

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE CRIMINAL PROCEDURE ACT 1921

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

THE CRIMINAL PROCEDURE ACT 1921			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 49	**Information**		
	The power pursuant to section 49 of the *Criminal Procedure Act 1921* to lay an information on the Council's behalf in the Magistrates Court in accordance with the rules charging a person who is suspected of having committed a summary offence(s) with the offence(s) and, where an information is laid, the power to run the proceedings as the delegate sees fit.	CEO	**DCGD, MDRS, TLCS**

APPENDIX 5

INSTRUMENT OF DELEGATION UNDER THE COST OF LIVING CONCESSION ACT 1986

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

COST OF LIVING CONCESSIONS ACT 1986			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 6	**Payment of Amount of Rates Remitted in Certain Cases**		
6(1)	The power, under Section 6(1) to apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority	CEO	**DCC, MF**

APPENDIX 6

INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

In exercise of the power contained in sections 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 24 September 2024 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the following powers and functions and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit:

Delegations to the Council Assessment Panel

In exercise of the power contained in sections 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* are delegated to the Council Assessment Panel subject to the conditions or limitations indicated hereunder or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 33	**Matters Against Which Development Must be Assessed**		
33(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):	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
33(1)(a)	the provisions of the appropriate Development Plan;		
33(1)(b)	the provisions of the Building Rules;		
33(1)(c)	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;		
33(1)(d)	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;		
33(1)(e)	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		
33(1)(f)	such other matters as may be prescribed.		
33(3)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Section 34	**Determination of Relevant Authority**		
34(1)(b)(iii)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
34(1a)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
34(8a)	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	

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
34(21)	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	N/A	
Section 35	**Special Provisions Relating to Assessment Against Development Plans**		
35(1)	The function 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).	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
35(1b)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
35(1c)	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 function, 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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
35(2)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
35(3)(a)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
35(6)	Subject to the Act, the power and function 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	**CAP, DCGD, MDS, SDPO, DOP**

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 36	**Special Provisions Relating to Assessment Against the Building Rules**		
36(1)	The function 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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
36(2)	The power pursuant to and in accordance with Section 36(2) of the Act:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
36(2)	to assess whether a development is at variance with the Building Rules;		
36(2)(a)	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;		
36(2)(b)	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:		
36(2)(b)(i)	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		
36(2)(b(ii)	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.		
36(3)	The function 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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
36(3a)	The function pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.		

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
36(4)	The function 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:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
36(4)(a)	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or		
36(4)(b)	such compliance is certified by a private certifier.		
36(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Section 37A	**Proposed Development Involving Creation of Fortifications**		
37A(2)(b)	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.	CEO	**CAP, DCGD, MDRS, TLDS**
37A(5)	The function pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:	CEO	**CAP, DCGD, MDS, SDPO, DOP**
37A(5)(a)	if the proposed development consists only of the creation of fortifications – refuse the application; or		
37A(5)(b)	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.		
Section 38	**Public Notice and Consultation**		
38(3a)(c)	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.	CEO	**CAP**

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
38(10)(a)	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.	CEO	**CAP**
38(17)	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.	CEO	**CAP**
38(18)	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.	CEO	**CAP**
Section 39	**Application and Provision of Information**		
39(2)	The power pursuant to Section 39(2) of the Act to request an applicant to:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(2)(a)	provide such additional documents or information to enable assessment of the application;		
39(2)(b)	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;		
39(2)(c)	consult with an authority or body prescribed by the Regulations;		
39(2)(d)	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and		
39(2)(e)	comply with any other requirement prescribed by the Regulations.		
39(2b)	If:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(2b)(a)	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and		

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
39(2b)(b)	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and function pursuant to Section 39(2b)(c) of the Act, to;		
39(2b)(c)	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the function pursuant to Section 39(2b)(d) of the Act, to;		
39(2b)(d)	make that request within a period prescribed by the Regulations.		
39(4)(a)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(4)(b)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(4)(c)	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	**CAP, DCGD, MDRS**
39(4)(d)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(4)(e)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
39(7)(a)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(7)(c)	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.		
39(7)(d)	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.		
39(7a)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(8)	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
39(9)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Section 40	**Determination of Application**		
40(3)	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 42	**Conditions**		
42(1) and (3)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
42(4)	The function, 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).	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
42(6)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 15	**Application to Relevant Authority**		
15(1)(c)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(4)	The function 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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(7)(b)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(7b)	The power and function pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(7b)(a)	the Development Assessment number assigned to the development proposed under the application; and		
15(7b)(b)	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:		
15(7b)(b)(i)	advice about any site contamination that is believed to exist at the site where the development would be undertaken; and		

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
15(7b)(b)(ii)	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.		
15(7)(b)(b)(iii)	advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.		
15(8)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(11)	The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
15(11)(a)	in the case of an application that is lodged with the Council for assessment as *residential* code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;		
15(11)(b)	in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).		
15(12)	The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 17	**Non-Complying Development**		
17(3)	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:	CEO	

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
17(3)(a)	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or		**CAP, DCGD, MDRS, TLDS, DOP, DOB**
17(3)(b)	resolve to proceed with an assessment of the application.		
17(6)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 20	**Amended Applications**		
20(4)	The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
20(5)	The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 22	**Withdrawing/Lapsing Application**		
22(2)	Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
22(3)	Before taking action to lapse a development application under Regulation 22(2) of the Regulations the function, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
22(3)(a)	take reasonable steps to notify the applicant of the action under consideration; and		
22(3)(b)	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.		

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 23	**Contravening Development**		
23(2)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 29	**Land Division Applications**		
29(1)	The function 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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
29(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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 30	**Underground Mains Area**		
30(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
30(2)	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
30(4)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 31A	**Preliminary Advice and Agreement - Section 37AA**		
31A(6)	The power pursuant to Regulation 31A(6) of the Regulations if:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
31A(6)(a)	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and		
31A(6)(b)	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:		
31A(6)(c)	to obtain a variation to the agreement under Section 37AA of the Act; or		
31A(6)(d)	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.		
31A(7)	The power pursuant to Regulation 31A(7) of the Regulations if:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
31A(7)(a)	an application is withdrawn by the Applicant; and		
31A(7)(b)	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.		
31A(8)	The power pursuant to Regulation 31A(8) of the Regulations if:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
31A(8)(a)	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and		
31A(8)(b)	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.		
31A(9)	The power pursuant to Regulation 31A(9) of the Regulations if:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
31A(9)(a)	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and		

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
31A(9)(b)	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.		
Regulation 32	**Public Notice Categories**		
32(5)	The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 34	**Public Inspection of Certain Applications**		
34(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB, AOD**
34(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB, AOD**
Regulation 38	**Determination of Commission as Relevant Authority**		
38(2)	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
38(2)(a)	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 function 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		

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
38(2)(b)	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).		
38(4)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 45	**Scheme Description – Community Titles**		
45(2)	The power pursuant to Regulation 45(2) of the Regulations to endorse 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.	CEO	**DCGD, MDRS**
Regulation 47A	**Minor Variation of Development Authorisations**		
47A(1)	The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 48	**Lapse of Consent or Approval**		
48(2)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 51	**Width of Roads and Thoroughfares**		
51(4)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
51(6)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 52	**Road Widening**		
52(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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 53	**Requirement as to Forming of Roads**		
53(1) and (2)	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
53(4)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
53(6)	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.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 54	**Construction of Roads, Bridges, Drains and Services**		

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
54(1)	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 55	**Supplementary Provisions**		
55(1)	The power 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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
55(2)	The power 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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
55(4)	The power 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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 58	**General Land Division**		
58(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
58(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

DEVELOPMENT REGULATIONS 2008			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 59	**Division of Land by Strata Title**		
59(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
Regulation 60	**General Provisions**		
60(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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
60(7)	The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	CEO	**CAP, DCGD, MDRS, TLDS, DOP, DOB**
60(9)	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	**CAP, DCGD, MDRS, TLDS, DOP, DOB**

APPENDIX 7

INSTRUMENT OF DELEGATION UNDER THE DISABILITY INCLUSION ACT 2018 AND DISABILITY INCLUSION REGULATIONS 2019

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DISABILITY INCLUSION ACT 2018			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 16	**Disability access and inclusion plans**		
16(5)	The power pursuant to section 16(5) of the Act to make application to the Minister for approval to prepare a single DAIP for more than one council.	CEO	**DCSCC, MCRP**
16(6)	The power pursuant to Section 16(6) of the Act to vary a DAIP in accordance with the requirements prescribed by regulation		
16(7)	The power pursuant to Section 16(7) of the Act to determine the format and website for publication of the DAIP, ensuring that the format is accessible to people with a disability.		
Section 27	**Sharing of information between certain persons and bodies**		
27(2)	The power pursuant to section 27(2) of the Act to provide prescribed information and documents (as defined by section 27(7) of the Act) to another person or body, if the delegate reasonably believes that the provision of the information or documents would assist the recipient:	CEO	**DCSCC, MCRP, DCC, MCS, TLG,**
27(2)(a)	to perform functions relating to people with disability; or		

DISABILITY INCLUSION ACT 2018			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
27(2)(b)	to manage any risk to a person with disability, or class of people with disability, that might arise in the recipient's capacity as an employer or provider of services.		**MICT, SCIM, DCGD, MDRS**
27(5)	The power pursuant to section 27(5) of the Act to request, on behalf of the Council, prescribed information and documents from a person to whom section 27 applies.		

APPENDIX 7a

DISABILITY INCLUSION REGULATIONS 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 9	**Requirements relating to preparation of disability access and inclusion plans**		
9	The power under Regulation 9 to:	CEO	**DCSCC, MCRP**
9(1)(b)	publish the disability access and inclusion plan on a website;		
9(2)	determine the manner, form and time period for the calling of public submissions under section 16(4)(c) of the Disability Inclusion Act;		
9(4)	prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act		
Regulation 11	**Variation of Disability Access and Inclusion Plan**		
11	The power under Regulation 11 to:	CEO	**DCSCC, MCRP**
11(1)	comply with the steps under regulation 9 in regard to the variation of a disability access and inclusion plan as if the variation were the plan;		
11(3)	provide public notice of a variation to a disability access and inclusion plan		

APPENDIX 8

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 25A	**Council Responsibility for Management of Dogs**		
25A(1)	The power pursuant to Section 25A(1) of the *Dog and Cat Management Act 1995* (**the Act**) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act.	CEO	**Nil**
25A(2)	The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	CEO	**Nil**
25A(3)	The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person.	CEO	**Nil**
Section 25B	**Identification of Authorised Persons**		
25B(1)	The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board.	CEO	**DCGD, MDRS, TLCS, TLG**
25B(2)	The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions.	CEO	**DCGD, MDRS, TLCS, TLG**

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 25C	**Area Limitation on Authorised Persons Appointed by Councils**		
25C(c)	The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council.	CEO	**DCGD, MDRS, TLCS**
Section 26	**Council Responsibility for Management of Dogs and Cats**		
26(1)	The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:	CEO	**DCGD, MDRS, TLCS**
26(1)(a)	maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and		
26(1)(ab)	ensure that the Board is provided with information contained in the register as required by the Board from time to time; and		
26(1)(ac)	maintain such other registers as may be required by the Board; and		
26(1)(ad)	make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and		
26(1)(ae)	if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and		
26(1)(b)	appoint a suitable person to be Registrar; and	Not Delegated	
26(1)(c)	make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and	CEO	**DCGD, MDRS, TLCS**
26(1)(d)	appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
26(1)(e)	make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and		
26(1)(f)	make satisfactory arrangements for fulfilling other obligations under the Act.		
26(1a)	The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained	CEO	**DCGD, MDRS, TLCS**
26(4)	The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
26(5)	The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
26(6)	The power pursuant to Section 26(6) of the Act to charge:	CEO	**DCGD, MDRS, TLCS, DCC, MF**
26(6)(a)	fees for the provision of extracts from registers kept under the Act; and		
26(6)(ab)	fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and		
26(6)(b)	fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:		
26(6)(b)(i)	for the registration of dogs or businesses under Part 4 of the Act; and		
26(6)(b)(ii)	for the late payment of registration fees; and		
26(6)(b)(iii)	for meeting any other requirement imposed on the Council under the Act.		
26(7)	The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act.	CEO	**DCGD, MDRS, TLCS, DCC, MF**

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 26A	**Plans of Management Relating to Dogs and Cats**		
26A(1)	The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area.	CEO (limited to preparation, adoption remains with Council)	**DCGD, MDRS, TLCS**
26A(2)	The power pursuant to Section 26A(2) of the *Dog and Cat Management Act 1995* (**the Act**) to notify the Board of the preparing or amending of a plan of management.	CEO	**DCWP, MDRS**
Section 39	**Rectification of Register**		
39	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	**DCGD, MDRS, TLCS, GI, APO**
Section 48	**Authorised Officers May Give Directions**		
48(6)	The power pursuant to Section 48(6) of the Act, if a direction under this section is contravened, an authorised officer, or a person authorised by the relevant council for the purpose, may take any action required under the direction.	CEO	**DCGD, MDRS, TLCS, GI**
48(7)	The power pursuant to Section 48 (7) of the Act to recover reasonable costs and expenses incurred in taking action under subsection (6) from the person who contravened the direction.	CEO	**DCGD, MDRS, TLCS, GI**
Section 50	**Destruction and Control Orders**		
50(1)	The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog:	CEO	**DCGD, MDRS, TLCS, GI, APO**
50(1)(a)	a Destruction Order;		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
50(1)(b)	a Control (Dangerous Dog) Order;		
50(1)(c)	a Control (Menacing Dog) Order;		
50(1)(d)	a Control (Nuisance Dog) Order;		
50(1)(e)	a Control (Barking Dog) Order.		
50(2)(b)	The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 51	**Grounds on Which Orders May be Made**		
51	The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:	CEO	**DCGD, MDRS, TLCS, GI, APO**
51(a)	in the case of a Destruction Order:		
51(a)(i)	the dog is unduly dangerous; and		
51(a)(ii)	the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or		
51(b)	in the case of a Control (Dangerous Dog) Order:	CEO	**DCGD, MDRS, TLCS, GI, APO**
51(b)(i)	the dog a) is dangerous; and b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or		
51(b)(ii)	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
51(c)	in the case of a Control (Menacing Dog) Order:	CEO	**DCGD, MDRS, TLCS, GI, APO**
51(c)(i)	the dog: a) is menacing; and b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or		
51(c)(ii)	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or		
51(d)	in the case of a Control (Nuisance Dog) Order:	CEO	**DCGD, MDRS, TLCS, GI, APO**
51(d)(i)	the dog: a) is a nuisance; and b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or		
51(d)(ii)	the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or		
51(e)	in the case of a Control (Barking Dog) Order:	CEO	**DCGD, MDRS, TLCS, GI, APO**
51(e)(i)	the dog is a nuisance; and		
51(e)(ii)	the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act.		
51(2)	The power pursuant to Section 51(2) to make an order in relation to a dog under this Division -	CEO	**DCGD, MDRS, TLCS, GI**
51(2)(a)	whether or not a person has been charged with an offence against this or any other Act in relation to the behaviour of the dog to which the order relates		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
51(2)(b)	in circumstances where a person has been charged with an offence against this or any other Act in relation to the behaviour of the dog to which the order relates but is found not guilty of the offence (except where the court has made a finding that the dog did not, in fact, engage in the behaviour to which the order relates).		
Section 52	**Procedure for Making and Revoking Orders**		
52(a1)	The power pursuant to Section 52(a1) of the Act to make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and	CEO	**DCGD, MDRS, TLCS, GI, APO**
52(1)	The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:	CEO	**DCGD, MDRS, TLCS, GI, APO**
52(1)(a)	to ascertain all persons who own or are responsible for the control of the dog; and		
52(1)(b)	to give each of the persons so ascertained at least 7 days written notice:		
52(1)(b)(i)	identifying the dog in relation to which is it is proposed that the order be made;		
52(1)(b)(ii)	setting out the terms of the proposed order; and		
52(1)(b)(iii)	inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate.		
52(2)	The power pursuant to Section 52(2) of the Act to:	CEO	**DCGD, MDRS, TLCS, GI, APO**
52(2)(a)	make an order in the manner and form required by the Board; and		
52(2)(b)	note an order in the register kept by the Council under the Act.		
52(3)	The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog.	CEO	**DCGD, MDRS, TLCS, GI, APO**

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
52(4)	The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog.	CEO	**DCGD, MDRS, TLCS, GI, APO**
52(5)	The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO**
52(6)	The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 53	**Directions About How to Comply with Order**		
53(1)	The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 59	**Power of Court to Order Destruction or Control of Dog on Application**		
59	The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act.	CEO	**DCGD, MDRS, TLCS**
Section 59A	**Prohibition Orders**		
59A(1)	The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person.	CEO	**DCGD, MDRS, TLCS, GI, APO**
59(2)(b)(ii)	The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of.	CEO	**DCGD, MDRS, TLCS, GI, APO**

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
59A(3)	The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:	CEO	**DCGD, MDRS, TLCS, GI, APO**
59A(3)(a)	while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; and		
59A(3)(b)(i)	the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or		
59A(3)(b)(ii)	during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.		
59A(3a)	The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the *Criminal Law Consolidation Act 1935*.	CEO	**DCGD, MDRS, TLCS, GI, APO**
59A(5)	The power pursuant to Section 59A(5) of the Act to:	CEO	**DCGD, MDRS, TLCS, GI, APO**
59A(5)(a)	make an order in the manner and form required by the Board; and		
59A(5)(b)	record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.		
59A(6)	The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.	CEO	**DCGD, MDRS, TLCS, GI, APO**
59A(7)	The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 61	**Procedure Following Seizure of Dog**		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
61(4)	The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog.	CEO	**DCGD, MDRS, TLCS, GI, APO**
61(6)	The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Section 64	**Power to Seize and Detain Cats**		
64(2)(c)	The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be detained.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 64B	**Certain Bodies May Microchip and Desex Detained Dogs and Cats**		
64B(1)	The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following:	CEO	**DCGD, MDRS, TLCS, GI, APO**
64B(1)(a)	microchip the dog or cat;		
64B(1)(b)	desex the dog or cat;		
64B(1)(c)	cause the dog or cat to be microchipped or desexed or both.		
64B(2)	The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Section 73	**Sharing of Information Between Board and Councils**		

DOG AND CAT MANAGEMENT ACT 1995			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
73(2)	The power under Section 73(2) of the Act, despite any other Act or law, a person or body to whom this section applies (the provider) may, in accordance with any requirements set out in the regulations, provide information and documents to another person or body to whom this section applies (the recipient) if the provider reasonably believes that the provision of the information or documents would assist the recipient—	CEO	**DCGD, MDRS, TLCS, GI**
73(2)(a)	to perform functions under this Act; or		
73(2)(b)	to manage any risk of harm to a dog or cat, or to dogs and cats generally (whether in this State or another jurisdiction).		
73(3)	The power under Section 73(3) of the Act, despite any other Act or law, by one person or body to whom this section applies to provide to another without restriction. information or documents that do not directly or indirectly disclose the identity of any person.	CEO	**DCGD, MDRS, TLCS, GI**

APPENDIX 9

INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2021

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ELECTRICITY ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 47	**Power to Carry Out Work on Public Land**		
47(3(b)	The power pursuant to Section 47(3)(b) of the *Electricity Act 1996* (**the Act**), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.	CEO	**DCWP, MAM, TLCM, TOCM**
47(4)	The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	CEO	**DCWP, MAM, TLCM, TOCM**
47(7)	The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	CEO	**DCWP, MAM**
47(9)	The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:	CEO	**DCWP, MAM**
47(9)(a)	to make representations to the Minister on the questions at issue in the dispute; and		

ELECTRICITY ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
47(9)(b)	to make a reasonable attempt to agree to settlement of the dispute on agreed terms.		
Section 55	**Duties in Relation to Vegetation Clearance**		
55(3)	The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the function under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	CEO	**DCWP, MAM, TLCM, TOCM**
Section 55A	**Vegetation Clearance Schemes**		
55A(1)	The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's area and a prescribed area.	CEO	**DCWP, MAM**
55A(2)	The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:	CEO	**DCWP, MAM**
55A(2)(a)	require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its function to clear vegetation;		
55A(2)(b)(i)	contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;		
55A(2)(b)(ii)	require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;		
55A(2)(c)	confer on the Council the function to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;		

ELECTRICITY ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
55A(2)(d)	exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;		
55A(2)(e)	impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;		
55A(2)(f)	make provision for other related matters.		
55A(4)(b)	The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	CEO	**DCWP, MAM, TLCM, TOCM**
Section 55B	**Vegetation Clearance Scheme Dispute**		
55B(2)	The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.	CEO	**DCWP, MAM**
Section 55C	**Circumstances in which Technical Regulator not Obliged to Determine Dispute**		
55C(2)(c)	The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.	CEO	**DCWP, MAM**
Section 55D	**Determinations**		
55D	The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the function to keep vegetation clear of public powerlines.	CEO	**DCWP, MAM**

ELECTRICITY ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 56	**Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas**		
56(1)	The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.	CEO	**DCWP, MAM**
56(2)	The power pursuant to Section 56(2) of the Act to include in an arrangement	CEO	**DCWP, MAM**
56(2)(b)	a delegation by the electricity entity of a function or power under Part 5 of the Act; and		
56(2)(c)	a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and		
56(2)(d)	provision for the termination of the arrangement by the electricity entity or the Council; and		
56(2)(e)	provision for the variation of the arrangement by the electricity entity and the Council.		
Section 58A	**Program for Undergrounding of Powerlines**		
58A(2)	The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.	CEO	**DCWP, MAM**
58A(5)	The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.	CEO	**DCWP, MAM**
58A(8)	The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	CEO	**DCWP, MAM**

ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 4	**Duty of Electricity Entity or Council**		
4(4)	The power pursuant to Regulation 4(4) of the *Electricity (Principles of Vegetation Clearance) Regulations 2021* (**the Regulations**) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	CEO	**DCWP, MAM**
Regulation 7	**Technical Regulator May Grant Exemption from Principles of Vegetation Clearance**		
7(3)	The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	CEO	**DCWP, MAM**
Regulation 8	**Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity**		
8(2)	The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its function to clear vegetation in the area of the Council or part of that area.	CEO	**DCWP, MAM**
8(5)(b)	The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	CEO	**DCWP, MAM**
Regulation 10	**Objections Relating to Vegetation Clearance**		
10(5)	The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	CEO	**DCWP, MAM**
10(6)(b)	The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.	CEO	**DCWP, MAM**

ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
10(8)	The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	CEO	**DCWP, MAM**

APPENDIX 10

INSTRUMENT OF DELEGATION UNDER THE ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ELECTRONIC CONVEYANCING NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 10	**Client authorisation**		
10(1)	The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:	CEO	**DCC, MF, SRO**
10(1)(b)	Complete a client authorisation:		

APPENDIX 11

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993, ENVIRONMENT PROTECTION (AIR QUALITY) POLICY 2016 AND ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024, the following powers and functions provided in this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation. The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024, the following powers and functions provided in this document are delegated by the Council to Eastern Health Authority and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation. The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ENVIRONMENT PROTECTION ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 85			
85(3)	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.	CEO	**Nil**
85(4)	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.	CEO	**Nil**
85(5)	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.	CEO	**Nil**
Section 103H	**Site Contamination Assessment Orders**		
103H(4)	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.	CEO	**Nil**
Section 103J	**Site Remediation Orders**		
103J(4)	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.	CEO	**Nil**

APPENDIX 11a

ENVIRONMENT PROTECTION (AIR QUALITY) POLICY 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
6(1)	The power pursuant to Clause 6(1) to use a burning permit.	CEO	**DCGD, MDRS, TLCS**
6(2)	The power pursuant to clause 6(2) to determine the manner and form for applying for a burning permit.	CEO	**DCGD, MDRS, TLCS**
16(1)	The power pursuant to Clause 16(1) to fix a testing point in premises to evaluate emissions from the premises.	CEO	**DCGD, MDRS, TLCS**

ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
10(2)	The function pursuant to Clause 10(2) 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.	CEO	**DCWP, MAM**
15(2)(a)	The function pursuant to Clause 15(2)(a) to provide a receptacle or waste collection service for the kerbside collection of listed waste.	CEO	**DCWP, MAM**
16(1)(a)	The function pursuant to Clause 16(1)(a) to collect medical waste produced in the course of prescribed activity.	CEO	**DCWP, MAM**
17(2)	The function pursuant to Clause 17(2) to Comply with prescribed requirements in respect of medical waste received by the Council	CEO	**DCWP, MAM**
18(1)(a)	The function pursuant to Clause 18(1)(a) to provide a receptacle or service for the collection of sharps by a kerbside waste collection service	CEO	**DCWP, MAM**

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 15	**Constitution of the Court**		
15(2)(a)	The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the *Environment, Resources and Development Court Act 1993* (**the Act**).	CEO	**DCGD, MDRS**
Section 16	**Conferences**		
16	The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	CEO	**DCGD, MDRS, TLDS**
16(7)(g)	The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate under the circumstances.	CEO	**DCGD, MDRS, TLDS**
Section 17	**Parties**		
17(4)	The power pursuant to Section 17(4)(a) of the Act to make application to the Court to:	CEO	**DCGD, MDRS, TLDS**
17(4)(a)	dismiss or determine any proceedings that appear:		
17(4)(a)(i)	to be frivolous or vexatious; or		

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
17(4)(a)(ii)	to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose;		
17(4)(b)	after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent;		
17(4)(c)	give summary judgement against a party:		
17(4)(c)(i)	who obstructs or unnecessarily delays the proceedings; or		
17(4)(c)(ii)	who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or		
17(4)(c)(iii)	who fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.		
17(4b)	The power pursuant to Section 17(4b) to settle costs between parties in accordance with the scale prescribed for the purpose.	CEO	**DCGD, MDRS**
Section 28B	**Mediation and Conciliation**		
28B(1)	The power pursuant to Section 28B of the Act to consent to mediation to achieve a negotiated settlement of the matter.	CEO	**DCGD, MDRS, TLDS**
28B(6)	The power pursuant to Section 28B(6) of the Act to permit evidence of anything said or done in the course of processes to be admissible in proceedings before the Court	CEO	**DCGD, MDRS, TLDS**
Section 29	**Costs**		
29(2)	The power pursuant to Section 29(2) to apply for an adjournment of the hearing of the proceedings if appropriate and necessary.	CEO	**DCGD, MDRS, TLDS**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 30	**Right of Appeal**		
30(4)	The power pursuant to Section 30(4) of the Act to appeal against any judgement given in those proceedings	CEO	**DCGD, MDRS**
Section 43	**Enforcement of Judgements and Orders**		
43(1)	The power pursuant to Section 43(1) of the Act where a judgement or order is made by the Court to make application to the registrar for a certified copy of the judgement or order.	CEO	**DCGD, MDRS, TLDS, AOD**

APPENDIX 13

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024, the following powers and functions provided in this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation. The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024, the following powers and functions provided in this document are delegated by the Council to Eastern Health Authority and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation. The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

EXPIATION OF OFFENCES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 5	**Certain Offences May Be Expiated**		
5(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.	CEO	**DCGD, MDRS, TLCS, GI, APO, TLDS, CDO, BDO**
Section 6	**Authorisation to Issue Expiation Notices**		
6(3)(b)(ii)	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.	CEO	**Nil**
Section 8A	**Review of Notices on Ground that Offence is Trifling**		
8A	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:	CEO	**DCGD, MDRS, TLCS, TLDS**
8A(2)	to provide further information; and		
8A(3)	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.		
8A(4)	The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the *Fines Enforcement and Debt Recovery Act 2017* in respect of the offence to which the application relates.	CEO	**DCGD, MDRS, TLCS, TLDS**
8A(5)	The power pursuant and subject to Section 8A(5) 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.	CEO	**DCGD, MDRS, TLCS, TLDS**

EXPIATION OF OFFENCES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
8A(6a)	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under Section 22 of the *Fines and Enforcement Debt Recovery Act 2017* is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.	CEO	**DCGD, MDRS, TLCS, TLDS**
Section 11	**Expiation Reminder Notices**		
11	The power pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the *Fines Enforcement and Debt Recovery Act 2017* and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the *Fines Enforcement and Debt Recovery Act 2017* to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender. .	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**
Section 11A	**Expiation Enforcement Warning Notices**		
11A(1)	The power pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the *Fines Enforcement and Debt Recovery Act 2017* to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**
Section 12	**Late Payment**		
12	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation fee at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**

EXPIATION OF OFFENCES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 16	**Withdrawal of Expiation Notices**		
16(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:	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**
16(1)(a)	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences; or		
16(1)(ab)	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or		
16(1)(ac)	the notice is defective; or		
16(1)(ad)	in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or		
16(1)(b)	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.		
16(5)	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.	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**
16(6)	The power pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.	CEO	**DCGD, MDRS, TLCS, GI, APO, AOCS, TLDS, AOD**
16(11)	The power pursuant to Section 16(11), where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under	CEO	**DCGD, MDRS, TLCS, GI, APO,**

EXPIATION OF OFFENCES ACT 1996			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	Section 22 of the *Fines Enforcement and Debt Recovery Act 2017*, to inform the Chief Recovery Officer of the withdrawal of the notice.		**AOCS, TLDS, AOD**
Section 18	**Provision of Information**		
18	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:	CEO	**DCGD, MDRS, TLCS**
18(1)(a)	the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and		
18(1)(b)	the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.		

APPENDIX 14

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FENCES ACT 1975			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 5	**Notice of Intention to Perform Fencing Work**		
5(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	**DCGD, DCWP, MDRS, MAM, MPMOPD, TLCM**
5(3)	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	**DCGD, DCWP, MDRS, MAM, MPMOPD, TLCM**
Section 6	**Cross-Notice**		

FENCES ACT 1975			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
6(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	**DCGD, DCWP, MDRS, MAM, MPMOPD, TLCM**
6(3)	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.		
Section 7	**Agreement upon Basis of Proposals and Counter-Proposals**		
7	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	**DCGD, DCWP, MDRS, MAM, MPMOPD, TLCM**
Section 8	**Performance of Fencing Work**		
8(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	**DCGD, DCWP, MDRS, MAM, MPMOPD, TLCM**

APPENDIX 15

INSTRUMENT OF DELEGATION UNDER THE FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 9	**Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum**		
9(2)	The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (**the Act**) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.	CEO	**DCC, MF, TLFS, DCGD, MDRS, TLDS, TLCS**
Section 20	**Arrangements as to Manner and Time of Payment**		
20(4)	The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.	CEO	**DCC, MF, TLFS, DCGD, MDRS, TLDS, TLCS**
20(18)	The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the Chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).		

FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 22	**Enforcement Determination**		
22(1)	The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:	CEO	**DCC, MF, TLFS, DCGD, MDRS, TLDS, AOD, TLCS, AOCS**
22(1)(a)	the alleged offender; and		
22(1)(b)	the offence or offences that remain unexpiated; and		
22(1)(c)	the amount due under the notice; and		
22(1)(d)	compliance by the council with the requirements of the Act and any other Act.		
22(2)	The power pursuant to Section 22(2) of the Act to pay the prescribed fee.	CEO	**DCC, MF, TLFS, DCGD, MDRS, TLDS, AOD, TLCS, AOCS**

APPENDIX 16

INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005 AND THE FIRE AND EMERGENCY SERVICES REGULATIONS 2021

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

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 71C	**Use of Facilities – State Bushfire Coordination Committee**		
71C	The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.	CEO	**Nil**
Section 72D	**Use of Facilities – Bushfire Management Committees**		
72D	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.	CEO	**Nil**

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 87	**Removal of Debris from Roads**		
87(1)	The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in the vicinity of a road to remove the debris from the road.	FPO	**Nil**
87(2)	The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to—	FPO	**Nil**
87(2)(a)	burn or remove the flammable debris; and		
87(2)(b)	recover the cost of doing so as a debt due to the Council from the person in default.		
Section 103	**Fire Control Officers**		
103(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	**Nil**
103(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	**Nil**
Section 104	**Giving of Expiation Notices**		
104	The power pursuant to Section 104 of the Act to only authorise a fire prevention officer (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.	CEO	**Nil**

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 105	**Appropriation of Penalties**		
105	The function 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	**DCGD, MDRS, TLCS, DCC, MF**
Section 105A	**Interpretation**		
105A	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	**Nil**
Section 105B	**Fire Prevention Officers**		
105B(1)	The power and function 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.	CEO	**Nil**
105B(3)	The function pursuant to Section 105B(3) of the Act to -	CEO	**Nil**
105B(3)(a)	in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and		
105B(3)(b)	in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,		
	take into account any policy developed by SACFS for the purposes of Section 105B of the Act.		
105B(4)	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.	CEO	**Nil**

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 105E	**Reports**		
105E	The function 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.	CEO	**DCGD, MDRS, TLCS**
Section 105F	**Private Land**		
105F(2)	The function 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):	CEO	**DCGD, MDRS, TLCS, GI, APO**
105F(2)(a)	the nature of the land;		
105F(2)(b)	whether the land is in a country, metropolitan, township or other setting;		
105F(2)(c)	the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);		
105F(2)(d)	other statutory standards or requirements that apply to or in relation to the land.		
105F(5)	The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds –	CEO	**DCGD, MDRS, TLCS, GI, APO**
105F(5)(a)	that an owner of private land has failed to comply with Section 105F(1) of the Act; or		
105F(5)(b)	that measures should be taken in respect of particular private land for the purpose of -		
105F(5)(b)(i)	preventing or inhibiting the outbreak of fire on the land; or		
105F(5)(b)(ii)	preventing or inhibiting the spread of fire through the land; or		

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
105F(5)(b)(iii)	protecting property on the land from fire,		
	to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.		
105F(6)	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 -	CEO	**DCGD, MDRS, TLCS, GI, APO**
105F(6)(a)	to trim or remove vegetation on the land; or		
105F(6)(b)	to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or		
105F(6)(c)	to eliminate a potential ignition source; or		
105F(6)(d)	to create, establish or maintain fire breaks or fuel breaks.		
105F(7)	The function 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	**DCGD, MDRS, TLCS, GI, APO**
105F(9)	The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	CEO	**DCGD, MDRS, TLCS, GI, APO**
105F(9)(a)	personally; or		
105F(9)(b)	by post; or		
105F(9)(c)	if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -		
105F(9)(c)(i)	by publishing the notice: (A) on a website determined by the Minister, or (B) in a newspaper circulating in the locality of the land; and		

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
105F(9)(c)(ii)	by leaving a copy of the notice in a conspicuous place on the land.		
105F(10)	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	**DCGD, MDRS, TLCS, GI, APO**
105F(11)	The function 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	**DCGD, MDRS, TLCS, GI, APO**
Section 105G	**Council Land**		
105G(5)	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	**DCGD, MDRS, TLCS, DCWP, MAM**
105G(7)	The function pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	CEO	**DCGD, MDRS, TLCS, DCWP, MAM**
Section 105J	**Additional Provision in Relation to Powers of Authorised Officers**		
105J(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 -	CEO	**DCGD, MDRS, TLCS, GI, APO**
105J(1)(a)	at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or		
105J(1)(b)	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.		
105J(3)	The power and function pursuant to Section 105J(3) of the Act to apply for a warrant -	CEO	
105J(3)(a)	either personally or by telephone; and		

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
105J(3)(b)	in accordance with any procedures prescribed by the regulations.		**DCGD, MDRS, TLCS, GI, APO**
105J(4)	The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -	CEO	**DCGD, MDRS, TLCS, GI, APO**
105J(4)(a)	give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;		
105J(4)(b)	take photographs, films, audio, video or other recordings;		
105J(4)(b)	give any other directions reasonably required in connection with the exercise of the power.		
105J(5)	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.	CEO	**DCGD, MDRS, TLCS, GI, APO**
105J(6)	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	**DCGD, MDRS, TLCS, GI, APO**
105J(7)	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	**DCGD, MDRS, TLCS, GI, APO**
105J(8)	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	**DCGD, MDRS, TLCS, GI, APO**
105J(9)	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	**DCGD, MDRS, TLCS, GI, APO**

FIRE AND EMERGENCY SERVICES ACT 2005			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 129	**Power to Provide Sirens**		
129	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	**DCGD, MDRS, TLCS, DCWP, MAM**

FIRE AND EMERGENCY SERVICES REGULATIONS 2021			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 30	**Fires Permitted under Section 79(2) of Act**		
30(4)	The power pursuant to Regulation 30(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 30 of the Regulations.	CEO	**DCGD, MDRS, TLCS**
Regulation 32	**Special Provision relating to Gas and Electric Cooking Appliances**		
32(3)	The power pursuant to Regulation 32(3) of the Regulations, in addition to Regulation 32(1) and Regulation 32(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.	CEO	**DCGD, MDRS, TLCS, GI, APO**
32(4)	The power pursuant to Regulation 32(4), that any notice issued under Regulation 32(3)	CEO	**DCGD, MDRS, TLCS, GI, APO**
32(4)(a)	shall be in the form set out in Schedule 11; and		
32(4)(b)	may be limited in its operation to particular times of the day, and to particular days of the year; and		
32(4)(c)	will operate subject to the following conditions:		
32(4)(c)(i)	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;		
32(4)(c)(ii)	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		
32(4)(c)(iii)	that an appropriate agent adequate to extinguish a fire must be at hand;		
32(4)(d)	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		

FIRE AND EMERGENCY SERVICES REGULATIONS 2021			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
32(5)	The function pursuant to Regulation 32(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	**DCGD, MDRS, TLCS, GI, APO**
Regulation 48	**Identity Cards**		
48(2)	The function pursuant to Regulation 48(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	**DCGD, MDRS, TLCS, TLG**
Regulation 49	**Roadside Fire Protection**		
49(1)	The power pursuant to Regulation 49(1) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to –	CEO	**DCGD, MDRS, TLCS, GI, APO**
49(1)(a)	light a fire on the road, or on the verge of the road; and		
49(1)(b)	while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;		
Regulation 64	**Coronial Inquests**		
64(b)	The power pursuant to Regulation 64(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	**Nil**

APPENDIX 17

INSTRUMENT OF DELEGATION UNDER THE FREEDOM OF INFORMATION ACT 1991 AND THE FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2018

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 10	**Availability of Information Statement and Policy Documents**		
10(2)	The power pursuant to Section 10(2) of the *Freedom of Information Act 1991* (**the Act**) to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise than by virtue of Clause 9 or 10 of Schedule 1 to the Act.	CEO	**DCC, MICT, SCIM, TLG**
10(3)	The function pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:	CEO	**DCC, MICT, SCIM, TLG**
10(3)(a)	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		
10(3)(b)	the person could, by knowledge of the policy, have avoided liability to the detriment.		
Section 16	**Transfer of Application**		
16(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:	CEO	**DCC, MICT, SCIM, TLG**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
16(1)(a)	is not held by the Council but is, to the knowledge of the Council, held by the other agency; or		
16(1)(b)	is held by the Council but is more closely related to the functions of the other agency.		
16(2)	The function 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	**DCC, MICT, SCIM, TLG**
16(3)	The function 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	**DCC, MICT, SCIM, TLG**
16(4)	The function pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3) of the Act, the day on which, and the agency to which, the application was transferred.	CEO	**DCC, MICT, SCIM, TLG**
16(5)	The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) of the Act any matter which by its inclusion would result in the notice being an exempt document.	CEO	**DCC, MICT, SCIM, TLG**
Section 17	**Agencies May Require Advance Deposits**		
17(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	**DCC, MICT, SCIM, TLG**
17(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	**DCC, MICT, SCIM, TLG**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 18	**Agencies May Refuse to Deal with Certain Applications**		
18(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	**DCC, MICT, SCIM, TLG**
18(2)	The power pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	CEO	**DCC, MICT, SCIM, TLG**
18(2a)	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	**DCC, MICT, SCIM, TLG**
18(3)	The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:	CEO	**DCC, MICT, SCIM, TLG**
18(3)(a)	the Delegate has requested payment of an advance deposit in relation to the application; and		
18(3)(b)	payment of the deposit has not been made within the period specified in the request.		
18(5)	The power 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	**DCC, MICT, SCIM, TLG**
18(6)	The power 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	**DCC, MICT, SCIM, TLG**
18(7)	The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	CEO	**DCC, MICT, SCIM, TLG**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 19	**Determination of Applications**		
19(1)	The function pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:	CEO	**DCC, MICT, SCIM, TLG**
19(1)(a)	whether access to the document is to be given (either immediately or subject to deferral) or refused; and		
19(1)(b)	if access to the document is to be given, any charge payable in respect of the giving of access; and		
19(1)(c)	any charge payable for dealing with the application.		
19(2a)	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	**DCC, MICT, SCIM, TLG**
Section 20	**Refusal of Access**		
20(1)	The power pursuant to Section 20(1) of the Act to refuse access to a document:	CEO	**DCC, MICT, SCIM, TLG**
20(1)(a)	if it is an exempt document;		
20(1)(b)	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;		
20(1)(c)	if it is a document that is usually and currently available for purchase;		
20(1)(d)	if it is a document that:		
20(1)(d)(i)	was not created or collated by the Council itself; and		
20(1)(d)(ii)	genuinely forms part of library material held by the Council; or		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
20(1)(e)	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.		
Section 21	**Deferral of Access**		
21(1)	The power pursuant to Section 21(1) of the Act to defer access to a document:	CEO	**DCC, MICT, SCIM, TLG**
21(1)(a)	if it is a document that is required by law to be published but is yet to be published;		
21(1)(b)	if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or		
21(1)(c)	if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.		
21(2)	The power 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	**DCC, MICT, SCIM, TLG**
21(3)	The power 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	**DCC, MICT, SCIM, TLG**
Section 22	**Forms of Access**		
22(1)	The power pursuant to Section 22(1) of the Act to give a person access to a document by—	CEO	**DCC, MICT, SCIM, TLG**
22(1)(a)	giving the person a reasonable opportunity to inspect the document; or		
22(1)(b)	giving the person a copy of the document; or		
22(1)(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		
22(1)(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		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
22(1)(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		
22(1)(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.		
22(2)	The power 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:	CEO	**DCC, MICT, SCIM, TLG**
22(2)(a)	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		
22(2)(b)	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		
22(2)(c)	would involve an infringement of copyright in matter contained in a document,		
	in which case access may be given in some other way.		
22(3)	The power pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	CEO	**DCC, MICT, SCIM, TLG**
22(4)	The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	CEO	**DCC, MICT, SCIM, TLG**
22(5)	The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	CEO	**DCC, MICT, SCIM, TLG**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 23	**Notices of Determination**		
23(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 function to ensure that notice is given in that form.	CEO	**DCC, MICT, SCIM, TLG**
23(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	**DCC, MICT, SCIM, TLG**
Section 25	**Documents Affecting Inter-Governmental or Local Governmental Relations**		
25(2)	The power 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	**DCC, MICT, SCIM, TLG**
25(3)	The power pursuant to Section 25(3) of the Act, if:	CEO	**DCC, MICT, SCIM, TLG**
25(3)(a)	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		
25(3)(b)	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,		
25(3)(c)	to forthwith give written notice to the Government or council concerned:		
25(3)(c)(i)	that the agency has determined that access to the document is to be given; and		
25(3)(c)(ii)	of the rights of review conferred by the Act in relation to the determination; and		
25(3)(c)(iii)	of the procedures to be followed for the purpose of exercising those rights; and		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
25(3)(d)	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
Section 26	**Documents Affecting Personal Affairs**		
26(2)	The power 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	**DCC, MICT, SCIM, TLG**
26(3)	The power pursuant to Section 26(3) of the Act, if:	CEO	**DCC, MICT, SCIM, TLG**
26(3)(a)(i)	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		
26(3)(a)(ii)	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		
26(3)(b)	after having taken reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,		
26(3)(c)	to forthwith give written notice to the person concerned:		
26(3)(c)(i)	that the Delegate has determined that access to the document is to be given; and		
26(3)(c)(ii)	of the rights of review conferred by the Act in relation to the determination; and		
26(3)(c)(iii)	of the procedures to be followed for the purpose of exercising those rights; and		
26(3)(d)	defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
26(4)	The power pursuant to Section 26(4) of the Act where:	CEO	**DCC, MICT, SCIM, TLG**
26(4)(a)	an application is made to the agency for access to a document to which Section 26 of the Act applies; and		
26(4)(b)	the document contains information of a medical or psychiatric nature concerning the applicant; and		
26(4)(c)	the agency 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		
26(4)(d)	the agency decides that access to the document is to be given,		
	to give access to the document to a registered medical practitioner nominated by the applicant.		
Section 27	**Documents Affecting Business Affairs**		
27(1)	This section applies to a document that contains:	CEO	**DCC, MICT, SCIM, TLG**
27(1)(a)	information concerning the trade secrets of any person; or		
27(1)(b)	information (other than trade secrets) that has a commercial value to any person; or		
27(1)(c)	any other information concerning the business, professional, commercial or financial affairs of any person;		
27(2)	The power pursuant to Section 27(2) of the Act not to give access under the Act to a document to which this section applies (except to the person concerned) unless the agency 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	**DCC, MICT, SCIM, TLG**
27(3)	The power pursuant to Section 27(3) of the Act, if:	CEO	**DCC, MICT, SCIM, TLG**
27(3)(a)	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		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
27(3)(b)	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,		
27(3)(c)	to forthwith give written notice to the person concerned:		
27(3)(c)(i)	that the agency has determined that access to the document is to be given; and		
27(3)(c)(ii)	of the rights of review conferred by the Act in relation to the determination; and		
27(3)(c)(iii)	of the procedures to be followed for the purpose of exercising those rights; and defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
27(3)(d)	to defer giving access to the document until after the expiration of the period within which an application for a review under this Act may be made or, if such an application is made, until after the application has been finally disposed of.		
Section 28	**Documents Affecting the Conduct of Research**		
28(2)	The function 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	**DCC, MICT, SCIM, TLG**
28(3)	The function pursuant to Section 28(3) of the Act, if:	CEO	**DCC, MICT, SCIM, TLG**
28(3)(a)	the agency 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		
28(3)(b)	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,		
28(3)(c)	to forthwith give written notice to the person concerned:		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
28(3)(c)(i)	that the agency has determined that access to the document is to be given; and		
28(3)(c)(ii)	of the rights of review conferred by the Act in relation to the determination; and		
28(3)(c)(iii)	of the procedures to be followed for the purpose of exercising those rights; and		
28(3)(d)	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.		
Section 29	**Internal Review**		
29(3)	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	**DCC, MICT, SCIM, TLG**
Section 34	**Determination of Applications**		
34	The power pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	CEO	**DCC, MICT, SCIM, TLG**
Section 35	**Refusal to Amend Records**		
35	The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:	CEO	**DCC, MICT, SCIM, TLG**
35(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		
35(b)	if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or		

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
35(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.		
Section 36	**Notices of Determination**		
36(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 exempt document.	CEO	**DCC, MICT, SCIM, TLG**
Section 37	**Notations to be Added to Records**		
37(3)	The power pursuant to Section 37(3) of the Act, if the agency discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 of the Act relates, the agency:	CEO	**DCC, MICT, SCIM, TLG**
37(3)(a)	must ensure that, when the information is disclosed, a statement is given to that person:		
37(3)(a)(i)	stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and		
37(3)(a)(ii)	setting out particulars of the notation added to its records under Section 37 of the Act; and		
37(3)(b)	may include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.		
Section 38	**Internal Review**		
38(3)	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	**DCC, MICT, SCIM, TLG**
Section 39	**External Review**		
39(5)(b)(i)	The power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	CEO	**DCC, MICT, SCIM, TLG**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
39(5)(b)(ii)	The function and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.		
39(5)(c)	The power:		
39(5)(c)(i)	to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and		
39(5)(c)(ii)	to request a suspension of proceedings under Section 39 of the Act at any time to allow an opportunity for a settlement to be negotiated.		
39(7)	The power pursuant to Section 39(7) of the Act to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	CEO	**DCC, MICT, SCIM, TLG**
Section 40	**Reviews by SACAT**		
40(1)	The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	CEO	**Nil**
Section 41	**Consideration of Restricted Documents**		
41(1)	The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.	CEO	**Nil**
Section 53	**Fees and Charges**		
53(2a)	The power pursuant to Section 53(2a) of the Act, as the agency 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	**DCC, MICT**

FREEDOM OF INFORMATION ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
53(3)	The function pursuant to Section 53(3) of the Act, where the agency determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the agency thinks fit, reduce it.	CEO	**DCC, MICT**
53(5)	The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the agency.	CEO	**DCC, MICT, MF**
Section 54A	**Provision of Information to Minister**		
54AA	The function pursuant to Section 54AA of the Act—	CEO	**DCC, MICT, SCIM, TLG**
54AA(a)	to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette—		
54AA(a)(i)	for the purpose of monitoring compliance with the Act; and		
54AA(a)(ii)	for the purpose of preparing a report under Section 54 of the Act; and		
54AA(b)	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.		
Schedule 1	**Documents Containing Confidential Material**		
Clause 13(2)(b(iii)	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.	CEO	**DCC, DCGD, DCWP, DCSCC**

FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS 2018			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 5	**Waiver and Remission**		
5	The function pursuant to Regulation 5 of the *Freedom of Information (Fees and Charges) Regulations 2003* to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the agency that:	CEO	**DCC, MICT, SCIM, TLG**
5(a)	he or she is a concession cardholder; or		
5(b)	payment of the fee would cause financial hardship to the person.		
Regulation 6	**Access to Documents by Members of Parliament – Prescribed Threshold**		
6	The power pursuant to Regulation 6 of the *Freedom of Information (Fees and Charges) Regulations 2003* to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than $1,000.	CEO	**DCC, MICT, SCIM, TLG**

APPENDIX 18

INSTRUMENT OF DELEGATION UNDER THE GAS 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

GAS ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 47	**Power to Carry Out Work on Public Land**		
47(3)(b)	The power pursuant to Section 47(3)(b) of the *Gas Act 1997* (**the Act**) to agree to a gas entity carrying out work on public land owned by the Council	CEO	**DCWP, MAM, MPMOPD**
47(4)	The power pursuant to Section 47(4) to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	CEO	**DCWP, MAM, MPMOPD**
47(7)	The power pursuant to Section 47(7), if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister	CEO	**DCWP, MAM, MPMOPD**
47(9)	The power pursuant to Section 47(9), if a dispute is referred to the Minister under Section 47 of the Act:	CEO	**DCWP, MAM, MPMOPD**
47(9)(a)	to make representations to the Minister on the questions at issue in the dispute; and		
47(9)(b)	to make a reasonable attempt to agree to settlement of the dispute on agreed terms.		

APPENDIX 19

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

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

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 156	**Deciding Request for Consent Generally**		
156	The power pursuant to Section 156(1) of the *Heavy Vehicle National Law (South Australia) Act 2013* (**the Act**), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent within:	CEO	**DCWP, MAM, STE**
156(1)(a)(i)	28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or		
156(1)(a)(ii)	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		

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
156(1)(b)	within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.		
156(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:	CEO	**DCWP, MAM, STE**
156(2)(a)	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		
156(2)(b)	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or		
156(2)(c)	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.		
156A(1)	The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:	CEO	**DCWP, MAM, STE**
156A(1)(a)	the mass or dimension authority will, or is likely to:		
156A(1)(a)(i)	cause damage to road infrastructure; or		
156A(1)(a)(ii)	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or		
156A(1)(a)(iii)	pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and		
156A(1)(b)	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:		
156A(1)(b)(i)	the damage or likely damage; or		
156A(1)(b)(ii)	the adverse effects or likely adverse effects; or		
156A(1)(b)(iii)	the significant risks or likely significant risks.		

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
156A(2)	The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	CEO	**DCWP, MAM, STE**
156A(3)(b)	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	CEO	**DCWP, MAM, STE**
156A(4)	The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	CEO	**DCWP, MAM, STE**
Section 158	**Action Pending Consultation with Third Party**		
158(2)	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	**DCWP, MAM, STE**
158(4)	The power pursuant to Section 158(4) of the Act, if:	CEO	**DCWP, MAM, STE**
158(4)(a)	the consultation with the other entity is completed and the other entity's approval is required; and		
158(4)(b)	the delegate has not yet decided to give or not to give the consent, to		
158(4)(c)	decide not to give the consent, on the ground that the consent would be inoperative; or		
158(4)(d)	decide to give the consent.		
Section 159	**Deciding Request for Consent if Route Assessment Required**		
159(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:	CEO	**DCWP, MAM, STE**
159(2)(a)	that a route assessment is required for deciding whether to give or not to give the consent;		
159(2)(b)	the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.		

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
159(4)	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	**DCWP, MAM, STE**
Section 160	**Imposition of Road Conditions**		
160(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:	CEO	**DCWP, MAM, STE**
160(1)(a)	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		
160(1)(b)	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.		
160(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	**DCWP, MAM, STE**
Section 161	**Imposition of Travel Conditions**		
161(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	**DCWP, MAM, STE**
161(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	**DCWP, MAM, STE**
Section 162	**Imposition of Vehicle Conditions**		
162(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	**DCWP, MAM, STE**
Section 167	**Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority**		
167(2)(b)	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:	CEO	**DCWP, MAM, STE**

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
167(2)(b)(i)	14 days after the request for consent is made; or		
167(2)(b)(ii)	28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.		
Section 169	**Granting Limited Consent for Trial Purposes**		
169(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	**DCWP, MAM, STE**
Section 170	**Renewal of Limited Consent for Trial Purposes**		
170(3)	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	**DCWP, MAM, STE**
Section 173	**Amendment or Cancellation on Regulator's Initiative**		
173(3)(d)	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	**DCWP, MAM, STE**
Section 174	**Amendment or Cancellation on Request by Relevant Road Manager**		
174(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:	CEO	**DCWP, MAM, STE**
174(1)(a)	has caused, or is likely to cause, damage to road infrastructure; or		
174(1)(b)	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		
174(1)(c)	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.		
174(2)	The power pursuant to Section 174(2) of the Act to ask the Regulator to:	CEO	**DCWP, MAM, STE**
174(2)(a)	amend the mass or dimension authority by:		

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
174(2)(a)(ia)	amending the category of vehicle to which the authority applies; or		
174(2)(a)(ib)	amending the type of load that may be carried by vehicles to which the authority applies; or		
174(2)(a)(i)	amending the areas or routes to which the authority applies; or		
174(2)(a)(ii)	amending the days or hours to which the authority applies; or		
174(2)(a)(iii)	imposing or amending road conditions or travel conditions; or		
174(2)(b)	cancel the authority.		
Section 176	**Amendment or Cancellation on Application by Permit Holder**		
176(4)(c)	The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	CEO	**DCWP, MAM, STE**
Section 178	**Amendment or Cancellation on Request by Relevant Road Manager**		
178(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:	CEO	**DCWP, MAM, STE**
178(1)(a)	has caused, or is likely to cause, damage to road infrastructure; or		
178(1)(b)	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		
178(1)(c)	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.		
178(2)	The power pursuant to Section 178(2) of the Act to ask the Regulator to:	CEO	**DCWP, MAM, STE**
178(2)(a)	amend the mass or dimension authority, including, for example, by:		
178(2)(a)(i)	amending the areas or routes to which the authority applies; or		

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
178(2)(a)(ii)	amending the days or hours to which the authority applies; or		
178(2)(a)(iii)	imposing or amending road conditions or travel conditions on the authority; or		
178(2)(b)	cancel the authority.		

APPENDIX 20

INSTRUMENT OF DELEGATION UNDER THE INDEPENDENT COMMISSION AGAINST CORRUPTION 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 18E	**Assessment of Complaint or Report**		
18E(3)(a)	The function to produce a specified document or document relating to specified matter in accordance with section 18E(3)(a); and	CEO	**DCC, MCS,TLG**
18E(3)(b)	The function to produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration in accordance with section 18(3)(b).	CEO	**DCC, MCS,TLG**
Section 34	**Limiting Action by Other Agencies and Authorities**		
34(3)	The power pursuant to Section 34(3) to provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act.	CEO	**DCC, MCS,TLG**

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 40	**Evaluation of Practices, Policies and Procedures**		
40(2)	The power pursuant to Section 40(2) to assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council.	CEO	**DCC, MCS,TLG**
Section 41	**Recommendations**		
41(4)	The power pursuant to Section 41(4) to provide comments to the Independent Commission Against Corruption if the Commission is not satisfied that an inquiry agency or public authority has complied with the recommendations of the Commission and the Commission has informed the agency or authority of the grounds of the Commission's dissatisfaction.	CEO	**DCC, MCS,TLG**
Section 56A	**Use of Evidence of Information**		
56A(1)(b)	The power pursuant to Section 56A(1)(b) to receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action.	CEO	**DCC, MCS,TLG**

APPENDIX 21

INSTRUMENT OF DELEGATION UNDER THE LABOUR HIRE LICENSING ACT 2017

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LABOUR HIRE LICENSING ACT 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 16	**Objection to Application**		
16(1)	The power pursuant to Section 16(1) of the Act to lodge an objection with the Commissioner, Consumer and Business Services to an application for a licence under section 15 of the Labour Hire Licensing Act 2017.	CEO	**Nil**
Section 32	**Commissioner May Refer Matters to Commissioner of Police**		
32(2)	The power pursuant to Section 32(2) of the Act to lodge an objection with the Commissioner ,Consumer and Business Services to an application for a licence to which section 31 of the Labour Hire Licensing Act 2017 applies.	CEO	**Nil**
Section 42	**Appeals to District Court**		
42(2)	The power pursuant to section 42(2) of the Act to appeal against the grant of a licence to the District Court.	CEO	**Nil**
42(4)	The power pursuant to section 42(4) of the Act Require the Commissioner, Consumer and Business Services to provide reasons for the Commissioner's decision		

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 12	**Councils, Statutory Authorities and Prescribed Bodies to Provide Information**		
12(1)	The power 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	**DCWP, DCC, DCGD, MDRS, TLDS, PDO, AOD**
12(1)(a)	any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or		
12(1)(b)	insurance under Division 3 or Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.		

APPENDIX 23

INSTRUMENT OF DELEGATION UNDER THE LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 32	**Special Vesting of Infrastructure**		
32(7)	The power pursuant to Section 32(7) of the *Landscape South* Australia *Act 2019* (**the Act**) to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council.	Not Delegated	
Section 37	**Power of Delegation**		
37(1)(c)	The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council.	Not Delegated	
Section 41	**Use of Facilities**		
41	The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to make use of the services of the staff, equipment or facilities of the Council.	CEO	**Nil**

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 47	**Key Features of Plan**		
47(7)	The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the *Local Government Act 1999* or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change.	CEO	**DCWP, MAM**
Section 51	**Annual Business Plan**		
51(5)(b)	The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations.	CEO	**DCWP, MAM, DCC, MF**
Section 67	**Payment of Contributions by Councils**		
67(1)	The power pursuant to Section 67(1) of the Act, subject to Section 67(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 each year to which the contribution relates.	CEO	**DCC, MF**
67(2)	The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year.	CEO	**DCWP, MAM, DCC, MF**

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 69	**Imposition of Levy by Councils**		
69(10)	The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the *Local Government Act 1999*, to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off.	CEO	**DCC, MF**
Section 72	**Liability and Payment of Levy**		
72(6)	The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be affected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be affected by the Council.	CEO	**DCC, MF, SRO**
Section 101	**Declaration of Prescribed Water Resources**		
101(6)	The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council.	CEO	**DCWP, MAM**
Section 107	**Notice to Rectify Unauthorised Activity**		
107(1)	The power pursuant to Section 107(1) to issue a notice to the owner of land in respect of an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act; and	CEO	**DCWP, MAM**
107(2)(b)	The power pursuant to Section 107(2)(b) to enter land and take action specified in a notice issued under section 107(1) of the Landscape South Australia Act.	CEO	**DCWP, MAM**
Section 112	**Permits**		
112(1)	The power pursuant to Section 112(1) of the Act to approve a form of application in respect of a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	CEO	**DCWP, MAM**

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
112(6)	The power pursuant to Section 112(6) of the Act to specify conditions on a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	CEO	**DCWP, MAM**
112(9)	The power pursuant to Section 112(9) of the Act to vary, suspend or revoke a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	CEO	**DCWP, MAM**
112(10)	The power pursuant to Section 112(10) of the Act to vary a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	CEO	**DCWP, MAM**
112(11) – (13)	The power pursuant to Section 112(11) – (13) of the Act to revoke a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	CEO	**DCWP, MAM**
112(14)	The power pursuant to Section 112(14) of the Act to serve notice of the variation or revocation of a permit.	CEO	**DCWP, MAM**
Section 113	**Requirement for Notice of Certain Applications**		
113(2)	The power pursuant to Section 113(2) of the Act to give notice of an application for a permit in accordance with the regulations	CEO	**DCWP, MAM**
113(3)	Section 113(3) of the Act to receive representations in relation to the granting or refusal of a permit	CEO	**DCWP, MAM**
113(4)	The power pursuant to Section 113(4) of the Act to forward a copy of representations in relation to the granting or refusal of a permit to the applicant and allow the applicant an opportunity to respond in writing	CEO	**DCWP, MAM**
113(6)	The power pursuant to Section 113(6) of the Act to must allow a person who made a representation and who, as part of that representation, indicated an interest in appearing before the authority, a reasonable opportunity to appear personally or by representative before it to be heard in support of the representation.	CEO	**DCWP, MAM**

LANDSCAPE SOUTH AUSTRALIA ACT 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
113(7)	The power pursuant to Section 113(7) of the Act to allow an applicant a reasonable opportunity, on request, to appear personally or by representative before it in order to respond to any relevant matter.	CEO	**DCWP, MAM**
113(8)(a)	The function pursuant to Section 113(8)(a) of the Act to give notice to each person who made a representation to the authority of the authority's decision and the person's appeal rights under the Landscape South Australia Act	CEO	**DCWP, MAM**
113(8)(b)	The function pursuant to Section 113(8)(b) of the Act to give notice to the Environment, Resources and Development Court of the authority's decision and the names and addresses of persons who made representations under section 113.		
113(13)	Section 113(13) of the Act to provide for inspection and purchase written representations made under section 113 of the Act and the written response of the applicant.	CEO	**DCWP, MAM**
Section 202	**Authorised Officers**		
202(4)	The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act.	CEO	**DCWP, MAM**
Section 219	**Management Agreements**		
219(3)	The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act.	CEO	**DCC, MF**

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Regulation 13	**Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10) of the Act)**		
13(3)	The power pursuant to Regulation 13(3) of the *Landscape South Australia (General) Regulations 2020* if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and the Council subsequently recovers an amount with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the *Local Government Act 1999*, to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.	CEO	**DCC, MF**
Regulation 14	**Cost of Councils (Section 70 of the Act)**		
14(4)	The power pursuant to and subject to Regulation 14(4) of to recover costs with respect to a particular financial year.	CEO	**DCWP, MAM, DCC, MF**
14(5)	The power pursuant to and subject to Regulation 14 the amount a Council may recover as establishment costs as:	CEO	**DCWP, MAM, DCC, MF**
14(5)(a)	fair costs incurred by the Council with respect to:		
14(5)(a)(i)	consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and		
14(5)(a)(ii)	establishing the ability of the Council's rating system to deal with the regional landscape levy; and		
14(5)(a)(iii)	making any amendments to the Council's rating system on account of the imposition of the regional landscape levy; and		
14(5)(a)(iv)	conducting any tests involving the Council's rating system on account of the imposition of the regional landscape levy; and		

LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
14(5)(a)(v)	setting up and assigning codes within the Council's rating system on account of the imposition of the regional landscape levy; and		
14(5)(a)(vi)	obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and		
14(5)(a)(vii)	confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or		
14(5)(b)	$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.		
14(7)	The power pursuant to and subject to Regulation 14(7) to recover as ongoing costs the amount being:	CEO	**DCWP, MAM, DCC, MF**
14(7)(a)	fair costs as described in Regulation 14(3)(b); or		
14(7)(b)	$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.		
14(8)	The power pursuant to Regulation 14(8), if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards.	CEO	**DCWP, MAM, DCC, MF**
14(9)	The power pursuant to Regulation 14(9) and subject to Regulation 14(11), if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14.	CEO	**DCWP, MAM, DCC, MF**

APPENDIX 24

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LIQUOR LICENSING ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 22	**Application for Review of Commissioner's Decision**		
22(1)	The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the *Liquor Licensing Act 1997* (**the Act**), to apply to the Court for a review of the Commissioner's decision.	CEO	**Nil**
Section 69	**Extension of Trading Area**		
69(3)(e)	The power pursuant to Section 69(3)(e) of the *Liquor Licensing Act 1997*, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	CEO	**DCGD, MDRS, TLDS**

LIQUOR LICENSING ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 77	**General Right to Make Written Submissions**		
77(1)	The power pursuant to Section 77(1) of the Act, subject to Section 77(2) of the Act, for the Council to make written submissions to the Commissioner in response to an application that has been advertised.	CEO	**DCGD, MDRS, TLDS, PDO**
Section 82	**Variation of Written Submissions**		
82(1)	The power pursuant to Section 82 of the Act, subject to the permission of the licensing authority, for the Council to vary an objection it has made in respect of an application any time before the proceedings of the application are determined.	CEO	**DCGD, MDRS, TLDS, PDO**
Section 106	**Complaint About Noise etc Emanating from Licensed Premises**		
106(2)(b)	The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1) of the Act	CEO	**DCGD, MDRS, TLDS, PDO**
106(4)	The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	CEO	**DCGD, MDRS, TLDS, PDO**
106(5)	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	**DCGD, MDRS, TLDS, PDO**
Section 120	**Disciplinary Action Before the Court**		
102(1) and (2)	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	**DCGC, MDRS, TLDS**

LIQUOR LICENSING ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 120A	**Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action**		
120A(3)	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.	CEO	**Nil**
Section128E	**Preparation of Draft Local Liquor Accords**		
128E(1)	The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.	CEO	**DCGD, MDRS, TLDS**
128E(2)	The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:	CEO	**DCGD, MDRS, TLDS**
128E(2)(a)	the name of each party to the draft;		
128E(2)(b)	the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);		
128E(2)(c)	the proposed accord area;		
128E(2)(d)	any other details prescribed by the regulations.		
Section 128F	**Terms of Local Liquor Accords**		
128F	The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following:	CEO	**DCGD, MDRS, TLDS**
128F(a)	to cease or restrict either or both of the following on their licensed premises:		
128F(a)(i)	the sale of liquor on those premises (including the sale of liquor for consumption off premises);		
128F(a)(ii)	allowing the consumption of liquor on those premises;		

LIQUOR LICENSING ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
128F(b)	to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;		
128F(c)	to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.		
Section 128H	**Approval of Local Liquor Accords**		
128H(3)	The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).	CEO	**DCGD, MDRS, TLDS**
128H(5)	The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.	CEO	**DCGD, MDRS, TLDS**
128H(6)	The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.	CEO	**DCGD, MDRS, TLDS**
128H(7)	The power pursuant to Section 128H(7) of the Act to only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord	CEO	**DCGD, MDRS, TLDS**
Section 131	**Control of Consumption etc of Liquor in Public Places**		
131(1ab)	The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.	CEO	**DCGD, MDRS, TLDS**
131(1ad)	The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.	CEO	**DCGD, MDRS, TLDS**
131(1c)	The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.	CEO	**DCGD, MDRS, TLDS**

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 12	**Composition and Wards**		
12(1)	The power pursuant to Section 12(1) of the *Local Government Act 1999* (**the Act**) to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	Not Delegated	
12(1)(a)	alter the composition of the Council;		
12(1)(b)	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.		
12(2)	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	Not Delegated	
12(2)(a)	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;		
12(2)(b)	alter the name of:		
12(2)(b)(i)	the Council;		
12(2)(b)(ii)	the area of the Council;		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
12(2)(c)	give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).		
12(3)	The power pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act to enable the Council for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	CEO	**DCC, MCS, TLG**
12(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 function to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations. - Not delegated	CEO	**DCC, MCS, TLG**
12(5)	The power pursuant to Section 12(5) of the Act to initiate the preparation of a representation review report and form the opinion a person is qualified to address the representation and governance issues.	CEO	**DCC, MCS, TLG**
12(7)	The power pursuant to Section 12(7) of the Act to undertake public consultation.	CEO	**DCC, MCS, TLG, DCSCC, MCSE**
12(11)	The power pursuant to Section 12(11) of the Act to finalise the Council report including recommendations with respect to such related or ancillary matters as it sees fit.	CEO	**DCC, MCS, TLG**
12(11a)	The power pursuant Section 12(11a) of the Act to refer the report to the Electoral Commissioner.	CEO	**DCC, MCS, TLG**
12(11e)(a)	The power pursuant to Section 12(11e)(a) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	CEO	**DCC, MCS, TLG**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
12(11e)(b)	The power pursuant to Section 12(11e)(b), where the Council makes an alteration to its report under Section 12(11e)(a) of the Act, to comply with the requirements of Section 12(7) of the Act as if the report, as altered, constituted a new report.		
12(11e)(c)	The power pursuant to Section 12(11e)(c), to refer the report to the Electoral Commissioner under section 12(12) of the Act.		
12(12)	The power pursuant to Section 12(12) of the Act to refer the report to the Electoral Commissioner	CEO	**DCC, MCS, TLG**
12(15)(b)	The power pursuant to Section 12(15)(b) of the Act to provide for the operation of any proposal recommended in the Council's report by notice in the Gazette	CEO	**DCC, MCS, TLG**
12(16)(a)	The power pursuant to Section 12(16)(a) of the Act to take action on a report referred back to the Council by the Electoral Commissioner	CEO	**DCC, MCS, TLG**
12(16)(b)	The power pursuant to Section 12(16)(b) to refer a report back to the Electoral Commissioner.		
12(17)	The power pursuant to Section 12(17) to determine alterations to the report are of a minor nature only.	CEO	**DCC, MCS, TLG**
12(24)	The power under Section 12(24) of the Act to undertake a review within period specified by the Electoral Commissioner	CEO	**DCC, MCS, TLG**
Section 13	**Status of a Council or Change of Various Names**		
13(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:	CEO	**DCC, MCS, TLG**
13(1)(a)	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;		
13(1)(b)	alter the name of:		
13(1)(b)(i)	the Council;		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
13(1)(b)(ii)	the area of the Council;		
13(1)(c)	alter the name of a ward		
13(2)	The function, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:	CEO	**DCC, MCS, TLG, DCSCC, MCSE**
13(2)(a)	to give public notice of the proposal;		
13(2)(b)	invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;		
13(2)(c)	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council or Council committee and be heard on those submissions.		
Section 28	**Commission to Receive Proposals**		
28(1)	The power pursuant to Section 28(1) of the Act, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.	CEO	**DCC, MCS, TLG**
28(3)	The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:	CEO	**DCC, MCS, TLG**
28(3)(a)	set out in general terms the nature of the proposal; and		
28(3)(b)	comply with any requirements of the proposal guidelines.		
Section 31	**Inquiries – General Proposals**		
31(2)	The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.	CEO	**Nil**
31(10)	The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.	CEO	**Nil**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 36	**General Powers and Capacities**		
36(1)(a)(i)	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	**DCC, DCGD, DCSCC, DCWP**
36(1)(c)	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.		
36(2)	The power pursuant to Section 36(2) of the Act to act outside the Council's area—	CEO	**DCC, DCGD, DCSCC, DCWP**
36(2)(a)	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions.		
36(2)(b)	in order to provide services to an unincorporated area of the State.		
36(3)	The function pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 37	**Provision Relating to Contracts and Transactions**		
37(b)	The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 41	**Committees**		
41(1) & (2)	The power pursuant to Section 41(1) and (2) of the Act to establish committees.	Not Delegated	
41(3)	power pursuant to Section 41(3) of the Act to determine the membership of a committee.	Not Delegated	
41(4)	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	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
41(6)	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	
41(8)	The power 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	
Section 44	**Delegations by Council**		
44(6)	The function pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	CEO	**DCC, MCS, TLG**
44(6a)	The function pursuant to Section 44(6a) of the Act to, within 12 months after the conclusion of each periodic election, review the delegations for the time being in force under this section.	CEO	**DCC, MCS, TLG**
Section 45	**Principal Office**		
45(1)	The function pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	CEO	**Nil**
45(2)	The function pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the function to keep the principal office of Council open to the public for the transaction of business during hours during hours determined by the Delegate or the Council.	CEO	**Nil**
45(3)	The power pursuant to Section 45 of the Act to undertake public consultation about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.	CEO	**DCSCC, MCSE**
Section 46	**Commercial Activities**		
46(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	**Nil**
46(2)	The power pursuant to Section 46(2) of the Act, to, in connection with a commercial project:	CEO	**Nil**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
46(2)(a)	establish a business;		
46(2)(b)	participate in a joint venture, trust, partnership or other similar body,		
Section 47	**Interests in Companies**		
47(2)(b)	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	**Nil**
Section 48	**Prudential Requirements for Certain Activities**		
48(aa1)	The power and function pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -	CEO (limited to preparation – adoption remains with Council)	**DCC, DCGD, DCSCC, DCWP**
48(aa1)(a)	acts with due care, diligence and foresight; and		
48(aa1)(b)	identifies and manages risks associated with a project; and		
48(aa1)(c)	makes informed decisions; and		
48(aa1)(d)	is accountable for the use of Council and other public resources.		
48(a1)	The power 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	**DCC, DCGD, DCSCC, DCWP**
48(1)	Without limiting Section 48(aa1) of the Act, the power and function 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	**DCC, DCGD, DCSCC, DCWP**
48(1)(b)	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) -		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
48(1)(b)(i)	where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or		
48(1)(b)(ii)	where the expected capital cost of the project over the ensuing five years is likely to exceed $4,000,000.00 (indexed); or		
48(1)(b)(iii)	where the Council considers that it is necessary or appropriate.		
48(6)	The power pursuant to Section 48(6) of the Act to take steps to prevent the disclosure of specific information in a report under subsection (1) in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).	CEO	**DCGD, DCC, MF, TLG, DCSCC, DCWP**
Section 49	**Contracts and Tenders Policies**		
49(a1)	The function pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:	CEO (limited to preparation – adoption remains with Council)	**DCC, DCGD, DCSCC, DCWP**
49(a1)(a)	obtaining value in the expenditure of public money; and		
49(a1)(b)	providing for ethical and fair treatment of participants; and		
49(a1)(c)	ensuring probity, accountability and transparency in procurement operations.		
49(1)	Without limiting Section 49(a1) of the Act, the power and function pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders including policies on the following:	CEO	**DCC, DCGD, DCSCC, DCWP**
49(1)(a)	the contracting out of services; and		
49(1)(b)	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and		
49(1)(c)	the use of local goods and services; and		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
49(1)(d)	the sale or disposal of land or other assets.		
49(2)	The power and function pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:	CEO	**DCC, DCGD, DCSCC, DCWP**
49(2)(a)	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		
49(2)(b)	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and		
49(2)(c)	provide for the recording of reasons for entering into contracts other than those resulting from the tender process.		
49(2)(d)	are consistent with any requirement prescribed by the regulations.		
49(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	**DCC, DCGD, DCSCC, DCWP**
Section 50	**Community Engagement Charter**		
50(8)	The function under Section 50(8) of the Act:	CEO	**DCC, DCGD, DCSCC, MCSE, DCWP**
50(8)(a)	to comply with any mandatory requirement that applies in a relevant case; and		
50(8)(b)	to the extent that paragraph (a) does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.		
Section 50A	**Council Community Engagement Policy**		
50A(2)	The power pursuant to Section 50A(2) of the Act, in relation to a community engagement policy, to:	CEO (limited to preparation – adoption	**DCC, DCSCC, MCSE**
50A(2)(a)	in relation to any decision, activity or process in respect of which the community engagement charter prescribes requirements, principles or performance outcomes applying to community consultation		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	and participation (relating to the decision, activity or process), make additional provision (not inconsistent with the charter) specifying how the council will— (i) comply with the requirements in a relevant case; or (ii) seek to achieve the principles or performance outcomes in a relevant case; and	remains with Council)	
50A(2)(b)	in relation to any other decision, activity or process of the council, provide for community consultation and participation in relation to the decision, activity or process.		
50A(4)	The power pursuant to Section 50A(4) of the Act to prepare a community engagement policy that may:	CEO (limited to preparation – adoption remains with Council)	**DCSCC, MCSE**
50A(4)(a)	be of general or limited application; and		
50A(4)(b)	vary in operation according to factors stated in the policy; and		
50A(4)(c)	provide for, or for the granting by the council of, exemptions (conditional or unconditional) from specified provisions of the policy.		
50A(5)	The power pursuant to Section 50A(5) of the Act to from time to time alter a community engagement policy, or substitute a new policy.	CEO (limited to preparation – adoption remains with Council)	**DCSCC, MCSE**
50A(6)	The duty pursuant to Section 50A(6), before to a council – (a) adopts a community engagement policy; or (b) alters, or substitutes, a community engagement policy, the council must undertake public consultation on the community engagement policy, alteration or substituted policy (as the case may be).	CEO (limited to preparation – adoption remains with Council)	**DCSCC, MCSE**
Section 68	**Register of Interests**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
36(3b)	The power pursuant to Section 68(3b) to apply to SACAT for an order disqualifying a Member of the Council from the Office of Member.	CEO	**Nil**
Section 75F	**Council Behavioural Support Policies**		
75F(1)	The power under Section 75F(1) of the Act to prepare and adopt a behavioural support policy	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
75F(5)	The power under section 75F(5) to alter or substitute a behavioural support policy	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
75F(6)	The power under Section 75F(6) of the Act to undertake public consultation before adopting, altering or substituting a behavioural support policy	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
75F(7)(a)	The power under Section 75F(7)(a) of the Act to review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
75F(7)(b)	The power under Section 75F(7)(b) of the Act, within 6 months after the conclusion of each periodic election, to consider whether to adopt behavioural support policies.		
Section 77	**Reimbursement of Expenses**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
77(1)(b)	The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for these purposes and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	CEO	**DCC, MCS, TLG, MF, TLFS**
Section 80	**Insurance of Members**		
80	The power pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	CEO	**DCC, MCS, MF**
Section 80A	**Training and Development**		
80A(1)	The power pursuant to Section 80A(1) of the Act to prepare a training and development policy for the Council's members.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
80A(2)	The function pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	CEO	**DCC, MCS, TLG**
80A(2b)	The power pursuant to Section 80A(2b) of the Act to suspend a member from office of Member of the Council for failure to comply with the prescribed mandatory requirements.	Not Delegated	
80A(2e)	The power under section 80A(2e) of the Act to revoke the suspension if satisfied the Member has complied with the prescribed mandatory requirements and give public notice of the revocation.	Not Delegated	
80A(2f)	The power under Section 80A(2f) to apply to SACAT for an order disqualifying the Member from office of Member of the Council	CEO	**Nil**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
80A(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 (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
80B(1)(a)	The power pursuant to section 80B(1)(a) of the Act to suspend a Member subject to a relevant interim intervention order from the office of Member of the Council where person protected by the Order of another Member.	CEO	**Nil**
80B(3)	The power pursuant to Section 80B(3) to revoke a suspension.	Not Delegated	
80B(9)	The power pursuant to Section 80B(9) of the Act to Apply to SACAT for an order disqualifying the Member from the office of Member of the Council.	Not Delegated	
Section 87	**Calling and Timing of Committee Meetings**		
87(1)	The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Council committees.	CEO	**DCC, MF, MCS, TLG, DCGD, MDRS**
Section 92	**Access to Meetings and Documents - Code of Practice**		
92(1)	The function pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare a Code of Practice for consideration and adoption by the Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operations of Parts 3 and 4 of Chapter 6 of the Act.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
92(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 (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
92(5)	The function pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes its Code of Practice that public consultation in undertaken.	CEO	**DCC, MCS, TLG**
Section 93	**Meetings of Electors**		
93(1)	The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	CEO	**Nil**
93(14)	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	**Nil**
Section 95	**Obstructing of Meetings**		
95	The power pursuant to Section 95 of the Act to take proceedings under this Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	CEO	**Nil**
Section 106	**Certain Periods of Service to be Regarded Continuous**		
106(2)	The function pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other Council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	CEO	**DCC, MF, TLFS**
106(4)	The function pursuant to Section 106(4) of the Act to supply to any other Council, at its request, details of the service of an employee or former employee of the Council.	CEO	**DCC, MF, TLFS, MCS, TLHR**
106(5)	The power 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	**DCC, MF, TLFS, MCS, TLHR**
Section 111	**Application of Division**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
111(b)	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.	No Delegated	
Section 120A	**Behavioural Standards**		
120A(1)	The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG, TLHR**
120A(4)	The power under section 120A(4) to alter or substitute employee behavioural standards.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG, TLHR**
120A(5)	The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG, TLHR**
120A(6)(a)	The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG, TLHR**
120A(6)(b)	The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election.		
Section 122	**Strategic Management Plans**		
122(1)	The function pursuant to Section 122(1) of the Act to develop for consideration and adoption by the Council strategic management plans for the Council's area over a period of at least 4 years in accordance with the principles set out at Section 122(1), (2) and (3) of the Act.	CEO	**DCSCC, DCC, DCGD, DCWP**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
122(1a)	In conjunction with the development of the plans required under Section 122(1) of the Act, the function pursuant to Section 122(1a) of the Act to develop in accordance with Section 122(2) and (3) of the Act for consideration and adoption by the Council—	CEO	**DCSCC, DCC, DCGD, DCWP**
122(1a)(a)	a long-term financial plan for a period of at least 10 years; and		
122(1a)(b)	an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the Council for a period of at least 10 years.		
122(1c)	A council must provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority in accordance with Section 122(1c) of the Act;	CEO	**DCSCC, DCC, DCGD, DCWP**
122(1e)	A council must provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;	CEO	**DCSCC, DCC, DCGD, DCWP**
122(1h)	A council must ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;	CEO	**DCSCC, DCC, DCGD, DCWP**
122(1j)	A Council must provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.	CEO	**DCSCC, DCC, DCGD, DCWP**
122(6)	The duty pursuant to Section 122(6) of the Act to undertake public consultation in relation to the development and review of its strategic management plans (but nothing in this subsection is to be taken to limit subsection (5)).	CEO	**DCC, DCSCC, MCSE**
Section 123	**Annual Business Plans and Budgets**		
123(1)(a)	The function pursuant to Section 123(1)(a) of the Act to prepare an annual business plan in accordance with the principles and requirements set out at Section 123(2), (10) and (12) of the Act	CEO	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	for consideration and adoption by the Council in accordance with Section 123(3), (6) and (8) of the Act.		**DCSCC, DCC, DCGD, DCWP**
123(1)(b)	The function pursuant to Section 123(1)(b) of the Act to prepare a budget in accordance with the requirements set out at Section 123(10) and (12) of the Act for consideration and adoption by the Council in accordance with Section 123(7) and (8) of the Act.		
123(3)	Before the Council adopts an annual business plan, the function pursuant to Section 123(3) of the Act to:	CEO	**DCSCC, DCC, DCGD, DCWP, MCSE, MF**
123(3)(a)	prepare a draft annual business plan; and		
123(3)(b)	before council adopts an annual business plan, to undertake public consultation.		
123(9)	After the Council has adopted an annual business plan and a budget, the function pursuant to Section 123(9) of the Act to ensure:	CEO	**DCSCC, MCSE, DCC, DCGD, DCWP**
123(9)(a)	a summary of the annual business plan is prepared in accordance with the requirements set out at Section 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and		
123(9)(b)	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.		
Section 124	**Accounting Records to be Kept**		
124(1)	The function pursuant to Section 124(1) of the Act to:	CEO	**DCC, MF, TLFS, ACC**
124(1)(a)	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;		
124(1)(b)	keep the Council's accounting records in such manner as will enable—		
124(1)(b)(i)	the preparation and provision of statements that fairly present financial and other information; and		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
124(1)(b)(ii)	the financial statements of the Council to be conveniently and properly audited.		
124(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	**DCC, MF, TLFS, ACC**
Section 125	**Internal Control Policies**		
125(1)	The function pursuant to Section 125(1) 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	**DCC, MF, TLFS, MCS, TLG**
125(3)	The function pursuant to Section 125(3) of the Act to ensure that appropriate policies, systems and procedures relating to risk management 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, inform appropriate decision making, facilitate appropriate prioritisation of finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the Council.	CEO	**DCC, MF, TLFS, MCS, TLG**
Section 126	**Audit and Risk Committee**		
126(1)	Subject to section 126(a1), the power pursuant to Section 126(1) of the Act to appoint an audit and risk committee in accordance with Section 126(2) of the Act.	Not Delegated	
126(2)	If an audit and risk 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	
126(9)	The function to ensure that the annual report of Council's audit and risk committee is included in its annual report.	CEO	**DCC, MCS, TLG**
Section 127	**Financial Statements**		
127(1)	The function pursuant to Section 127(1) of the Act to prepare for each financial year:	CEO	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
127(1)(a)	financial statements and notes in accordance with standards prescribed by the regulations; and		**DCC, MF, TLFS, ACC**
127(1)(b)	other statements or documentation relating to the financial affairs of the council required by the regulations.		
127(2)	The function pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act—	CEO	**DCC, MF, TLFS, ACC**
127(2)(a)	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		
127(2)(b)	comply with standards and principles prescribed by the Regulations; and		
127(2)(c)	include the information required by the Regulations.		
127(3)	The function pursuant to Section 127(3) of the Act to submit for auditing by the council's auditor the statements prepared for each financial year.	CEO	**DCC, MF, TLFS, ACC**
127(4)	The function pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	CEO	**DCC, MF, TLFS, ACC**
Section 128	**Auditor**		
128(2)	The power pursuant to Section 128(2) of the Act to appoint an auditor on the recommendation of the Council's audit and risk committee.	Not Delegated	
128(9)	The function pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:	CEO	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
128(9)(a)	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between—		**DCC, MF, TLFS, MCS, TLG**
128(9)(a)(i)	remuneration payable for the annual audit of the Council's financial statements; and		
128(9)(a)(ii)	other remuneration;		
128(9)(b)	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.		
Section 129	**Conduct of Audit**		
129(9)	The function pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	CEO	**DCC, MF, TLFS, MCS, TLG**
Section 130A	**Other Investigations**		
130A(1)	The power pursuant to and in accordance with Section 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	CEO	**Nil**
130A(6)	Unless Section 130A(7) of the Act applies, the function pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:	CEO	**DCC, MF, TLFS, MCS, TLG**
130A(6)(a)	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:		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
130A(6)(b)	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.		
Section 131	**Annual Report to be Prepared and Adopted**		
131(4)	The function pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council and to submit a copy t person or bodies prescribed by regulations.	CEO	**DCSCC, MCSE**
131(7)	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	**DCSCC, MCSE**
Section 132	**Access to Documents**		
132(1)	The function pursuant to Section 132(1) of the Act to –	CEO	**DCSCC, MCSE, TLCUS, DCC, MCS, TLG**
132(1)(a)	publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and;		
132(1)(b)	on request, provide a person with a printed copy of a document referred to in Schedule 5 (on payment of a fee (if any) fixed by the council).		
132(3a)	The power under Section 132(3a) of the Act to publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply.	CEO	**DCC, MCS, TLG**
Section 132A	**Related Administrative Standards**		
132A	The power pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order –	CEO	**DCC, MF, MCS, TLG,**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
132A(a)	to ensure compliance with any statutory requirements; an		**DCSCC, MCSE, MCRP, DCGD, MDRS, DCWP, MAM**
132A(b)	to achieve and maintain standards that reflect good administrative practices.		
Section 133	**Sources of Funds**		
133	Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Council's functions under this or another Act.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 135	**Ability of a Council to Give Security**		
135(1)	The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:	Not Delegated	
135(1)(a)	guarantees (including guarantees relating to the liability of a subsidiary of the Council);		
135(1)(b)	debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);		
135(1)(c)	bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.		
135(2)	The power and function pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:	Not Delegated	
135(2)(a)	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		
135(2)(b)	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 137	**Expenditure of Funds**		
137	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	**DCC, MF, MCS, MICT, DCSCC, MCSE, MCRP, DCGD, MDRS, DCWP, MAM, MPMOPD**
Section 139	**Investment Powers**		
139(1)	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	CEO	**DCC, MF**
139(2)	The function pursuant to Section 139(2) of the Act in exercising the power of investment, to:	CEO	**DCC, MF, DCSCC, DCGD, DCWP**
139(2)(a)	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and		
139(2)(b)	avoid investments that are speculative or hazardous in nature.		
139(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—	CEO	**DCC, MF, DCSCC, DCGD, DCWP**
139(4)(a)	the anticipated community benefit from an investment; and		
139(4)(b)	the desirability of attracting additional resources into the local community.		
139(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	**DCC, MF, DCSCC, DCGD, DCWP**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 140	**Review of Investment**		
140	The function pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year and the function to report to the Council on the outcome of the review.	CEO	**DCC, MF**
Section 141	**Gifts to a Council**		
141(1)	The power pursuant to Section 141(1) of the Act to accept a gift made to the Council.	CEO	**Nil**
141(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	**Nil**
141(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	**Nil**
141(4)	Where a variation is sought in the terms of a trust, the function pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court.	CEO	**Nil**
Section 142	**Duty to Insure Against Liability**		
142	The duty to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 143	**Writing off Bad Debts**		
143(1)	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council—	CEO	**DCC, DCGD, DCSCC, DCWP**
143(1)(a)	if the Council has no reasonable prospect of recovering the debts; or		
143(1)(b)	if the costs of recovery are likely to equal or exceed the amount to be recovered.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
143(2)	The function pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified—	CEO	**DCC, DCGD, DCSCC, DCWP**
143(2)(a)	reasonable attempts have been made to recover the debt; or		
143(2)(b)	the costs of recovery are likely to equal or exceed the amount to be recovered.		
Section 144	**Recovery of Amounts Due to Council**		
144(1)	The power pursuant to Section 144(1) of the Act that fees, charges, expenses or other amounts may be recovered by a council from a person, or are payable to the council by a person, the fees, charges, expenses or other amounts are recoverable as a debt by action in a court of competent jurisdiction.	CEO	**DCC, MF, TLFS, SRO, DCGD, MDRS, TLCS, TLDS, DCSCC, DCWP**
144(2)	The power pursuant to Section 144(2) that if a fee, charge, expense or other amount payable to a council relates to something done in respect of rateable or other property, or is payable by a person as the owner or occupier of rateable or other property within the area of the council, the council may, after giving at least 14 days notice requiring payment of the fee, charge, expense or other amount, recover the fee, charge, expense or other amount as if it were a rate declared on the property at the time of the notice requiring payment.	CEO	**DCC, MF, TLFS, SRO, DCGD, MDRS, TLCS, TLDS, DCSCC, DCWP**
Section 148	**Land Against Which Rates May be Assessed**		
148(2)	The power pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with the principles and practices that apply on a uniform basis across the Council.	CEO	**DCC, MF, TLFS, SRO**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 151	**Basis of Rating**		
151(5)	Before the Council	CEO	**DCC, MF, TLFS, SRO, DCSCC, MCSE**
151(5)(a)	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		
151(5)(b)	changes the basis on which land is valued for the purposes of rating; or		
151(5)(c)	changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;		
	The Council must, pursuant to Section 151(5)(d) and (e) of the Act to:		
151(5)(d)	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and		
151(5)(e)	undertake public consultation		
Section 155	**Service Rates and Service Charges**		
155(6)	The function pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	CEO	**DCC, MF, DCWP, MAM**
155(7)	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	**DCC, MF, DCWP, MAM**
Section 156	**Basis of Differential Rates**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
156(10)	The power pursuant to Section 156(11) of the Act to decide an objection as it thinks fit and notify the objector in writing of its decision.	CEO	**DCC, MF, TLFS, SRO**
156(14a)	The power pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to	CEO	**DCSCC, MCSE, DCC, MF, TLFS, SRO**
156(14a)(a)	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and		
156(14a)(b)	to undertake public consultation		
Section 157	**Notice of Differentiating Factors**		
157	If the Council declares differential rates, the function pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	CEO	**DCC, MF, TLFS, SRO**
Section 159	**Preliminary**		
159(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.	CEO	**DCC, MF, TLFS, SRO**
159(3)	The power pursuant to Section 159(3) of the Act to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	Not Delegated	
159(4)	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100 %.	Not Delegated	
159(10)	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.	CEO	**DCC, MF, TLFS, SRO**
Section 161	**Rebate of Rates – Community Services**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
161(1)	The power pursuant to Section 161(1) and 151(3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery and administration (or both) by a community service organisation, where that organisation –	Not Delegated	
161(3)(a)	is incorporated on a not-for-profit basis for the benefit of the public; and		
161(3)(b)	provides community services without charge or for charge that is below the cost to the body of providing their services; and		
161(3)(c)	does not restrict its services to persons who are members of the body.		
Section 165	**Rebate of Rates – Educational Purposes**		
165(1)	The power pursuant to Section 165(1) of the Act to grant a rebate of rates at more than 75% on land:	Not Delegated	
165(1)(a)	occupied by a Government school under a lease or license and being used for educational purposes; or		
165(1)(b)	occupied by non-Government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or		
165(2)	The power pursuant to Section 165(2) of the Act to grant a rebate of rates at more than 75% on 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	
Section 166	**Discretionary Rebates of Rates**		
166(1), (2) and (4)	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:	Not Delegated	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
166(1)(a)	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;		
166(1)(b)	where the rebate is desirable for the purpose of assisting or supporting a business in the area;		
166(1)(c)	where the rebate will be conducive to the preservation of buildings or places of historic significance;		
166(1)(d)	where the land is being used for educational purposes;		
166(1)(e)	where the land is being used for agricultural, horticultural or floricultural exhibitions;		
166(1)(f)	where the land is being used for a hospital or health centre;		
166(1)(g)	where the land is being used to provide facilities or services for children or young persons;		
166(1)(h)	where the land is being used to provide accommodation for the aged or disabled;		
166(1)(i)	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;		
166(1)(j)	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;		
166(1)(k)	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;		
166(1)(l)	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:		
166(1)(l)(i)	a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or		
166(1)(l)(ii)	a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
166(1)(m)	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:		
166(1)(m)(i)	a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or		
166(1)(m)(ii)	a liability that is unfair or unreasonable;		
166(1)(n)	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or		
166(1)(o)	where the rebate is contemplated under another provision of the Act.		
166(1a)	The function pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j)	Not Delegated	
166(1a)(a)	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		
166(1a)(b)	the community need that is being met by activities being carried out on the land for which the rebate is sought; and		
166(1a)(c)	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons; and any other matter considered relevant by the Council or the Delegate.		
166(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 under subsections (1)(a), (b) ir (k).	Not Delegated	
166(3a)	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	
Section 167	**Valuation of Land for the Purposes of Rating**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
167(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	
167(2)	For the purpose of adopting a valuation of land for rating, the function pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt -	Not Delegated	
162(2)(a)	valuations made, or caused to be made, by the Valuer-General; or		
162(2)(b)	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council; or a combination of both.		
167(6)	The function pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	CEO	**DCC, MF, TLFS, SRO**
Section 168	**Valuation of Land**		
168(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	**DCC, MF, TLFS, SRO**
168(2)	The function pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer-General for the purposes of valuing land within the area of the Council.	CEO	**DCC, MF, TLFS, SRO**
168(3)	The power and function pursuant to Section 168(3)(b) and (c) of the Act;	CEO	**DCC, MF, TLFS, SRO**
168(3)(b)	to enter a valuation in the assessment record, as soon as practicable after the valuation has been made; and	CEO	**DCC, MF, TLFS, SRO**
168(3)(c)	to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	CEO	**DCC, MF, TLFS, SRO**
Section 169	**Objections to Valuations Made by Council**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
169(3)(b)	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.	CEO	**DCC, MF, TLFS, SRO**
169(7)	The function pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	CEO	**DCC, MF, TLFS, SRO**
169(8)	The function pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:	CEO	**DCC, MF, TLFS, SRO**
169(9)(a)	in the prescribed manner and form;		
169(9)(b)	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and		
169(9)(c)	accompanied by the prescribed fee.		
169(15)(b)	The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.	CEO	**DCC, MF, TLFS, SRO**
Section 170	**Notice of Declaration of Rates**		
170	The function pursuant to Section 170 of the Act to give public notice of the declaration of a rate or service charge within 21 days after the date of the declaration.	CEO	**DCSCC, MCSE, DCC, MF, TLFS, SRO**
Section 173	**Alterations to the Assessment Record**		
173(5)	The power pursuant to Section 173(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	**DCC, MF, TLFS, SRO**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
173(6)	The function pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	CEO	**DCC, MF, TLFS, SRO**
Section 178	**Liability for Rates**		
178(3)	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—	CEO	**DCC, MF, TLFS, SRO**
178(3)(a)	the principal ratepayer; or		
178(3)(b)	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or		
178(3)(c)	any other person who was at the time of the declaration of the rates an owner or occupier of the land		
178(4)	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	**DCC, MF, TLFS, SRO**
178(5)	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	**DCC, MF, TLFS, SRO**
178(6)	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	**DCC, MF, TLFS, SRO**
Section 179	**Liability for Rates if Land is Not Rateable for the Whole of the Financial Year**		
179(2)	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.	Not Delegated	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
179(5)	The function pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	CEO	**DCC, MF, TLFS, SRO**
Section 180	**Service of Rate Notice**		
180(1)	The function pursuant to Section 180(1) of the Act and in accordance with Section180(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—	CEO	**DCC, MF, TLFS, SRO**
180(1)(a)	the declaration of a rate; or		
180(1)(b)	the imposition of a service charge; or		
180(1)(c)	a change in the rates liability of land.		
Section 181	**Payment of Rates – General Principles**		
181(1)	If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).	Not Delegated	
181(2)	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment falls due in the months of September, December, March and June of the financial year for which the rates are declared.	Not Delegated	
181(4)(b)	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	**DCC, MF, TLFS, SRO**
181(5)	The function 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 -	CEO	**DCC, MF, TLFS, SRO**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
181(5)(a)	the amount of the instalment; and		
181(5)(b)	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.		
181(7a)	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal ratepayer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	CEO	**DCC, MF, TLFS, SRO**
181(9)	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	**DCC - $500, MF - $200, TLFS - $200, SRO - $50**
181(11)	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:	Not Delegated	
181(11)(a)	the payment of instalments of rates in advance; or		
181(11)(b)	prompt payment of rates.		
181(12)(b)	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	
181(13)	The power pursuant to Section 181(13) of the Act to, 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, impose a requirement that differs from the requirements of this section.	Not Delegated	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
181(15)	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:	Not Delegated	
181(15)(a)	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		
181(15)(b)	the Delegate must give at least 30 days notice before an instalment falls due.		
Section 182	**Remission and Postponement of Payment of Rates**		
182(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—	CEO	**DCC, MF, TLFS, SRO**
182(1)(a)	postpone payment in whole or in part for such period as the Delegate thinks fit.		
182(1)(b)	Remit the rates in whole or in part.		
182(2)	The power pursuant to Section 182(2) of the Act on a postponement of rates—	CEO	**DCC, MF, TLFS, SRO**
182(2)(a)	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);		
182(2)(b)	to grant the postponement on other conditions determined by the Delegate; and		
182(2)(c)	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).		
182(3)	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates-	Not Delegated	
182(3)(a)	to assist or support a business in the Council's area; or		
182(3)(b)	to alleviate the effects of anomalies that have occurred in valuations under the Act.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
182(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	
182(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	**DCC, MF, TLFS, SRO**
182(6)	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).	CEO	**DCC, MF, TLFS, SRO**
Section 182A	**Postponement of Rates - Seniors**		
182A(2)	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	**DCC, MF, TLFS, SRO**
182A(3)	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial year made in accordance with Sections 182A(1) and (2) of the Act to -	CEO	**DCC, MF, TLFS, SRO**
182A(3)(a)	reject an application for the postponement of rates; or		
182A(3)(b)	impose conditions on the postponement of rates but only in accordance with the Regulations.		
Section 183	**Application of Money in Respect of Rates**		
183	The power and the function to apply monies received or recovered in respect of rates pursuant to an in accordance with Section 183 of the Act.	CEO	**DCC, MF, TLFS, SRO**
Section 184	**Sale of Land for Non-Payment of Rates**		
184(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	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
184(2)	The function pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record—	CEO	**DCC, MF, TLFS, SRO**
184(2)(a)	stating the period for which the rates have been in arrears; and		
184(2)(b)	stating the amount of the total liability for rates presently outstanding in relation to the land; and		
184(2)(c)	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		
184(3)	The function pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the	CEO	**DCC, MF, TLFS, SRO**
184(3)(a)	to any owner of the land who is not the principal ratepayer; and		
184(3)(b)	to any registered mortgagee of the land; and		
184(3)(ba)	to the holder of any caveat over the land; and		
184(3)(c)	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.		
184(4)	If—	CEO	**DCC, MF, TLFS, SRO**
184(4)(a)	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		
184(4)(b)	the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent, the power pursuant to Section 184(4) of the Act to effect service of the notice by—		
184(4)(c)	giving public notice of the notice		
184(4)(d)	leaving a copy of the notice in a conspicuous place on the land.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
184(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.	CEO	**DCC, MF, TLFS, SRO**
184(6) and (7)	The function pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.	CEO	**DCC, MF, TLFS, SRO**
184(8)	The function pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	CEO	**DCC, MF, TLFS, SRO**
184(9)	The function pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	CEO	**DCC, MF, TLFS, SRO**
184(10)	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	**DCC, MF, TLFS, SRO**
184(11)	The power and function to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	CEO	**DCC, MF, TLFS, SRO**
184(12)	The function pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non- payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	CEO	**DCC, MF, TLFS, SRO**
Section 186	**Recovery of Rates Not Affected by an Objection or Review**		
186(2)	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—	CEO	**DCC, MF, TLFS, SRO**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
186(2)(a)	to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or		
186(2)(b)	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.		
Section 187	**Certificate of Liabilities**		
187(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:	CEO	**DCC, MF, TLFS, SRO**
187(1)(a)	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act)); and		
187(1)(b)	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.		
Section 187B	**Investigation by Ombudsman**		
187B(6)	The function pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to—	CEO	**Nil**
187B(6)(a)	the Ombudsman; and		
187B(6)(b)	if relevant, the person who made the complaint.		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
187B(7)	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	**Nil**
Section 188	**Fees and Charges**		
188(1)	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:	CEO	**DCC, MF, TLFS, MCS, TLICT, DCWP, MAM, DCSCC, MCRP, TLCE, TLL, MCSE, TLCUS, DCGD, MDRS, TLDS, TLCS SEDO**
188(1)(a)	for the use of any property or facility owned, controlled, managed or maintained by the Council;		
188(1)(b)	for services supplied to a person at his or her request;		
188(1)(c)	for carrying out work at a person's request;		
188(3)	The power pursuant to Section 188(3) of the Act to provide for -	CEO	**DCC, MF, DCWP, MAM, DCSCC, MCRP, DCGD, MDRS**
188(3)(a)	specific fees and charges;		
188(3)(b)	maximum fees and charges and minimum fees and charges;		
188(3)(c)	annual fees and charges;		
188(3)(d)	the imposition of fees or charges according to specified factors;		
188(3)(e)	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		
188(3)(f)	the reduction, waiver or refund, in whole or in part, of any fees and charges.		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
188(5)	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	
188(7)	The function 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	**DCC, MF, MCS, DCWP, MAM, DCSCC, MCRP, MCSE, DCGD, MDRS**
Section 190	**Acquisition of Land**		
190	The power pursuant to Section 190 of the Act to acquire land by agreement.	Not Delegated	
Section 191	**Compulsory Acquisition of Land**		
191(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	
191(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	
Section 192	**Assumption of Care, Control and Management of Land**		
192(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	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
192(4)	The function pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 193	**Classification**		
193(6)	The function pursuant to Section 193(6) of the Act to give public notice of a resolution -	CEO	**DCC, DCGD, DCSCC, DCWP**
193(6)(a)	to exclude land from classification as community land under subsection (4); or		
193(6)(b)	to classify, as community land, land that had previously been excluded from classification as such under subsection (5).		
Section 194	**Revocation of Classification of Land as Community Land**		
194(2)	The function pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to—	CEO	**DCC, DCGD, DCSCC, MCSE, DCWP**
194(2)(a)	prepare a report on the proposal containing—		
194(2)(a)(i)	a summary of reasons for the proposal; and		
194(2)(a)(ii)	a statement of any dedication, reservation or trust to which the land is subject; and		
194(2)(a)(iii)	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		
194(2)(a)(iv)	an assessment of how implementation of the proposal would affect the area and the local community; and		
194(2)(a)(v)	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		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
194(2)(b)	undertake public consultation on the proposal.		
194(3)	After complying with the requirements of Section 194(2) of the Act, the function pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	CEO	**DCC, DCGD, DCSCC, DCWP**
194(4)	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 195	**Effect of Revocation of Classification**		
195(2)	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the function pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 196	**Management Plans**		
196(3)	The function pursuant to Section 196(1), (2), (3) and (7) of the Act to prepare for consideration and adoption by the Council a management plan or management plans for Council's community land, for which a management plan must be prepared, that—	CEO	**DCC, DCGD, DCSCC, DCWP**
196(3)(a)	identifies the land to which it applies; and		
196(3)(b)	states the purpose for which the land is held by the Council; and		
196(3)(c)	states the Council's objectives, policies (if any) and proposals for the management of the land; and		
196(3)(d)	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
196(4)	If a management plan relates to land that is not in the Council's ownership, the power and function pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must—	CEO	**DCC, DCGD, DCSCC, DCWP**
196(4)(a)	identify the owner of the land; and		
196(4)(b)	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and		
196(4)(c)	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.		
196(5)	The function pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 197	**Public Consultation on Proposed Management Plan**		
197(1)	The function pursuant to Section 197(1) of the Act, before the council adopts a management plan for community land, to undertake public consultation.	CEO	**DCC, DCGD, DCSCC, MCSE, DCWP**
Section 198	**Amendment or Revocation of Management Plan**		
198(1)	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	Not Delegated	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
198(2) and (3)	The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council 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	**DCC, DCGD, DCSCC, DCWP**
198(4)	The function pursuant to Section 198(4) of the Act to give public notice of Council's adoption of a proposal for the amendment or revocation of a management plan.	CEO	**DCC, DCGD, DCSCC, DCWP**
Section 199	**Effect of Management Plan**		
199	The function pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	CEO	**DCC, MF, MCS, MICT, DCGD, MDRS, DCSCC, MCSE, MCRP, DCWP, MAM, MPMOPD**
Section 200	**Use of Community Land for Business Purposes**		
200(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	**DCGD, MDRS, TLCS, SEDO, DCSCC, MCRP, TLCE, DCWP, MAM, STE**
Section 201	**Sale or Disposal of Local Government Land**		
201(1)	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:	Not Delegated	
201(1)(a)	vested in the Council in fee simple; or		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
201(1)(b)	vested in the Council as lessee.		
201(2)	The power pursuant to Section 201(2) of the Act to:	Not Delegated	
201(2)(d)	grant an easement (including a right of way) over community land; and		
201(2)(e)	grant an easement (excluding a right of way) over a road or part of a road.		
Section 202	**Alienation of Community Land by Lease or Licence**		
202(1)	The power pursuant to Section 202(1) to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve).	CEO (in accordance with Community Land Management Plans)	**DCGD, MDRS, DCWP, MAM, DCSCC, MCRP, TLCD**
202(2) and (3)	The function pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to undertake public consultation, unless—	CEO (in accordance with Community Land Management Plans)	**DCGD, MDRS, DCWP, MAM, DCSCC, MCRP, TLCD**
202(3)(a)	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		
202(3)(b)	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.		
202(4)	The power and function pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.	Not Delegated	
202(5)	The power pursuant to Section 202(5) to grant a lease or licence providing for:		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
202(5)(a)	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	CEO (in accordance with Community Land Management Plans)	**DCGD, MDRS, DCWP, MAM**
202(5)(b)	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);		
202(5)(c)	any other matter relevant to the use or maintenance of the land.		
202(6)	The function pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	CEO (in accordance with Community Land Management Plans)	**DCGD, MDRS, DCWP, MAM, DCSCC, MCRP, TLCD**
Section 207	**Register**		
207(1)	The function pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	CEO	**DCGD, MDRS, DCWP, MAM, DCC, MF, SRO**
207(2)	The function pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register—	CEO	**DCGD, MDRS, DCWP, MAM, DCC, MF, SRO**
207(2)(a)	contains the information required by the Regulations; and		
207(2)(b)	contains copies of current management plans.		
207(2)(c)	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.		
Section 208	**Ownership of Public Roads**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
208(4)	The function pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	CEO	**DCGD, MDRS, DCWP, MAM, DCC**
Section 209	**Ownership of Fixtures and Equipment Installed on Public Roads**		
209(3)	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	**DCGD, MDRS, DCWP, MAM**
Section 210	**Conversion of Private Road to Public Road**		
210(1)(b)	The function pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	CEO	**DCGD, MDRS, DCWP, MAM**
210(2)	The function pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to –	CEO	**DCGD, MDRS, DCWP, MAM**
210(2)(a)	if the identity and whereabouts of the owner of the road are known to the Council, to give written notice to the owner of land subject to the proposed declaration; and		
210(2)(ab)	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		
210(2)(b)	to give public notice of the proposed declaration.		
210(5)	The function pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	CEO	**DCGD, MDRS, DCWP, MAM**
210(7)	The function pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	CEO	**DCGD, MDRS, DCWP, MAM**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 211	**Highways**		
211(1)(a)	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	**DCWP, MAM**
Section 212	**Power to Carry Out Roadwork**		
212(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	**DCWP, MAM**
212(3)	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—	CEO	**DCWP, MAM**
212(3)(a)	the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and		
212(3)(b)	before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and		
212(3)(c)	the roadwork in relation to a private road is only carried out if—		
212(3)(c)(i)	the owner agrees; or		
212(3)(c)(ii)	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		
212(3)(c)(iii)	the identity or whereabouts of the owner is unknown; and		
212(3)(d)	the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).		
Section 213	**Recovery of Cost of Roadwork**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
213(1)	Where roadwork has been carried out by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
213(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—	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
213(2)(a)	the person who caused the damage; or		
213(2)(b)	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.		
213(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	**DCWP, MAM, DCGD, MDRS, DCC, MF**
Section 214	**Contribution Between Councils where Road is on Boundary Between Council Areas**		
214(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 bought.	CEO	**DCWP, MAM, DCC, MF**
Section 215	**Special Provisions for Certain Kinds of Roadwork**		
215(1)	If the Council changes the level of a road, the function pursuant to Section 215(1) of the Act to—	CEO	**DCWP, MAM**
215(1)(a)	ensure that adjoining properties have adequate access to the road; and		
215(1)(b)	construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
215(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—	CEO	**DCWP, MAM**
215(2)(a)	there is no significant risk of damage to the adjoining property; or		
215(2)(b)	the road work does not significantly increase the risk of damage to adjoining property.		
215(4)	The function pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	CEO	**DCWP, MAM**
Section 216	**Power to Order Owner of Private Road to Carry Out Specific Roadwork**		
216(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	**DCGD, MDRS, DCWP, MAM**
216(2)	The function pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to –	CEO	**DCGD, MDRS, DCWP, MAM**
216(2)(a)	any proposal to make an order; and		
216(2)(b)	if an order is made, any order, under Section 216(1) of the Act.		
Section 217	**Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work**		
217(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—	CEO	**DCGD, MDRS, DCWP, MAM**

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
217(1)(a)	to carry out specified work by way of maintenance or repair; or		
217(1)(b)	to move the structure or equipment in order to allow the Council to carry out roadwork		
217(2)(a)	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	**DCWP, MAM, DCGD, MDRS, DCC, MF**
Section 218	**Power to Require Owner of Adjoining Land to Carry Out Specific Work**		
218(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	**DCGD, MDRS, TLCS, DCWP, MAM**
218(2)	The function pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to –	CEO	**DCGD, MDRS, TLCS, DCWP, MAM**
218(2)(a)	any proposal to make an order; and		
218(2)(b)	if an order is made, any order under Section 218(1) of the Act.		
Section 219	**Power to Assign a Name, or Change a Name, of a Road or Public Place**		
219(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	
219(1a)	The function pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	Not Delegated	
219(2)	Where it is proposed to change the name of a public road that runs into the area of an adjoining Council, the function pursuant to Section 219(2) of the Act to—	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
219(2)(a)	give the adjoining Council at least 2 months notice of the proposed change; and		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
219(2)(b)	consider any representations made by the adjoining Council in response to that notice.		
219(3)	The function pursuant to Section 219(3) of the Act to—	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
219(3)(a)	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		
219(3)(b)	on request by the Registrar-General, the Surveyor-General or the Valuer-General, to provide information about the names of roads or public places in the Council's area.		
219(4)	The function pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
219(5)	The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	CEO (limited to preparation – adoption remains with Council)	**DCWP, MAM, DCGD, MDRS, DCC, MF**
219(7)	The function pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under this Section.	CEO	**DCWP, MAM, DCGD, MDRS, DCC, MF**
Section 220	**Numbering of Premises and Allotments**		
220(1)	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	CEO	**DCC, MF, TLFS, SRO**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
220(1a)	The power pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	CEO	**DCC, MF, TLFS, SRO**
220(1b)	The function pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	CEO	**DCC, MF, TLFS, SRO**
220(2)	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	**DCC, MF, TLFS, SRO**
220(3)	The function pursuant to Section 220(3) of the Act to give public notice of resolution adopting, altering or substituting a numbering system for a particular road.	CEO	**DCC, MF, TLFS, SRO**
220(4)	The function pursuant to Section 220(4) of the Act to notify the Valuer-General of the resolution adopting, altering or substituting a numbering system.	CEO	**DCC, MF, TLFS, SRO**
220(6)	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	**DCC, MF, TLFS, SRO**
Section 221	**Alteration of Road**		
221(1)	The power pursuant to Section to 221(1) 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.	CEO	**DCWP, MAM, MPMOPD, TLCM, TOCM, STE, DCGD, MDRS, TLDS, TLCS, GI, APO**
221(2)	The power pursuant to Section 221(2) of the Act to authorise a person to make an alteration to a public road if the person:		
221(2)(a)	alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
221(2)(b)	erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or		
221(2)(c)	changes or interferes with the construction, arrangement or materials of the road; or		
221(2)(d)	changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or		
221(2)(e)	plants a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.		
221(4)	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the function pursuant to Section 221(4) of the Act to give consideration as to whether the structure will—	CEO	**DCWP, MAM, MPMOPD, TLCM, TOCM, STE, DCGD, MDRS, TLDS, TLCS, GI, APO**
221(4)(a)	unduly obstruct the use of the road; or		
221(4)(b)	unduly interfere with the construction of the road; or		
221(4)(c)	have an adverse effect on road safety.		
221(6)	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act—	CEO	**DCWP, MAM, MPMOPD, TLCM, TOCM, STE, DCGD, MDRS, TLDS, TLCS, GI, APO**
221(6)(a)	for a particular act or occasion; or		
221(6)(b)	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.		
Section 222	**Permits for Business Purposes**		
222(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	**DCGD, MDRS, SEDO, DCWP, MAM, STE,**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
			DCSCC, MCRP, TLCE
222(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	**DCGD, MDRS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
222(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	**DCGD, MDRS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
Section 223	**Public Consultation**		
223(1)	The function pursuant to Section 223(1) of the Act before granting an authorisation to or permit -	CEO	**DCGD, MDRS, TLCS, TLDS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
223(1)(a)	that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or		
223(1)(c)	in relation to a use or activity for which public consultation is required under the regulations, to, before granting the authorisation or permit, undertake public consultation.		
223(2)	The function pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	CEO	**DCGD, MDRS, TLCS, TLDS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
Section 224	**Conditions of Authorisation or Permit**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
224(1)	The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	CEO	**DCGD, MDRS, TLCS, GI, APO, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
Section 225	**Cancellation of Authorisation/Permit**		
225(1)	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition.	CEO	**DCGD, MDRS, TLCS, GI, APO, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
225(2)	The function pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to	CEO	**DCGD, MDRS, TLCS, GI, APO, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
225(2)(a)	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		
225(2)(b)	consider any representations made in response to the notice.		
225(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	**DCGD, MDRS, TLCS, GI, APO, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
Section 231	**Register of Roads**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
231(1)	The power and function pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which—	CEO	**DCWP, MAM, STE**
231(2)(a)	includes the information required by regulation; and		
231(2)(b)	may consist (if the Delegate so decides) of a computer record of the relevant information.		
Section 232	**Trees**		
232	The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement) and	CEO	**DCWP, MPMOPD, MAM, TLCM, TOCM**
232(a)	giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account—		
232(a)(i)	environmental and aesthetic issues; and		
232(a)(ii)	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		
232(a)(iii)	road safety matters; and		
232(a)(iv)	other matters (if any) considered relevant by the Delegate; and		
232(b)	if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, undertake public consultation.		
Section 233	**Damage**		
233(2)	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	CEO	**DCWP, MPMOPD,**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.		**MAM, DCC, MF, DCGD, MDRS, TLCS**
Section 234	**Council's Power to Remove Objects etc from Roads**		
234(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—	CEO	**DCWP, MAM, TLCM, DCGD, MDRS, TLCS, GI, APO, DCSCC, MCRP, TLCE**
234(1)(a)	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		
234(1)(b)	an authorisation or permit has been granted but has later expired or been cancelled.		
234(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	**DCWP, MAM, DCGD, MDRS, TLCS, DCC, MF, DCSCC, MCRP, TLCE**
234(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	**DCWP, MAM, DCGD, MDRS, TLCS, DCC, MF, DCSCC, MCRP, TLCE**
Section 236	**Abandonment of Vehicles**		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
236(2)	The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Section 237	**Removal of Vehicles**		
237(4)	The function pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:	CEO	**DCGD, MDRS, TLCS, GI, APO**
237(4)(a)	by written notice in the prescribed form -		
237(4)(a)(i)	served on the owner personally; or		
237(4)(a)(ii)	served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or		
237(4)(b)	if the owner is unknown or cannot be found—by public notice given within 14 days after the removal of the vehicle.		
237(5)	If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and function pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	CEO	**DCGD, MDRS, TLCS, GI, APO**
237(6)	The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	CEO	**DCGD, MDRS, TLCS, GI, APO**
237(6)(a)	the vehicle is offered for sale but not sold; or		
237(6)(b)	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.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
237(7)	The function pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:	CEO	**DCGD, MDRS, TLCS, GI, APO, DCC, MF**
237(7)(a)	firstly, in payment of the costs of and incidental to the sale;		
237(7)(b)	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;		
2347(7)(c)	thirdly, in payment of the balance to the owner of the vehicle.		
237(8)	The function pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the function to pay the balance of the proceeds of sale to the Council.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCC, MF**
237(9)	The function pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the function to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCC, MF**
Section 242	**Time Limits for Dealing with Certain Applications**		
242(2)	Where the power to decide upon certain applications to which the Section applies has been delegated, the function 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	**DCGD, MDRS, TLCS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	The function pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	CEO	**DCGD, MDRS, TLCS, SEDO, DCWP, MAM, STE, DCSCC, MCRP, TLCE**
Section 243	**Registrar-General to Issue Certificate of Title**		
243(1)	The function pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	CEO	**DCC, MF, TLFS, SRO**
243(2)	The function pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:	CEO	**DCC, MF, TLFS, SRO**
243(2)(a)	in a manner and form approved by the Registrar-General; and		
243(2)(b)	accompanied by		
243(2)(b)(i)	any surveys of the land and other materials that the Registrar-General may reasonably require; and		
243(2)(b)(ii)	a fee fixed by the Registrar-General		
Section 245A	**Council May Require Bond or Other Security in Certain Circumstances**		
245A(1)	Subject to Section 245A of the Act, if,	CEO	**DCGD, MDRS, TLDS, TLCS,**
245A(1)(a)	a person has approval to carry out development under the *Planning, Development and Infrastructure Act 2016*, and		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
245A(1)(b)	the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.		**DCWP, MAM, STE**
Section 246	**Power to Make By-Laws**		
246(4a)	The duty pursuant to Section 246(4a) of the Act, if a council makes a determination for application areas under by-laws, to give public notice of the determination.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
Section 249	**Passing By-Laws**		
249(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 function pursuant to Section 249(1) of the Act to make copies of the proposed by law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with section 132(1).	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
249(4)	Before the Council makes a by-law, the function pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
249(4)(a)	the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and		
249(4)(b)	the by-law is not in conflict with the Act.		
249(5)	The function pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
249(7)	The duty pursuant to Section 249(7) of the Act to give public notice of the making of a by-law.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
Section 250	**Model By-Laws**		
250(5)	The function pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
250(7)	The duty pursuant to Section 250(7) of the Act to give public notice of the adoption of a model by-law or alteration under this section.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
Section 252	**Register of By-Laws and Certified Copies**		
252(1) and (2)	The function pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
252(5)	The function pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	CEO	**DCGD, MDRS, TLCS, DCC, MCS, TLG**
Section 254	**Power to Make Orders**		
254(1)	The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12 of the Act, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP,**

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
			MAM, TLCM, TOCM
Section 255	**Procedures to be Followed**		
255(1)	The function pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 of the Act (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing—	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(1)(a)	stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and		
255(1)(b)	stating the reasons for the proposed action; and		
255(1)(c)	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).		
255(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 function pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(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—	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(3)(a)	to make an order in accordance with the terms of the original proposal; or		
255(3)(b)	to make an order with modifications from the terms of the original proposal; or		
25(3)(c)	to determine not to proceed with an order.		
255(5)	The power pursuant to Section 255(5) of the Act to—	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP,**
255(5)(a)	include two or more orders in the same instrument;		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
255(5)(b)	direct two or more persons to do something specified in the order jointly.		**MAM, TLCM, TOCM**
255(6)	The function pursuant to Section 255(6) of the Act to ensure that the order—	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(6)(a)	subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and		
255(6)(b)	states the reasons for the order		
255(7)	The function pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(8)	If an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(11)	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	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(12)	Pursuant to Section 255(12) of the Act to If the Delegate, in the circumstances of a particular case, considers—	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
255(12)(a)	that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or		
255(12)(b)	that an emergency situation otherwise exists,		

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
	the Council may:		
255(12)(c)	proceed immediately to make an order under this Section without giving notice under Section 255(1) of the Act; and		
255(12)(d)	require immediate compliance with an order despite Section 255(6)(a) of the Act.		
Section 256	**Rights of Review**		
256(1) and (2)	The function pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 of the Act includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
Section 257	**Action on Non-Compliance**		
257(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	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
257(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	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
257(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	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, MF, TLFS**

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
257(5)	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—	CEO	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, MF, TLFS**
257(5)(a)	the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and		
257(5)(b)	if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6 of the Act, to impose a charge over the land for the unpaid amount, together with interest.		
Section 259	**Councils to Develop Policies**		
259(1)	The power pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning order making (**Orders Policy**).	CEO (limited to preparation – adoption remains with Council)	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, DCS, TLG**
259(2)	The power pursuant to Section 259(2) of the Act to—	CEO	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, DCS, TLG**
259(2)(a)	prepare a draft of an Orders Policy; and		
259(2)(b)	The duty pursuant to Section 259(2)(b) of the Act to undertake public consultation.		
259(3)	The function pursuant to Section 259(3) of the Act to consider any submission made on the proposed Orders Policy in response to an invitation under Section 259(2) of the Act.	CEO	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, DCS, TLG**
259(4)	The power to amend the Orders Policy at any time, pursuant to Section 259(4) of the Act.	Not Delegated	

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
259(5)	The function pursuant to Section 259(5) of the Act before adopting an amendment to the Orders Policy, to take the steps specified in Section 259(2) and (3) of the Act (as if the amendment were a new policy), unless the Delegate determines the amendment is only of minor significance.	CEO	**DCGD, MDRS, TLCS, DCWP, MAM, DCC, DCS, TLG**
259(8)	The function pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the function to take into account any relevant policy under Division 3 of Part 2 of Chapter 12 of the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM, TLCM, TOCM**
Section 260	**Appointment of Authorised Persons**		
260(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	**Nil**
260(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	**Nil**
260(3)	The power pursuant to Section 260(3) of the Act to issue to an authorised person an identity card—	CEO	**DCGD, MDRS, TLCS, DCC, DCS, TLG**
260(3)(a)	containing a photograph of the authorised person; and		
260(3)(b)	identifying any conditions or limitations imposed under Section 260(2) of the Act.		
260(5)	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	**Nil**
Section 262A	**Complaints**		
262A(3)	The power pursuant to Section 262A(3) of the Act to deal with a complaint in accordance with the Council's behavioural management policy.	CEO	**Nil**

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STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section262B	**Behavioural Management Policy**		
262B(1)	The power pursuant to section 262B(1) of the Act to prepare and adopt a behavioural management policy.	CEO (limited to preparation, adoption remains with Council)	**DCC, MCS, TLG**
Section 270	**Procedures for Review of Decisions and Requests for Services**		
270(a1)	The power pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:	CEO (limited to preparation, adoption remains with Council)	**DCC, MCS, TLG**
270(a1)(a)	any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and		
270(a1)(b)	complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.		
270(a2)	The power and function pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:	CEO	**DCC, MCS, TLG**
270(a2)(a)	dealing with the relevant requests or complaints in a timely, effective and fair way; and		
270(a2)(b)	using information gained from the Council's community to improve its services and operations.		
270(1)	Without limiting Sections 270(a1) and (a2) of the Act, the power and function pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:	CEO	**DCC, MCS, TLG**
270(1)(a)	the Council;		
270(1)(b)	employees of the Council;		
270(1)(c)	other persons acting on behalf of the Council,		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
270(2)	The function pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant) -	CEO	**DCC, MCS, TLG**
270(2)(a)	the manner in which an application for review may be made;		
270(2)(b)	the assignment of a suitable person to reconsider a decision under review;		
270(2)(c)	the matters that must be referred to the Council itself for consideration or further consideration;		
270(2)(ca)	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;		
270(2)(d)	the notification of the progress and outcome of an application for review;		
270(2)(e)	the timeframes within which notifications will be made and procedures on a review will be completed.		
270(3a)	The power pursuant to Section 270(3a) of the Act to, as the Delegate thinks fit, reduce, waive or refund (in whole or part) the fee under Section 270(3) of the Act.	CEO	**DCC**
270(4)	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—	CEO	**DCC, MCS, TLG**
270(4)(a)	the application was made by an employee of the Council and relates to an issue concerning his or her employment; or		
270(4)(b)	it appears that the application is frivolous or vexatious; or		
270(4)(c)	the applicant does not have a sufficient interest in the matter;		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
270(4)(d)	the Council or Delegate or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.		
270(6)	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.	Not delegated	
270(8)	The power and function pursuant to Section 270(8) of the Act to, on an annual basis, initiate a report that relates to—	CEO	**DCC, MCS, TLG**
270(8)(a)	the number of applications for review made under Section 270; and		
270(8)(b)	the kinds of matters to which the applications relate; and		
270(8)(c)	the outcome of applications under this Section; and		
270(8)(d)	such other matters as may be prescribed by the Regulations		
270(9)	The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	CEO	**DCC, MF, TLFS, SRO**
Section 271	**Mediation, Conciliation and Neutral Evaluation**		
270(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	**DCC, MCS, TLG**
270(2)	The function pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	CEO	**DCC, MCS, TLG**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 271A	**Provision of Information to Minister**		
271A	The power and function, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	CEO	**DCC, DCSCC, DCWP, DCGD**
271A(3)	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	**DCC, MCS, TLG, DCSCC, DCWP, DCGD**
271A(3)(a)	the information was given to the Council in confidence; or		
271A(3)(b)	is held on a confidential basis under Chapter 6 Part 4.		
Section 272	**Minister May Refer Investigation of Council to Ombudsman**		
272(3)	The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	CEO	**Nil**
272(5)	The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	CEO	**Nil**
Section 273	**Action on Report**		
273(3)	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	**Nil**
Section 275	**Action on a Report**		
275(2)	The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	CEO	**Nil**
Section 276	**Special Jurisdiction**		
276(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—	Not Delegated	

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
276(1)(a)	proceedings to try the title of a member to an office;		
276(1)(b)	proceedings to try the right of a person to be admitted or restored to an office;		
276(1)(c)	proceedings to compel restoration or admission;		
276(1)(d)	proceedings to compel the Council to proceed to an election, poll or appointment;		
276(1)(e)	proceedings to try the validity of a rate or service charge;		
276(1)(f)	proceedings to try the validity of a by-law;		
276(1)(g)	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.		
Section 279	**Service of Documents by Councils etc**		
279(1)	Where a document is required or authorised to be served on or given to a person by the Council, the power and function to effect service in accordance with and pursuant to Section 279 of the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, DCSCC, DCC**
Section 281	**Recovery of Amounts from Lessees or Licensees**		
281(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	**DCWP, DCGD, DCSCC, DCC, MF**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 282	**Ability of Occupiers to Carry out Works**		
282(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	**DCWP, MAM, MPMOPD, DCGD, MDRS, DCSCC, MCRP, TLCD, DCC, MF**
Section 294	**Power to Enter and Occupy Land in Connection with an Activity**		
294(1a)	The function pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours' notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	CEO	**DCWP, PDO, MAM, TLCM**
294(3)	The function pursuant to Section 294(3) of the Act –	CEO	**DCWP, MAM MPMOPD**
294(3)(a)	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		
294(3)(b)	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		
294(3)(c)	within 6 months of ceasing to occupy the land:		
294(3)(c)(i)	remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and		
294(3)(c)	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;		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
294(5)	The function pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	CEO	**DCWP, MPMOPD, MAM**
Section 296	**Reclamation of Land**		
296(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	**DCWP, MPMOPD, MAM, DCC, MF**
296(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	**DCWP, DCC, MF, TLFS, SRO**
296(3)	The function pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	CEO	**DCC, MF, TLFS, SRO**
296(5)	The function pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1 of Chapter 10 of the Act.	CEO	**DCC, MF, TLFS, SROP**
Section 297	**Property in Rubbish**		
297	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	**DCWP, MAM, TLCM, TOCM**
Section 298	**Power of Council to Act in Emergency**		
298(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	**DCWP, MAM, TLCM, TOCM, DCC, MCS**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Section 300	**Costs of Advertisements**		
300(1)	The function pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	CEO	**DCSCC, MCSE, DCC, MF, TLFS**
Schedule 1A Clause 13	**Use of Facilities**		
13	The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	CEO	**DCWP, DCGD, DCC, DCSCC**
Schedule 1A Clause 17	**Preparation of Stormwater Management Plans by Councils**		
17(1)	The function pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan —	CEO	**DCWP**
17(1)(a)	complies with the guidelines issued by the Authority; and		
17(1)(b)	is prepared in consultation with the relevant regional NRM board or boards; and		
17(1)(c)	is prepared in accordance with any other procedures or requirements prescribed by the Regulations.		
Schedule 1A Clause 20	**Authority May Issue Order**		
20(5)	The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	CEO	**DCWP**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
20(6)	The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).	CEO	**DCWP**
Schedule 1A **Clause 24**	**Special Powers in Relation to Land**		
24(1)	The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1A of the Act, to—	CEO	**DCWP, MPMOPD**
24(1)(a)	enter and occupy any land; and		
24(1)(b)	construct, maintain or remove any infrastructure; and		
24(1)(c)	excavate any land; and		
24(1)(d)	inspect, examine or survey any land and for that purpose—		
24(1)(d)(i)	fix posts, stakes or other markers on the land; and		
24(1)(d)(ii)	dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and		
24(1)(d)(iii)	remove samples for analysis; and		
24(1)(e)	alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and		
24(1)(f)	hold water in a watercourse or lake or by any other means; and		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
24(1)(g)	divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and		
24(1)(h)	deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and		
24(1)(i)	undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and		
24(1)(j)	undertake any other activity of a prescribed kind.		
24(1)(k)	undertake any other activity of a prescribed kind.		
24(2)(b)	The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	CEO	**DCWP, MPMOPD**
Schedule 1A Clause 25	**Entry and Occupation of Land Other Than Council Land**		
25(2)	The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	CEO	**DCWP, MPMOPD**
25(3)	The power pursuant to Clause 25(3) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the Delegate considers is reasonable in the circumstances.	CEO	**DCWP, MPMOPD**
Schedule 1A Clause 26	**Vesting of Infrastructure, etc**		
26(3)	The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	CEO	**DCWP**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Schedule 1B **Clause 2**	**Building Upgrade Agreement**		
2(1)	The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:	CEO	**Nil**
2(1)(a)	the building owner agrees to undertake upgrade works in respect of the building; and		
2(1)(b)	a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and		
2(1)(c)	the Council agrees:		
2(1)(c)(i)	to levy a charge on the relevant land (a *building upgrade charge*), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and		
2(1)(c)(ii)	to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).		
2(3)	The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.	CEO	**Nil**
2(4)	The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.	CEO	**Nil**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Schedule 1B Clause 4	**Variation or Termination of Agreement**		
4	The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.	CEO	**Nil**
Schedule 1B Clause 5	**Contents of Agreement**		
5(1)	The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:	CEO	**Nil**
5(1)(a)	the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and		
5(1)(b)	the amount of money to be advanced by the finance provider under the agreement; and		
5(1)(c)	the amount of the building upgrade charge to be levied by the Council under the agreement; and		
5(1)(d)	the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and		
5(1)(e)	the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and		
5(1)(f)	any prescribed matters.		
5(2)	The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	CEO	**Nil**
5(2)(a)	provide for the early repayment of any amount payable under the agreement; and		
5(2)(b)	include and agree to other provisions.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
Schedule 1B **Clause 6**	**Declaration of Building Upgrade Charge**		
6(1)	The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).	CEO	**Nil**
6(2)	The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:		
6(2)(a)	the name and address of the building owner; and		
6(2)(b)	a description of the relevant land in respect of which the building upgrade charge is being levied; and		
6(2)(c)	the building upgrade agreement under which the building upgrade charge is being levied; and		
6(2)(d)	the amount for which the building owner is liable; and		
6(2)(e)	the manner of payment of the amount; and		
6(2)(f)	the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and		
6(2)(g)	the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and		
6(2)(h)	any prescribed matters.		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
6(4)	The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	CEO	**Nil**
Schedule 1B Clause 7	**Payment of Building Upgrade Charge**		
7(2)	The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	CEO	**Nil**
7(3)	The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	CEO	**Nil**
7(3)(a)	hold that money on behalf of the finance provider pending payment to the finance provider; and		
7(3)(b)	pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.		
Schedule 1B Clause 9	**Sale of Land for Non-Payment of Building Upgrade Charge**		
9(1)	The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations	CEO	**Nil**
9(2)	The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:	CEO	**Nil**
9(2)(a)	firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;		

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
9(2)(b)	secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);		
9(2)(c)	thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;		
9(2)(d)	fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;		
9(2)(e)	fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;		
9(2)(f)	sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;		
9(2)(g)	seventhly – in payment to the owner of the land.		
9(3)	The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.	CEO	**Nil**
Schedule 1B **Clause 10**	**Repayment of Advances to Finance Provider**		
10(2)	The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:	CEO	**Nil**
10(2)(a)	adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and		
10(2)(b)	give the building owner written notice of the adjustment.		
10(3)	The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:	CEO	**Nil**

LOCAL GOVERNMENT ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB-DELEGATION**
10(3)(a)	the building owner has made payment in respect of the charge in excess of the adjusted amount; and		
10(3)(b)	the excess amount has been paid by the Council to the finance provider,		
10(3)(d)	to refund the building owner the excess amount paid.		
Schedule 1B **Clause 13**	**Register of Building Upgrade Agreements**		
13(1)	The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	CEO	**Nil**
13(3)	the power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	CEO	**Nil**

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Schedule 1B	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the *Local Government Act 1999*, be subdelegated by the Chief Executive Officer.

LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) REGULATIONS 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 8	**Sale of Land for Non-Payment of Building Upgrade Charge**		
8(a)	The power under regulation 8 of the *Local Government (Building Upgrade Agreements) Regulations 2017* (**the Regulations**), before the Council sells the relevant land to send a notice to the building owner stating:	CEO	**DCC, MF**
8(a)(i)	the amount for which the building owner is liable;		
8(a)(ii)	the period for which that amount has remained unpaid;		
8(a)(iii)	that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Council may allow), the council intends to sell the land for non-payment.		
8(b)	The power under regulation 8 to send a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the *Local Government Act 1999:*	CEO	**DCC, MF**
8(b)(i)	to any ratepayer in respect of the relevant land (other than the building owner);		
8(b)(ii)	and any registered mortgagee of the land.		
8(c)	The power, if a Council considers that it is unlikely that a notice sent under paragraph (a) or (b) would come to the attention of the person to whom it is sent, the Council may effect service of the notice by:	CEO	**DCC, MF**
8(c)(i)	placing a copy of the notice in a newspaper circulating throughout the State;		
8(c)(ii)	leaving a copy of the notice in a conspicuous place on the relevant land.		
8(d)	If the amount specified in the notice is not paid in full, within the time allowed, the power under regulation 8 of the Regulations, where the requirements under the Regulations are met, to proceed to have the relevant land sold and;	CEO	**Nil**
8(e)	set a reserve price for the sale of land by auction;	CEO	**DCC, MF**

LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) REGULATIONS 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
8(f)	advertise, on at least 2 separate occasions, the auction in a newspaper circulating throughout the State;	CEO	**DCC, MF**
8(g)	cancel an auction, if the amount specified in the notice and the costs incurred by Council are paid to Council before the date of the auction;	CEO	**DCC, MF**
8(h)	if, the auction fails, to sell the land by private contract.	CEO	**DCC, MF**

APPENDIX 26

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ELECTIONS 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LOCAL GOVERNMENT ELECTIONS ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 4	**Preliminary**		
4(2)(d)	The power pursuant to Section 4(2)(d) to fix a day for poll	CEO	**Nil**
Section 8	**Failure or Avoidance of Supplementary Election**		
8(1)	The power pursuant to Section 8(1) to appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void.	Not Delegated	
8(1a)	The power pursuant to Section 8(1a) to appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled.	Not Delegated	
Section 9	**Council May Hold Polls**		
9(1)	The power pursuant to Section 9(1) to hold a poll.	Not Delegated	
9(3)	The power pursuant to Section 9(3) to fix a day as polling day for a poll by notice published on the Council website.	CEO	**Nil**
9(4)	The power pursuant to Section 9(4) to fix a day as the day on which the voters roll for the purposes of the poll closes.	CEO	**Nil**

LOCAL GOVERNMENT ELECTIONS ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 12	**Responsibilities of Returning Officers and Councils**		
12(b)	The power pursuant to Section 12(b) to provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area.	CEO	**DCC, MCS, TLG**
Section 13A	**Information, Education and Publicity for General Election**		
13A(2)(a)	The function pursuant to Section 13A(2)(a) to inform potential electors in the Council area of the requirement to apply to be enrolled in the voters roll in accordance with the community engagement charter	CEO	**DCC, MCS, TLG**
13A(2)(b)	The function pursuant to Section 13A(2)(b) to arrange advertising informing potential electors in the Council area of the requirements to be enrolled on the voters roll.	CEO	**DCC, MCS, TLG**
Section 55	**Computer Counting**		
55(1)	The power pursuant to Section 55(1) to participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll.	CEO	**DCC, MCS, TLG**
Section 70	**Procedure upon Petition**		
70(3)	The power pursuant to Section 70(3) to contest a petition to the Court by lodging a reply	CEO	**Nil**
Section 75	**Participation of Council in Proceedings**		
75(1)(a)	The power pursuant to Section 75(1)(a) to participate in proceedings as a party pursuant to an order of the Court	CEO	**Nil**
75(1)(b)	The power pursuant to Section 75(1)(b) Apply to intervene in proceedings.		

LOCAL GOVERNMENT ELECTIONS ACT 1999			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
75(3)	The power pursuant to Section 75(3) to intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs.	CEO	**Nil**
Section 91A	**Conduct of Council During Election Period**		
91A(1)	The power pursuant to Section 91A(1) prepare and adopt a caretaker policy.	CEO (limited to preparation – adoption remains with Council)	**DCC, MCS, TLG**
91A(3)	The power pursuant to Section 91A(3) to apply in writing for an exemption from the prohibition against making a designated decision during an election period.	CEO	**Nil**

APPENDIX 27

INSTRUMENT OF DELEGATION UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 12	**Authorised Officers**		
12(3)	The power pursuant to Section 12(3) of the *Local Nuisance and Litter Control Act 2016* (**the Act**), to appoint:	CEO	**Nil**
12(3)(a)	specified officers or employees of the Council; or		
12(3)(b)	a specified class of officers or employees of the Council,		
	to be authorised officers for the purposes of the Act.		
12(4)(a)	The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	CEO	**Nil**
12(6)	The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	CEO	**Nil**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 13	**Identity Cards**		
13(2)	The function pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:	CEO	**DCGD, MDRS, DCC, MCS, TLG**
13(2)(a)	containing the person's name and a recent photograph of the person; and		
13(2)(b)	stating that the person is an authorised officer for the purposes of the Act; and		
13(2)(c)	specifying the name of the Council.		
13(3)	The function pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	CEO	**DCC, MCS, TLG**
Section 15	**Limit of Area of Authorised Officers Appointed by Councils**		
15(a)	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	CEO	**Nil**
Section 16	**Provisions Relating to Seizure**		
16(1)(a)	The function pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act. unless the Minister or Council, on application, authorises its release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the Minister or Council thinks fit.	CEO	**DCGD, MDRS, TLCS, GI, APO**
16(1)(e)	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	CEO	**DCGD, MDRS, TLCS, GI, APO**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
16(1)(f)	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 19	**Exemptions from Application of Section 18**		
19(1)	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	CEO	**DCGD, MDRS, TLCS**
19(2)	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	CEO	**DCGD, MDRS, TLCS**
19(3)	The power pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	CEO	**DCGD, MDRS, TLCS**
19(3)(a)	there are exceptional circumstances that justify the making of the declaration; and		
19(3)(b)	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.		
19(4)	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:	CEO	**DCGD, MDRS, TLCS**
19(4)(a)	the permitted times or periods of time for carrying on the activity; or		
19(4)(b)	the manner of carrying on the activity.		
19(5)	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	CEO	**DCGD, MDRS, TLCS**
19(7)	The function pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 22	**Disposing of Litter**		
22(3)(a)(i)	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	CEO	**DCGD, MDRS, DCWP, MAM**
22(3)(a)(ii)	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.		
Section 26	**Liability of Vehicle Owners**		
26(3)	The function pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:	CEO	**DCGD, MDRS, TLCS, GI, APO**
26(3)(a)	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or		
26(3)(b)	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).		
26(4)	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	CEO	**DCGD, MDRS, TLCS, GI, APO**
26(5)	The function pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:	CEO	

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
26(5)(a)	setting out particulars of the alleged principal offence; and		**DCGD, MDRS, TLCS, GI, APO**
26(5)(b)	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).		
26(9)	The function pursuant to Section 26(9) of the Act, if:	CEO	**DCGD, MDRS, TLCS, GI, APO**
26(9)(a)	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or		
26(9)(b)	proceedings are commenced against such a person,		
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.		
26(10)	The function pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 29	**Notification of EPA of Serious or Material Environmental Harm**		
29	The function pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	CEO	**DCGD, MDRS, TLCS**
Section 30	**Nuisance and Litter Abatement Notices**		
30(1)(a)	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	CEO	**DCGD, MDRS, TLCS, GI, APO**
30(1)(b)	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.		

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
30(2)	The function pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:	CEO	**DCGD, MDRS, TLCS, GI, APO**
30(2)(a)	is in the form of a written notice served on the person to whom it is issued; and		
30(2)(b)	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and		
30(2)(c)	specifies the purpose for which it is issued; and		
30(2)(d)	may direct two or more persons to do something specified in the notice jointly; and		
30(2)(e)	impose a requirement that the person do one or more of the following:		
30(2)(e)(i)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;		
30(2)(e)(ii)	not carry on a specified activity except at specified times or subject to specified conditions;		
30(2)(e)(iii)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;		
30(2)(e)(iv)	furnish to the Council specified results or reports within a specified period;		
30(2)(e)(v)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;		
30(2)(e)(vi)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;		
30(2)(e)(vii)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;		

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
30(2)(e)(viii)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and		
30(2)(f)	May in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:		
30(2)(f)(i)	preventing the escape of litter from business premises; or		
30(2)(f)(ii)	specified area (not exceeding 100 metres) around business premises free from litter; and		
30(2)(g)	impose any other requirement prescribed by regulation; and		
30(2)(h)	ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.		
30(3)	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	CEO	**DCGD, MDRS, TLCS, GI, APO**
30(4)	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:	CEO	**DCGD, MDRS, TLCS, GI, APO**
30(4)(a)	the owner or occupier of the premises; or		
30(4)(b)	a person who has the management or control of the premises; or		
30(4)(c)	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.		
30(6)	The function pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	CEO	**DCGD, MDRS, TLCS, GI, APO**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
30(8)	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 31	**Action on Non-compliance with Notice**		
31(1)	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	CEO	**DCGD, MDRS, TLCS, GI, APO**
31(2)	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	CEO	**DCGD, MDRS, TLCS, GI, APO**
31(3)	The function pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	CEO	**DCGD, MDRS, TLCS, GI, APO**
31(5)	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	**DCGD, MDRS, TLCS, GI, APO**
31(6)	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	CEO	**DCGD, MDRS, TLCS, GI, APO**
Section 33	**Civil Remedies**		
31(1)	The power pursuant to Sections 33(1) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
31(1)(a)	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;		
31(1)(b)	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;		
31(1)(c)	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;		
31(1)(d)	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;		
31(1)(e)	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;		
31(1)(g)	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.		
33(6)	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	CEO	**DCGD, MDRS, TLCS**
33(8)	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
33(9)	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	CEO	**DCGD, MDRS, TLCS**
33(10)	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	CEO	**DCGD, MDRS, TLCS**
33(11)	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	CEO	**DCGD, MDRS, TLCS**
33(14)	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	CEO	**DCGD, MDRS, TLCS**
33(19)	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	CEO	**DCGD, MDRS, TLCS**
Section 34	**Minister or Council May Recover Civil Penalty in Respect of Contravention**		
34(1)	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	CEO	**DCGD, MDRS, TLCS**
34(2)	The function pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO	**DCGD, MDRS, TLCS**
34(3)	The function pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
34(3)(a)	unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or		
34(3)(b)	if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.		
34(4)	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	**DCGD, MDRS, TLCS**
34(5)	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	CEO	**DCGD, MDRS, TLCS**
34(8)	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	CEO	**DCGD, MDRS, TLCS**
34(13)	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	CEO	**DCGD, MDRS, TLCS**
Section 40	**Statutory Declaration**		
40	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	CEO	**DCGD, MDRS, TLCS, GI, APO**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 45	**Orders in Respect of Contraventions**		
45(1)	The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:	CEO	**DCGD, MDRS, TLCS**
45(1)(a)	an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;		
45(1)(b)	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;		
45(1)(c)(i)	an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);		
45(1)(c)(ii)	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.		
45(2)	The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	**DCGD, MDRS, TLCS**
45(5)	The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	CEO	**DCGD, MDRS, TLCS**
Section 48	**Recovery of Administrative and Technical Costs Associated with Contraventions**		
48(1)	The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:	CEO	**DCGD, MDRS, TLCS**
48(1)(a)	has taken action to:		

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
48(1)(a)(i)	investigate the contravention; or		
48(1)(a)(ii)	issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or		
48(1)(a)(iii)	ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or		
48(1)(b)	has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses, to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.		
48(2)	The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	CEO	**DCGD, MDRS, TLCS**
48(3)	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:	CEO	**DCGD, MDRS, TLCS**
48(3)(a)	extend the time for payment of an amount payable in accordance with the notice; or		
48(3)(b)	waive payment of such an amount or reduce the amount payable.		
48(6)	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	CEO	**DCGD, MDRS, TLCS, DCD, MF**
Section 49	**Assessment of Reasonable Costs and Expenses**		
49	The function pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 50	**Evidentiary Provisions**		
50(4)	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:	CEO	**DCGD, MDRS, TLCS**
50(4)(a)	the appointment or non-appointment of a person as an authorised officer under the Act; or		
50(4)(b)	a delegation or authority under the Act; or		
50(4)(c)	a notice, requirement or direction of the Council or an authorised officer under the Act; or		
50(4)(e)	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.		
50(5)	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	CEO	**DCGD, MDRS, TLCS**

LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 6	**Exemptions from Application of Section 18**		
6(1)(a)(ii)	The power pursuant to Regulation 6(1)(a)(ii) of the *Local Nuisance and Litter Control Regulations 2017* (**the Regulations**) to:	CEO	**DCGD, MDRS, TLCS**
6(1)(a)(ii)(A)	fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and		
6(1)(a)(ii)(B)	to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.		
6(2)	The power pursuant to Regulation 6(2) of the *Local Nuisance and Litter Control Regulations 2017* (the Regulations) to refuse to consider an application lodged pursuant to Section 19(2) of the Act if the application is not lodged as required by Regulation 6(1)(a)(ii) of the Regulations.	CEO	**DCGD, MDRS, TLCS**
Regulation 13	**Action on Non-Compliance with Notice**		
13(2)	The power pursuant to Regulation 13(2)(a) of the Regulations, to	CEO	**DCGD, MDRS, TLCS**
13(2)(a)	for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General;		
13(2)(a)(i)	setting out the amount recoverable under Section 31 of the Act; and		
13(2)(a)(ii)	setting out the land in relation to which the relevant action was taken; and		
13(2)(a)(iii)	requesting the Registrar-General to make a notation under Regulation 13(2) in relation to the relevant land.		
13(2)(f)	The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.	CEO	**DCGD, MDRS, TLCS, DCC, MF**

LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
13(3)	The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling a charge under Regulation 13 from the owner of the land in accordance with Section 144 of the *Local Government Act 1999*.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Regulation 15	**Payment of Fees by Instalments**		
15(1)	The power pursuant to Regulation 15(1) of the Regulations to allow the payment of a fee in instalments	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Regulation 16	**Waiver or Refund of Fees**		
16	The power pursuant to Regulation 16 to waive or refund a fee or other amount payable under the Act or Regulations.	CEO	**DCGD, MDRS, TLCS, DCC, MF**
Regulation 17	**Recovery of Fees**		
17	The power pursuant to Regulation 17 to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.	CEO	**DCGD, MDRS, TLCS, DCC, MF**

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APPENDIX 28A

INSTRUMENT A

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

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

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 5	**Planning Regions and Greater Adelaide**		
5(5)(b)	The power pursuant to Section 5(5)(b) of the *Planning, Development and Infrastructure Act 2016* (**the PDI Act**) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	Not delegated	
Section 6	**Subregions**		
6(3)(b)	The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.	Not delegated	

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 22	**Functions**		
22(4)(a)(i)	The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	Not delegated	
Section 35	**Planning Agreements**		
35(1)(a)	The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (**a planning agreement**) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.	Not delegated	
35(3)	The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	Not delegated	
35(3)(a)	the setting of objectives, priorities and targets for the area covered by the agreement; and		
35(3)(b)	the constitution of a joint planning board including, in relation to such a board:		
35(3)(b)(i)	the membership of the board, being between 3 and 7 members (inclusive); and		
35(3)(b)(ii)	subject to Section 35(4) of the PDI Act, the criteria for membership; and		
35(3)(b)(iii)	the procedures to be followed with respect to the appointment of members; and		
35(3)(b)(iv)	the terms of office of members; and		
35(3)(b)(v)	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and		
35(3)(b)(vi)	the appointment of deputy members; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
35(3)(b)(vii)	the procedures of the board; and		
35(3)(c)	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and		
35(3)(d)	the staffing and other support issues associated with the operations of the joint planning board; and		
35(3)(e)	financial and resource issues associated with the operations of the joint planning board, including:		
35(3)(e)(i)	the formulation and implementation of budgets; and		
35(3)(e)(ii)	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and		
35(3)(f)	such other matters as the delegate thinks fit		
35(5)(a)	The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	Not delegated	
35(5)(b)	The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.		
Section 44	**Community Engagement Charter**		
44(6)(a)	The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	CEO	**DCGD, MDRS, TLDS, SPP**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
44(9)(b)	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	CEO	**DCGD, MDRS, TLDS, SPP**
44(10)	The power pursuant to Section 44(10) of the PDI Act to acting with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter (including a mandatory requirement or a requirement prescribed by the regulations) if the Commission is satisfied that the alternative way is at least effective in achieving public consultation as the requirement under the charter.	CEO	**DCGD, MDRS, TLDS, SPP**
Section 45	**Preparation and Amendment of Charter**		
45(2)(c)	The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.	CEO	**DCGD, MDRS, TLDS**
Section 73	**Preparation and Amendment**		
73(6)	The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:	CEO	**DCGD, MDRS, TLDS, SPP**
73(6)(a)	to prepare a draft of the relevant proposal; and		
73(6)(b)	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and		
73(6)(c)	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and		
73(6)(d)	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:		
73(6)(d)(i)	an owner or occupier of the land; and		
73(6)(d)(ii)	an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and		
73(6)(e)	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and		
73(6)(f)	to carry out such investigations and obtain such information specified by the Commission; and		
73(6)(g)	to comply with any requirement prescribed by the regulations.		
73(8)	The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.	CEO	**DCGD, MDRS, TLDS, SPP**
73(9)	The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).	CEO	**DCGD, MDRS, TLDS, SPP**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 74	**Parliamentary Scrutiny**		
74(8)(c)	The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	CEO	**DCGD, MDRS, TLDS, SPP**
Section 83	**Panels Established by Joint Planning Boards or Councils**		
83(1)	The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:	Not Delegated	
83(1)(a)	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;		
83(1)(b)	determine:		
83(1)(b)(i)	the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and		
83(1)(b)(ii)	the procedures to be followed with respect to the appointment of members; and		
83(1)(b)(iii)	the terms of office of members; and		
83(1)(b)(iv)	conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and		
83(1)(b)(v)	the appointment of deputy members; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
83(1)(b)(vi)	who will act as the presiding member of the panel and the process for appointing an acting presiding member.		
83(1)(h)	The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.		
83(1)(i)	The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.		
83(2)	The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	Not Delegated	
Section 86	**Substitution of Local Panels**		
86(2)(a)	The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	CEO	**DCGD, MDRS**
Section 89	**Notification of Acting**		
89(b)	The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	CEO	**DCGD, MDRS, TLDS**
Section 102	**Matters Against which Development Must be Assessed**		
102(1)(c)(iv)	The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the *Community Titles Act 1996* or the *Strata Titles Act 1988*) where land is to be vested in the Council, to consent to the vesting.	CEO	**DCGD, MDRS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
102(1)(d)(iv)	The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the *Community Titles Act 1996* or the *Strata Titles Act 1988* where land is to be vested in the Council, to consent to the vesting.	CEO	**DCGD, MDRS**
102(11)(b)	The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.	CEO	**DCGD, MDRS**
Section 110	**Restricted Development**		
110(2)(b)	The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	CEO	**DCGD, MDRS, TLDS**
110(2)(c)(ii)	The power pursuant to Section 110(2)(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	CEO	**DCGD, MDRS, TLDS**
110(7)	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	CEO	**DCGD, MDRS, TLDS**
Section 112	**Level of Detail**		
112(b)	The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	CEO	**DCGD, MDRS, TLDS**
Section 130	**Essential Infrastructure – Alternative Assessment Process**		
103(6)	The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	CEO	**DCGD, MDRS, TLDS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
130(14)	The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	CEO	**DCGD, MDRS, TLDS**
Section 131	**Development Assessment – Crown Development**		
131(7)	The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
131(15)	The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	CEO	**DCGD, MDRS, TLDS**
Section 138	**Land Division Certificate**		
138(1)	The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	CEO	**DCGD, MDRS, TLDS**
138(2)	The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	CEO	**DCGD, MDRS, TLDS**
Section 141	**Action if Development Not Completed**		
141(1)	The power pursuant to Section 141(1) of the PDI Act, if:	CEO	**DCGD, MDRS, TLDS, CDO**
141(1)(a)	an approval is granted under the PDI Act; but		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
141(1)(b)(i)	the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or		
141(1)(b)(i)	in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, to apply to the Court for an order under Section 141 of the PDI Act.		
141(5)	The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
141(6)	The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:	CEO	**DCGD, MDRS, TLDS, DCC, MF**
141(6)(a)	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.		
Section 142	**Completion of Work**		
142(1)	The power pursuant to Section 142(1) of the PDI Act, if:	CEO	**DCGD, MDRS, TLDS, CDO**
142(1)(a)	an approval is granted under the PDI Act; but		
142(1)(b)	the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
142(2)	The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	CEO	**DCGD, MDRS, TLDS**
142(3)	The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
142(4)	The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:	CEO	**DCGD, MDRS, TLDS, DCC, MF**
142(4)(a)	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.		
Section 146	**Notification During Building**		
146(3)	The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
Section 151	**Classification of Buildings**		
151(2)	The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	CEO	**DCGD, MDRS, TLDS, BDO**
151(3)	The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	CEO	**DCGD, MDRS, TLDS, BDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 152	**Certificates of Occupancy**		
152(2)	The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(3)(a)	The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(3)(c)	The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.		
152(5)	The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(6)	The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(10)	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(10)(a)	the refusal; and		
152(10)(b)	the reasons for the refusal; and		
152(10)(c)	the applicant's right of appeal under the PDI Act.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
152(12)	The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
152(13)	The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
Section 153	**Temporary Occupation**		
153(1)	The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
153(2)	The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
153(3)	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
153(3)(a)	the refusal; and		
153(3)(b)	the reasons for the refusal; and		
153(3)(c)	the applicant's right of appeal under the PDI Act.		
Section 155	**Emergency Orders**		
155(5)	The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	CEO	**DCGD, MDRS, TLDS, BDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
155(6)	The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
155(7)	The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
Section 157	**Fire Safety**		
157(16)	The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act	Not Delegated	
157(17)	The power pursuant to Section 157(17) of the PDI Act to:	Not Delegated	
157(17)(a)	appoint to the appropriate authority:		
157(17)(a)(i)	a person who holds prescribed qualifications in building surveying; and		
157(17)(a)(ii)	an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and		
157(17)(a)(iii)	a person with expertise in the area of fire safety; and		
157(17)(a)(iv)	if so determined by the delegate, a person selected by the delegate;		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
157(17)(b)	specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;		
157(17)(c)	remove a member of the appropriate authority from office for any reasonable cause;		
157(17)(d)	appoint deputy members;		
157(17)(e)	determine the appropriate authority's procedures (including as to quorum).		
Section 163A	**Initiation of Scheme – Primary Infrastructure in Relation to Declared Project Area or Designated Growth Area**		
163A(1)	The power pursuant to Section 163A(1) of the Act to initiate a scheme in relation to the provision of primary infrastructure in a declared project area or designated growth area.	Not Delegated	
163A(2)	The power pursuant to Section 163A(2) of the Act to initiate a scheme by preparing a draft outline of the scheme that:	CEO	**DCGD, MPRS, DCWP, MPMOPD**
163A(2)(a)	provides information about the nature and intended scope of the primary infrastructure; and		
163A(2)(b)	identifies the proposed declared project area or designated growth area (as the case requires), being the area or areas that will benefit from the primary infrastructure to be provided under the proposed scheme; and		
163A(2)(c)	provides information about the proposed timing or staging of the various elements of the scheme (to the extent such information is known); and		
163A(2)(d)	outlines, so far as is reasonably practicable, a funding arrangement for the scheme, including whether it is proposed to impose a charge under Subdivision 7; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
163A(2)(e)	in the case of a scheme relating to a declared project—identifies any proposed amendments to the Planning and Design Code that may be made in connection with the declared project (including the provision of primary infrastructure under the scheme); and		
163A(2)(f)	identifies (to the extent possible) any primary infrastructure that might be transferred to another entity when the scheme has been completed; and		
163A(2)(g)	provides such other information as the Minister, CGO or proponent thinks fit (as the case requires).		
Section 166	**Consideration of Proposed Scheme**		
166(1)(c)	The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	Not Delegated	
Section 169	**Funding Arrangements**		
169(2)(b)	The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	Not Delegated	
169(9)	The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	Not Delegated	
Section 180	**Imposition of Charge by Councils**		
180(7)	The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
Section 187	**Authorised Works**		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
187(1)	The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	CEO	**DCGD, MDRS, TLDS**
187(5)	The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	CEO	**DCGD, MDRS, TLDS, DCWP, MAM**
187(5)(a)	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and		
187(5)(b)	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and		
187(5)(c)	ensure that proper consideration is given to the views of the road maintenance authority.		
187(6)	The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	CEO	**DCGD, MDRS, TLDS, DCWP, MAM**
Section 188	**Entry onto Land**		
188(1)	The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:	CEO	**DCGD, MDRS, TLDS, DCWP, MAM**
188(1)(a)	enter and pass over any land; and		
188(1)(b)	bring onto any land any vehicles, plant or equipment; and		
188(1)(c)	temporarily occupy land; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
188(1)(d)	do anything else reasonably required in connection with the exercise of the power.		
188(4)	The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	CEO	**DCGD, MDRS, TLDS, DCWP, MAM**
Section 192	**Land Management Agreements**		
192(1)	The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.	CEO	**DCGD, MDRS**
192(2)	The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.	CEO	**DCGD, MDRS**
192(4)	The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:	CEO	**DCGD, MDRS**
192(4)(a)	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and		
192(4)(b)	the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.		
192(5)	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.	CEO	**DCGD, MDRS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
192(8)	The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	CEO	**DCGD, MDRS**
192(9)	The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	CEO	**DCGD, MDRS**
192(10)	The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	CEO	**DCGD, MDRS**
192(11)	The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	CEO	**DCGD, MDRS**
192(12)	The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	**DCGD, MDRS**
192(15)	The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	**DCGD, MDRS**
192(16)	The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	CEO	**DCGD, MDRS**
192(17)	The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	CEO	**DCGD, MDRS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
192(18)	The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	CEO	**DCGD, MDRS**
Section 193	**Land Management Agreements – Development Applications**		
193(1)	The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:	CEO	**DCGD, MDRS**
193(1)(a)	the person; and		
193(1)(b)	any other person who has the benefit of the development authorisation; and		
193(1)(c)	the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).		
193(2)	The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).	CEO	**DCGD, MDRS**
193(3)	The power pursuant to Section 193(3) of the PDI Act to have regard to:	CEO	**DCGD, MDRS**
193(3)(a)	the provisions of the Planning and Design Code; and		
193(3)(b)	the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
193(5)	The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	CEO	**DCGD, MDRS**
193(10)	The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	CEO	**DCGD, MDRS**
193(11)	The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	CEO	**DCGD, MDRS**
193(13)	The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	**DCGD, MDRS**
193(15)	The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	**DCGD, MDRS**
193(16)	The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	CEO	**DCGD, MDRS**
Section 197	**Off-Setting Contributions**		
197(2)	The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:	Not Delegated	
197(2)(a)	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
197(2)(b)	planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or		
197(2)(c)	any other initiative or policy:		
197(2)(c)(i)	designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;		
197(2)(c)(ii)	prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.		
197(3)	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:	Not delegated	
197(3)(a)	an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):		
197(3)(a)(i)	to make a contribution to a fund established as part of the scheme; or		
197(3)(a)(ii)	to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or		
197(3)(a)(iii)	to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act in order to provide for or address a particular matter identified by the scheme; and		
197(3)(b)	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and		
197(3)(c)	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
197(4)(b)	The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.	Not delegated	
197(4)(c)	The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.		
Section 198	**Open Space Contribution Scheme**		
198(1)	The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:	CEO	**CAP, DCGD, MDRS, TLDS**
198(1)(c)	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or		
198(1)(d)	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or		
198(1)(e)	that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.		
198(4)(a)	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	CEO	**CAP, DCGD, MDRS, TLDS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
198(11)	The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	CEO	**CAP, DCGD, MDRS, TLDS**
198(12)	The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	CEO	**CAP, DCGD, MDRS, TLDS**
Section 200	**Urban Trees Fund**		
200(1)	The power pursuant to Section 200(1) of the PDI Act to seek the approval of the Minister to establish a fund (an *urban trees fund*) for an area designated by the Council (a *designated area*).	CEO	**DCGD, MDRS, TLDS, SPP**
200(2)	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	CEO	**DCGD, MDRS**
200(3)	The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	CEO	**DCGD, MDRS**
200(5)	The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	CEO	**DCGD, MDRS, DCC, MF**
200(6)	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:	CEO	**DCGD, MDRS**
200(6)(a)	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or		
200(6)(b)	to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
200(7)	The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	CEO	**DCGD, MDRS**
Section 210	**Appointment of Authorised Officers**		
210(1)	The power pursuant to Section 210(1) of the PDI Act to:	CEO	**Nil**
210(1)(a)	appoint a person to be an authorised officer for the purposes of the PDI Act; and		
210(1)(b)	appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.		
210(2)	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	CEO	**Nil**
210(3)	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	CEO	**DCGD, MDRS, DCC, MCS, TLG**
210(3)(a)	containing a photograph of the authorised officer; and		
210(3)(b)	stating any conditions of appointment limiting the authorised officer's appointment.		
210(5)	The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	CEO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 213	**Enforcement Notices**		
213(1)	The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
213(1)(a)	direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;		
213(1)(b)	direct a person to make good any breach in a manner, and within a period, specified by the delegate;		
213(1)(c)	take such urgent action as is required because of any situation resulting from the breach.		
213(2)	The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
213(3)	The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
213(6)	The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	CEO	**DCGD, MDRS, TLDS, BDO, CDO, DCC, MF**
213(7)	The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	**DCGD, MDRS, TLDS, BDO, CDO, DCC, MF**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 214	**Applications to Court**		
214(1)	The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	CEO	**DCGD, MDRS, TLDS**
214(2)	The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	CEO	**DCGD, MDRS, TLDS**
214(4)	The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
214(6)	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	CEO	**DCGD, MDRS, TLDS**
214(9)	The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	CEO	**DCGD, MDRS, TLDS**
214(10)	The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
214(11)	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	CEO	**DCGD, MDRS, TLDS**
214(12)	The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	CEO	**DCGD, MDRS, TLDS, DCC, MF**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
214(13)	The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	**DCGD, MDRS, TLDS, DCC, MF**
214(17)	The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
Section 219	**Proceedings for Offences**		
219(1)	The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	CEO	**DCGD, MDRS, TLDS**
Section 223	**Adverse Publicity Orders**		
223(2)	The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	CEO	**DCGD, MDRS, TLDS**
223(4)	The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to take the PDI Action or actions specified in the order; and authorise a person in writing to take the PDI Action or actions specified in the order.	CEO	**DCGD, MDRS, TLDS**
223(5)	The power pursuant to Section 223(5) of the PDI Act, if:	CEO	**DCGD, MDRS, TLDS**
223(5)(a)	the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
223(5)(b)	despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.		
223(6)	The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.	CEO	**DCGD, MDRS, TLDS**
Section 225	**Civil Penalties**		
225(1)	The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	CEO	**DCGD, MDRS, TLDS**
225(2)	The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO	**DCGD, MDRS, TLDS**
225(3)	The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	CEO	**DCGD, MDRS, TLDS**
225(13)	The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 228	**Make Good Order**		
228(7)	The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
Section 229	**Recovery of Economic Benefit**		
229(5)	The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	CEO	**DCGD, MDRS, DCC, MF**
Section 230	**Enforceable Voluntary Undertakings**		
230(1)	The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
230(4)	The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	CEO	**DCGD, MDRS, TLDS**
230(7)	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:	CEO	**DCGD, MDRS, TLDS**
230(7)(a)	vary the undertaking; or		
230(7)(b)	withdraw the undertaking.		
230(11)	The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	CEO	**DCGD, MDRS, TLDS**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
230(12)	The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	CEO	**DCGD, MDRS, TLDS**
Section 231	**Advertisements**		
231(1)	The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:	CEO	**DCGD, MDRS, TLDS, CDO**
231(1)(a)	disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or		
231(1)(b)	is contrary to the character desired for a locality under the Planning and Design Code, to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).		
231(3)	The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.	CEO	**DCGD, MDRS, TLDS, CDO**
Section 239	**Charges on Land**		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
239(1)	The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.	CEO	**DCGD, MDRS, DCC, MF**
239(6)	The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.	CEO	**DCGD, MDRS, DCC, MF**
Section 240	**Registering Authorities to Note Transfer**		
240(1)	The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	CEO	**DCGD, MDRS, DCC, MF, SRO**
Schedule 2 Clause 13	**Reporting**		
13(3)(b)	The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	CEO	**DCGD, MDRS**

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APPENDIX 28Aa

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 78	**Underground Main Areas**		
78(1)	The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.	CEO	**DCGD, MDRS**
78(2)	The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	CEO	**DCGD, MDRS**
Regulation 81	**Width of Roads and Thoroughfares**		
81(4)	The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	CEO	**CAP, DCGD, MDRS, TLDS**
81(5)	The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	CEO	**CAP, DCGD, MDRS, TLDS**
81(6)	The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	CEO	**CAP, DCGD, MDRS, TLDS**
Regulation 82	**Road Widening**		
82(1)	The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that	CEO	**DCGD, MDRS, TLDS**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.		
Regulation 83	**Requirement as to Forming of Roads**		
83(1)	The power pursuant to Regulation 88(3) of the Regulations to hold the security binding arrangement entered into by an applicant under this Regulation.	CEO	**CAP, DCGD, MDRS, TLDS**
83(2)	The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	CEO	**CAP, DCGD, MDRS, TLDS**
88(4)	The power pursuant to Regulation 88(4) of the Regulations to return the security to the applicant as soon as reasonably practicable after its return is requested by the applicant if—	CEO	**CAP, DCGD, MDRS, TLDS**
88(4)(a)	the council is satisfied that the condition or requirement in relation to which the arrangement was entered into has been satisfied; and		
88(4)(b)	the security has not been transferred to the relevant community corporation or strata corporation in accordance with subregulation (5).		
83(5)	The power pursuant to Regulation 88(5) Regulations, if a condition or requirement in relation to which a binding arrangement was entered into has not been satisfied before the end of the developer control period, to, after the developer control period, transfer the security to the relevant community corporation or strata corporation for the purposes of the corporation using that amount to satisfy the condition or requirement.	CEO	**CAP, DCGD, MDRS, TLDS**
83(6)	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	CEO	**CAP, DCGD, MDRS, TLDS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 84	**Construction of Roads, Bridges, Drains and Services**		
84(1)	The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	CEO	**CAP, DCGD, MDRS, TLDS**
Regulation 85	**Supplementary Provisions**		
85(1)	The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.	CEO	**CAP, DCGD, MDRS, TLDS**
85(2)	The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	CEO	**CAP, DCGD, MDRS, TLDS**
85(4)	The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation and any other water industry entity identified under regulation 79(1) in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.	CEO	**CAP, DCGD, MDRS, TLDS**
Regulation 89	**General Provisions**		
89(1)	The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
89(3)	The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:	CEO	

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
89(3)(a)(i)	be in the form of Schedule 12 and accompanied by a copy of the final approved land division plan, prepared in accordance with Schedule 8, signed and dated by a duly authorised officer of the Commission, and bearing the certification approved by the Commission for the purposes of this subparagraph; or		**DCGD, MDRS, TLDS**
89(3)(a)(ii)	be in the form of a notation on a copy of the final approved land division plan and signed and dated by a duly authorised officer of the Commission; and		
89(3)(b)	in the case of a certificate for the division of land by community plan under the *Community Titles Act 1996* or by strata plan under the *Strata Titles Act 1988*, incorporate, or be accompanied by, a certificate in a form approved by the Registrar-General from the relevant council (if any) which—		
89(3)(b)(i)	evidences any necessary consent of the council to an encroachment by a building over other land; and		
89(3)(b)(ii)	sets out— (A) the date on which any relevant building was erected (if known); and (B) the postal address of the site		
89(6)(b)	The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	CEO	**DCGD, MDRS, TLDS**
Regulation 93	**Notifications During Building Work**		
93(1)(b)	The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
93(1)(c)	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.		
Regulation 94	**Essential Safety Provisions**		
94(13)	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) and subject to Regulation 94(11) of the General Regulations if:	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
94(13)(a)	the essential safety provisions were installed		
94(13)(a)(i)	under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or		
94(13)(a)(ii)	as part of a performance solution under the Building Code; or		
94(13)(b)	the building has been the subject of a notice under Section 157 of the PDI Act.		
Regulation 102	**Classification of Buildings**		
102(3)	The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:	CEO	**DCGD, MDRS, TLDS, BDO**
102(3)(b)	such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
102(4)	The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	**DCGD, MDRS, TLDS, BDO**
102(5)	The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	CEO	**DCGD, MDRS, TLDS, BDO**
102(6)	The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:	CEO	**DCGD, MDRS, TLDS, BDO**
102(6)(a)	the maximum number of persons who may occupy the building (or part of the building); and		
102(6)(b)	if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.		
Regulation 103A	**Required Documentation**		
103A(2)(b)	The power pursuant to Regulation 103A(2)(b) of the General Regulations to, if the development has been approved subject to conditions, require such evidence as the delegate may reasonably require to show that the conditions have been satisfied	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
103A(3)	The power pursuant to Regulation 103A(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance if:	CEO	**DCGD, MDRS, TLDS, BDO, CDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
103A(3)(a)	the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and		
103A(3)(b)	it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.		
Regulation 103D	**Report from Fire Authority**		
103D(2)	The power pursuant to Regulation 103D(2) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	**DCGD, MDRS, TLDS, BDO**
103D(3)	The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority before the delegate issues a certificate of occupancy.	CEO	**DCGD, MDRS, TLDS, BDO**
Regulation 103E	**Issue of Certificate of Occupancy**		
103E(1)(b)	The power pursuant to Regulation 103E(b) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
Regulation 103F	**Revocation**		
103F	The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy:	CEO	**DCGD, MDRS, TLDS, BDO**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
103F(a)	if:		
103F(a)(i)	there is a change in the use of the building; or		
103F(a)(ii)	the classification of the building changes; or		
103F(a)(iii)	building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m^2 is about to commence, or is being or has been carried out; or		
103F(a)(iv)	the building is about to undergo, or is undergoing or has undergone, major refurbishment, and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or		
103F(b)	if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or	CEO	**DCGD, MDRS, TLDS, BDO**
103F(c)	if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or	CEO	**DCGD, MDRS, TLDS, BDO**
103F(d)	if the delegate considers:	CEO	**DCGD, MDRS, TLDS, BDO**
103F(d)(i)	that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or		
103F(d)(ii)	that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.		
Regulation 109	**Mining Production Tenements**		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT A			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
109(1)(b)	The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	CEO	**DCGD, MDRS**
Regulation 116A	**Access to Documents**		
116A(2)	The power pursuant to Regulation 116A(2) of the Regulations, to not make available any plans, drawings, specifications or other documents or information referred to in Regulation 116A(1) of the General Regulations for inspection or copying if to do so would:	CEO	**DCGD, MDRS, TLDS**
116A(2)(a)	in the opinion of the council, unreasonably jeopardise the present or future security of a building; or		
116A(2)(b)	involve an infringement of copyright in matter contained in a document; or		
116A(2)(c)	constitute a breach of any other law.		
116A(3)	The power pursuant to Regulation 116A(3) of the Regulations to charge a reasonable fee for providing copies of documents or information, unless the Minister sets a fee for that purpose by fee notice made for the purposes of the PDI Act.	CEO	**DCGD, MDRS, TLDS**

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APPENDIX 28Ab

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 5	**Calculation of Assessment of Fees**		
5(1)	The power pursuant to Regulation 5(1) of the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* (**the Fees Regulations**) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
5(1)(a)	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and		
5(1)(b)	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).		
5(2)	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
5(3)	The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	CEO	**DCGD, MDRS, TLDS, BDO, CDO**
Regulation 7	**Waiver or Refund of Fee**		
7	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	CEO	**DCGD, MDRS**
7(a)	waive the payment of the fee, or the payment of part of the fee; or		
7(b)	refund the whole or a part of the fee.		

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APPENDIX 28B

INSTRUMENT B

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

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the resolution made by the City of Prospect (the Council) on 24 September 2024 the following powers and functions provided in this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation.

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 99	**Related Provisions**		
99(2)(b)(ii)	The power pursuant to Section 99(2)(b)(ii) of the *Planning, Development and Infrastructure Act 2016* (**the PDI Act**) to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
99(3)	The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	CEO	**DCGD, MDRS, TLDS**
Section 102	**Matters Against Which Development Must be Assessed**		
102(1)	The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (**building consent**).	CEO	**DCGD, MDRS, TLDS, BDO**
102(8)	The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 118	**Building Consent**		
118(1)	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	CEO	**DCGD, MDRS, TLDS, BDO**
118(2)(a)	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	CEO	**DCGD, MDRS, TLDS, BDO**
118(2)(b)	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
118(2)(b)(i)	that:		
118(2)(b)(i)(A)	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and		
118(2)(b)(i)B)	the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or		
118(2)(b)(ii)	in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.		
118(4)	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	CEO	**DCGD, MDRS, TLDS, BDO**
118(6)	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	CEO	**DCGD, MDRS, TLDS, BDO**
118(7)	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	CEO	**DCGD, MDRS, TLDS, BDO**
118(8)	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:	CEO	**DCGD, MDRS, TLDS, BDO**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
118(8)(a)	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or		
118(8)(b)	such compliance is certified by a building certifier.		
118(10)	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification	CEO	**DCGD, MDRS, TLDS, BDO**
118(11)	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	CEO	**DCGD, MDRS, TLDS, BDO**
118(11)(a)	the variance; and		
118(11)(b)	the grounds on which the decision is being made.		
Section 119	**Application and Provision of Information**		
119(1)(b)	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(3)	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(3)(a)	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;		
119(3)(b)	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(3)(c)	to consult with an authority or body prescribed by the regulations;		
119(3)(d)	to comply with any other requirement prescribed by the regulations.		
119(6)(b)	The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(7)	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(9)	The power pursuant to Section 119(9) of the PDI Act to:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(9)(a)	permit an applicant:		
119(9)(a)(i)	to vary an application;		
119(9)(a)(ii)	to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);		
119(9)(b)	permit an applicant to lodge an application without the provision of any information or document required by the regulations;		
119(9)(c)	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(9)(d)	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
119(10)	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(12)	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
119(14)	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 120	**Outline Consent**		
120(1)	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
120(3)	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
120(3)(a)	grant any consent contemplated by the outline consent; and		
120(3)(b)	not impose a requirement that is inconsistent with the outline consent.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 122	**Referrals to Other Authorities or Agencies**		
122(1)	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, where the regulations so provide, subject to Section 122 of the PDI Act, to:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
122(1)(a)	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and		
122(1)(b)	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made		
122(5)(b)	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
122(5)(b)(i)	to refuse the application; or		
122(5)(b)(ii)	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.		
122(7)	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
122(10)	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 126	**Determination of Application**		
126(3)	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 127	**Conditions**		
127(1)	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
172(2)(c)	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 128	**Variation of Authorisation**		
128(2)(d)	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 133	**Saving Provisions**		
133(3)	The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 134	**Requirement to Up-Grade**		
134(1)	The power pursuant to Section 134(1) of the PDI Act, if:	CEO	

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
134(1)(a)	an application for a building consent relates to:		**DCGD, MDRS, TLDS, BDO**
134(1)(a)(i)	building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or		
134(1)(a)(ii)	a change of classification of a building; and		
134(1)(b)	the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.		
134(2)	The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	CEO	**DCGD, MDRS, TLDS, BDO**
134(3)	The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	CEO	**DCGD, MDRS, TLDS, BDO**
134(3)(a)	subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and		
134(3)(b)	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed		
134(4)	The power pursuant to Section 134(4) of the PDI Act if:	CEO	**DCGD, MDRS, TLDS, BDO**
134(4)(a)	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
134(4)(b)	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).		
134(5)	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:	CEO	**DCGD, MDRS, TLDS, BDO**
134(5)(a)	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and		
134(5)(b)	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.		
Section 135	**Urgent Building Work**		
135(2)(d)	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	CEO	**DCGD, MDRS, TLDS, BDO**
Section 143	**Cancellation of Development Authorisation**		
143(1)	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	CEO	**DCGD, MDRS, TLDS, BDO, PDO, AOD**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
143(2)	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Section 235	**Professional Advice to be Obtained in Relation to Certain Matters**		
135(1)	The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	CEO	**DCGD, MDRS, TLDS, BDO**
135(2)	The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	CEO	**DCGD, MDRS, TLDS, BDO**
Schedule 8 Clause 18	**Continuation of Processes**		
18(2)	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
18(2)(a)	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and		
18(2)(b)	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and		
18(2)(c)	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and		
18(2)(d)	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
18(2)(e)	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.		

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APPENDIX 28Ba

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 25	**Accredited Professionals**		
27(7)(c)	The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (**the General Regulations**) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 31	**Verification of Application**		
31(1)	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
31(1)(a)	determine the nature of the development; and		
31(1)(b)	if the application is for planning consent - determine:		
31(1)(b)(i)	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and		
31(1)(b)(ii)	the category or categories of development that apply for the purposes of development assessment; and		
31(1)(c)	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
31(1)(d)	if the relevant authority is the correct entity to assess the application (or any part of the application):		
31(1)(d)(i)	check that the appropriate documents and information have been lodged with the application; and		
31(1)(d)(ii)	confirm the prescribed fees required to be paid at that point; and		
31(1)(d)(iii)	in the case of an application for outline consent – provide notice of the determination in writing to the applicant; or		
31(1)(d)(A)	provide an appropriate notice via the SA planning portal.		
31(1)(d)(B)	if the relevant authority is not the correct entity to assess the application (or any part of the application):		
31(1)(e)(i)	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and		
31(1)(e)(ii)	provide an appropriate notice via the SA planning portal.		
Regulation 35	**Amended Applications**		
35(3)	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
35(4)	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 38	**Withdrawing/Lapsing Applications**		
38(1)	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
38(1)(a)	any agency to which the application has been referred under Division 2 of the General Regulations; and		
38(1)(b)	any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.		
38(2)	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
38(3)	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
38(3)(a)	take reasonable steps to notify the applicant of the action under consideration; and		
38(3)(b)	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 40	**Court Proceedings**		
40	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 42	**Additional Information or Amended Plans**		
42(1)	The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 45	**Building Matters**		
45(1)	The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:	CEO	**DCGD, MDRS, TLDS, BDO**
45(1)(a)	a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or		
45(1)(b)	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or		
45(1)(c)	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,. refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
45(2)	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	CEO	**DCGD, MDRS, TLDS, BDO**
45(3)	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	CEO	**DCGD, MDRS, TLDS, BDO**
45(4)	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	CEO	**DCGD, MDRS, TLDS, BDO**
45(4)(a)	recommends against the granting of building consent; or		
45(4)(b)	concurs in the granting of consent on conditions specified in its report,		
	but the delegate:		
45(4)(c)	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or		
45(4)(d)	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,		
	to:		
45(4)(e)	refer the application to the Commission; and		
45(4)(f)	not grant consent unless the Commission concurs in the granting of the consent.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
45(5)	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	CEO	**DCGD, MDRS, TLDS, BDO**
Regulation 57	**Notice of Decision (Section 126(1))**		
57(4)(a)	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 60	**Consideration of Other Development Authorisations**		
60	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 61	**Certificate of Independent Technical Expert in Certain Cases**		
61(4)(c)	The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation	CEO	**DCGD, MDRS, TLDS, BDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 65	**Variation of Authorisation (Section 128)**		
65(1)(a)	The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	CEO	**DCGD, MDRS, TLDS, BDO, PDO**
Regulation 99	**Construction Industry Training Fund**		
99(5)	The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	CEO	**DCGD, MDRS, TLDS, BDO**
Schedule 8 Clause 4	**Plans for Building Work**		
4(3)	The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:	CEO	**DCGD, MDRS, TLDS, BDO**
4(3)(a)	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
4(3)(b)	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.		

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APPENDIX 28Bb

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 – INSTRUMENT B			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 5	**Calculation or Assessment of Fees**		
5(1)	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (**the Fees Regulations**) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):	CEO	**DCGD, MDRS, BDO, PDO**
5(1)(a)	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and		
5(1)(b)	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).		
5(2)	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	CEO	**DCGD, MDRS, BDO, PDO**
5(3)	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	CEO	**DCGD, MDRS, BDO, PDO**
Regulation 7	**Waiver or Refund of Fee**		
7	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	CEO	**DCGD, MDRS**
7(a)	waive the payment of the fee, or the payment of part of the fee; or		
7(b)	refund the whole or a part of the fee.		

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APPENDIX 28C

INSTRUMENT C

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

HEAD DELEGATION

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the resolution made by the City of Prospect Council Assessment Panel (the 'CAP') on the 14 October 2024 the following powers and functions are delegated by the CAP to the person occupying the office of the Assessment Manager to the CAP ('the Delegate'). The Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation.

SUB-DELEGATION

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the decision made by the Assessment Manager of the CAP on the 14 October 2024 the following powers and functions are sub-delegated by the Assessment Manager to the person occupying the office indicated in the table below and to any person appointed to act in that position ('the Sub-Delegate'). The Sub-Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation

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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

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.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 85	**Appointment of Additional Members**		
85(1)	The power pursuant to Section 85(1) of the *Planning, Development and Infrastructure Act 2016* (**the PDI Act**) to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.	Not Delegated	
Section 94	**Relevant Authority – Commission**		
94(3)(a)	The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	MDRS (Assessment Manager)	**TLDS**
Section 99	**Relevant Provisions**		
99(1)	The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:	MDRS	**Nil**
99(1)(c)	refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or		
99(1)(d)	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 102	**Matters Against Which Development Must Be Assessed**		
102(1)	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	MDRS	**TLDS, PDO**
102(1)(a)(i)	the relevant provisions of the Planning Rules; and		
102(1)(a)(ii)	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);		
102(3)	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	MDRS	**TLDS, PDO**
102(3)(a)	until further assessment of the relevant development under the PDI Act; or		
102(3)(b)	until further assessment or consideration of the proposed development under another Act; or		
102(3)(c)	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.		
102(4)	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	MDRS	**TLDS, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 107	**Performance Assessed Development**		
107(2)(c)	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	MDRS	**TLDS, PDO**
107(3)	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	MDRS	**TLDS, PDO**
107(4)	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	MDRS	**TLDS, PDO**
Section 119	**Application and Provision of Information**		
119(1)(b)	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	MDRS	**TLDS, PDO**
119(3)	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	MDRS	**TLDS, PDO**
119(3)(a)	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;		
119(3)(b)	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;		
119(3)(c)	to consult with an authority or body prescribed by the regulations;		
119(3)(d)	to comply with any other requirement prescribed by the regulations.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(6)	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	MDRS	**TLDS, PDO**
119(6)(b)(i)	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and		
119(6)(b)(ii)	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).		
119(7)	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	MDRS	**TLDS, PDO**
119(9)	The power pursuant to Section 119(9) of the PDI Act to:	MDRS	**TLDS, PDO**
119(9)(a)	permit an applicant:		
119(9)(a)(i)	to vary an application;		
119(9)(a)(ii)	to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);		
119(9)(b)	permit an applicant to lodge an application without the provision of any information or document required by the regulations;		
119(9)(c)	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(9)(d)	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
119(10)	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	MDRS	**TLDS, PDO**
119(12)	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	MDRS	**TLDS, PDO**
119(14)	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	MDRS	**TLDS, PDO**
Section 120	**Outline Consent**		
120(1)	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	MDRS	**TLDS, PDO**
120(3)	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	MDRS	**TLDS, PDO**
120(3)(a)	grant any consent contemplated by the outline consent; and		
120(3)(b)	not impose a requirement that is inconsistent with the outline consent.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 121	**Design Review**		
121(7)	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	MDRS	**TLDS, PDO**
Section 122	**Referrals to Other Authorities or Agencies**		
122(1)	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, where the regulations so provide, subject to Section 122 of the PDI Act, to:	MDRS	**TLDS, PDO**
122(1)(a)	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and		
122(1)(b)	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made		
122(5)(b)	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	MDRS	**TLDS, PDO**
122(5)(b)(i)	to refuse the application; or		
122(5)(b)(ii)	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.		
122(10)	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	MDRS	**TLDS, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 123	**Preliminary Advice and Agreement**		
123(2)	The power pursuant to Section 123(2) of the PDI Act, if:	MDRS	**TLDS, PDO**
123(2)(a)	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and		
123(2)(b)	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and		
123(2)(c)	the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),		
123(2)(d) & (e)	to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).		
123(4)	The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	MDRS	**TLDS, PDO**
Section 125	**Time Within Which Decision Must be Made**		
125(6)	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	MDRS	**TLDS**
125(7)	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	MDRS	**TLDS**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 126	**Determination of Application**		
126(3)	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	MDRS	**TLDS, PDO**
Section 127	**Conditions**		
127(1)	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	MDRS	**TLDS, PDO**
127(2)(c)	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	MDRS	**TLDS, PDO**
127(4)	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	MDRS	**TLDS, PDO**
127(6)	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	MDRS	**TLDS, PDO**
127(8)	The power pursuant to Section 127(8)(b) of the PDI Act to:	MDRS	**TLDS, PDO**
127(8)(b)	determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 128	**Variation of Authorisation**		
128(2)(d)	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	MDRS	**TLDS, PDO**
Section 143	**Cancellation of Development Authorisation**		
143(1)	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	MDRS	**TLDS, PDO**
143(2)	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	MDRS	**TLDS, PDO**

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APPENDIX 28Ca

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 31	**Verification of Application**		
31(1)	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	MDRS	**TLDS, PDO**
31(1)(a)	determine the nature of the development; and		
31(1)(b)	if the application is for planning consent - determine:		
31(1)(b)(i)	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and		
31(1)(b)(ii)	the category or categories of development that apply for the purposes of development assessment; and		
31(1)(c)	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and		
31(1)(d)	if the relevant authority is the correct entity to assess the application (or any part of the application):		
31(1)(d)(i)	check that the appropriate documents and information have been lodged with the application; and		
31(1)(d)(ii)	confirm the prescribed fees required to be paid at that point; and		
31(1)(d)(iii)(A)	in the case of an application for outline consent – provide notice of the determination in writing to the applicant; or		
31(1)(d)(iii)(B)	provide an appropriate notice via the SA planning portal.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 32A	**Site Contamination – Detailed Site Investigation Report**		
32A(1)	The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:	MDRS	**TLDS, PDO**
32A(1)(a)	the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and		
32A(1)(b)	the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:		
32A(1)(b)(i)	site contamination; and		
32A(1)(b)(ii)	if remediation is required, the extent of that remediation; and		
32A(1)(c)	the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.		
32A(2)	The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	MDRS	**TLDS, PDO**
Regulation 32B	**Site Contamination – Statement of Suitability**		
32B	The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	MDRS	**TLDS, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 33	**Application and Further Information**		
33(4)	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	MDRS	**TLDS, PDO**
Regulation 35	**Amended Applications**		
35(3)	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	MDRS	**TLDS, PDO**
35(4)	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	MDRS	**TLDS, PDO**
Regulation 38	**Withdrawing/Lapsing Applications**		
38(1)	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	MDRS	**TLDS, PDO**
38(1)(a)	any agency to which the application has been referred under Division 2 of the General Regulations; and		
38(1)(b)	any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
38(2)	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	MDRS	**TLDS, PDO**
38(3)	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	MDRS	**TLDS, PDO**
38(3)(a)	take reasonable steps to notify the applicant of the action under consideration; and		
38(3)(b)	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.		
Regulation 40	**Court Proceedings**		
40	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	MDRS	**TLDS, PDO**
Regulation 42	**Additional Information or Amended Plans**		
42(1)	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	MDRS	**TLDS, PDO**
Regulation 46	**Preliminary Advice and Agreement (Section 123)**		
46(6)	The power pursuant to Regulation 46(6) of the General Regulations, if:	MDRS	**TLDS, PDO**
46(6)(a)	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
46(6)(b)	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:		
46(6)(c)	to obtain a variation to the agreement under Section 123 of the PDI Act; or		
46(6)(d)	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.		
46(7)	The power pursuant to Regulation 46(7) of the General Regulations if:	MDRS	**TLDS, PDO**
46(7)(a)	an application is withdrawn by the applicant; and		
46(7)(b)	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify relevant prescribed body of the withdrawal.		
46(8)	The power pursuant to Regulation 46(8) of the General Regulations, if:	MDRS	**TLDS, PDO**
46(8)(a)	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and		
46(8)(b)	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify the relevant prescribed body of the lapsing.		
46(9)	The power pursuant to Regulation 46(9) of the General Regulations, if:	MDRS	**TLDS, PDO**
46(9)(a)	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
46(9)(b)	a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations, to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.		
Regulation 48	**Notification of Application of Tree-Damaging Activity to Owner of Land**		
48	The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:	MDRS	**TLDS, PDO**
48(a)	give the owner notice of the application within 5 business days after the application is made; and		
48(b)	give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.		
Regulation 49	**Public Inspection of Applications**		
49(3)	The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.	MDRS	**TLDS, PDO, AOD**
Regulation 50	**Representations**		
50(5)	The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:	MDRS	**TLDS, PDO**
50(5)(a)	who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
50(5)(b)	who has indicated an interest in appearing before the delegate, an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.		
Regulation 51	**Response by Applicant**		
51(1)	The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.	MDRS	**TLDS, PDO**
Regulation 57	**Notice of Decision (Section 126(1))**		
57(4)(a)	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	MDRS	**TLDS, PDO**
Regulation 60	**Consideration of Other Development Authorisations**		
60	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	MDRS	**TLDS, PDO**
Regulation 65	**Variation of Authorisation (Section 128)**		
65(1)(a)	The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	MDRS	**TLDS, PDO**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 76	**Advice from Commission**		
76(2)	The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	MDRS	**TLDS, PDO**
Regulation 78	**Underground Mains Area**		
78(3)	The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	MDRS	**TLDS, PDO**
Schedule 6B Clause 2	**New Dwellings**		
2(1)(b)	The power pursuant to clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a previous use or activity that was for residential purposes.	MDRS	**TLDS, PDO**

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APPENDIX 28Cb

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 5	**Calculation or Assessment of Fees**		
5(1)	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (**the Fees Regulations**) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	MDRS	**TLDS, PDO**
5(1)(a)	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and		
5(1)(b)	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).		
5(2)	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	MDRS	**TLDS, PDO**
5(3)	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	MDRS	**TLDS, PDO**

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APPENDIX 28Cc

PLANNING AND DESIGN CODE – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Planning and Design Code	**Procedural Matters**		
	The power pursuant to and in accordance with the Planning and Design Code (**the PD Code**) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	MDRS	**TLDS, PDO**
	The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	MDRS	**TLDS, PDO**
	Procedural Referrals		
	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	MDRS	**TLDS, PDO**
	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	MDRS	**TLDS, PDO**
*	an alteration to an existing access or public road junction to be minor		
*	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access to be minor		
	The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	MDRS	**TLDS, PDO**
	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	MDRS	**TLDS, PDO**

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PLANNING AND DESIGN CODE – INSTRUMENT C			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.	MDRS	**TLDS, PDO**
	The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	MDRS	**TLDS, PDO**
	Administrative Terms and Definitions		
	The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (**PM**) – Notification and the definition of 'Excluded Building', form the opinion that:.	MDRS	**TLDS, PDO**
	the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;		
	the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.		

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SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Section(s) in instrument to which conditions/limitations apply	Conditions / Limitations
102(1)	This delegation is limited to applications in relation to which: - No valid representations are received; or - All valid representations are withdrawn; or - No representor wishes to be heard in relation to their representation. **Exclusions to Limitation:** 1. Except in cases where a deemed consent notice has been served in the Council Assessment Panel, in which case the limitation does not apply, and the Assessment manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant planning consent in respect of the relevant provisions of the Planning Rules without limitation. 2. Except in cases where an applicant has not agreed to extend the statutory timeframe within which the Panel must determine the development application pursuant to Section 119(11) of the PDI Act, in which case the limitation does not apply and the Assessment Manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to refuse planning consent in respect of the relevant provisions of the Planning Rules without limitation.

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APPENDIX 28D

INSTRUMENT D

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

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the decision made by the Assessment Manager of the City of Prospect Council Assessment Panel on the 24 September 2024 the following powers and functions are delegated by the Assessment Manager to the person occupying the office indicated in the table below and to any person appointed to act in that position ('the Delegate'). The Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation.

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant decision of the Assessment Manager to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 94	**Relevant Authority – Commission**		
94(3)(a)	The power pursuant to Section 94(3)(a) of the *Planning, Development and Infrastructure Act 2016* (**the PDI Act**), if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 102	**Matters Against Which Development Must Be Assessed**		
102(1)	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	TLDS, PDO	**Nil**
102(1)(a)(i)	the relevant provisions of the Planning Rules; and		
102(1)(a)(ii)	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (**planning consent**);		
102(1)(c)	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	TLDS, PDO	**Nil**
102(1)(c)(i)	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;		
102(1)(c)(ii)	any relevant requirements set out in a design standard has been satisfied;		
102(1)(c)(iii)	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;		
102(1)(c)(iv)	where land is to be vested in a council or other authority - the council or authority consents to the vesting;		
102(1)(c)(v)	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
102(1)(d)	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	TLDS, PDO	**Nil**
102(1)(d)(i)	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;		
102(1)(d)(ii)	any relevant requirements set out in a design standard has been satisfied;		
102(1)(d)(iii)	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;		
102(1)(d)(iv)	where land is to be vested in a council or other authority - the council or authority consents to the vesting;		
102(1)(d)(v)	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;		
102(1)(d)(vi)	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;		
102(1)(d)(vii)	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;		
102(1)(d)(viii)	any building situated on the land complies with the Building Rules;		
102(1)(d)(ix)	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
102(1)(e)	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	TLDS, PDO	**Nil**
102(3)	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	TLDS, PDO	**Nil**
102(3)(a)	until further assessment of the relevant development under the PDI Act; or		
102(3)(b)	until further assessment or consideration of the proposed development under another Act; or		
102(3)(c)	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.		
102(4)	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	TLDS, PDO	**Nil**
Section 106	**Deemed-to-Satisfy Assessment**		
106(2)	The power pursuant to Section 106(2) of the PDI Act to form the opinion and be satisfied that development is deemed-to-satisfy development except for 1 or more minor variations and assess it as being deemed-to-satisfy.	TLDS, PDO	**Nil**
Section 107	**Performance Assessed Development**		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
107(2)(c)	The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	TLDS, PDO	**Nil**
107(3)	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	TLDS, PDO	**Nil**
107(4)	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	TLDS, PDO	**Nil**
Section 119	**Application and Provision of Information**		
119(1)(b)	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	TLDS, PDO	**Nil**
119(3)	The power pursuant to Section 119(3) of the PDI Act to request an applicant:	TLDS, PDO	**Nil**
119(3)(a)	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;		
119(3)(b)	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;		
119(3)(c)	to consult with an authority or body prescribed by the regulations;		
119(3)(d)	to comply with any other requirement prescribed by the regulations.		
119(6)	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(6)(b)(i)	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and		
119(6)(b)(ii)	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).		
119(7)	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	TLDS, PDO	**Nil**
119(9)	The power pursuant to Section 119(9) of the PDI Act to:	TLDS, PDO	**Nil**
119(9)(a)	permit an applicant:		
119(9)(a)(i)	to vary an application;		
119(9)(a)(ii)	to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);		
119(9)(b)	permit an applicant to lodge an application without the provision of any information or document required by the regulations;		
119(9)(c)	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);		
119(9)(d)	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.		
119(10)	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
119(12)	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	TLDS, PDO	**Nil**
119(14)	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	TLDS, PDO	**Nil**
Section 120	**Outline Consent**		
120(1)	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.		**SDPO, DOP**
120(3)	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	TLDS, PDO	**Nil**
120(3)(a)	grant any consent contemplated by the outline consent; and		
120(3)(b)	not impose a requirement that is inconsistent with the outline consent.		
Section 121	**Design Review**		
121(7)	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	TLDS, PDO	**Nil**
Section 122	**Referrals to Other Authorities or Agencies**		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
122(1)	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, where the regulations so provide, subject to Section 122 of the PDI Act, to:	TLDS, PDO	**Nil**
122(1)(a)	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and		
122(1)(b)	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made		
122(5)(b)	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	TLDS, PDO	**Nil**
122(5)(b)(i)	to refuse the application; or		
122(5)(b)(ii)	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body).		
122(7)	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	TLDS, PDO	**Nil**
122(10)	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	TLDS, PDO	**Nil**
Section 123	**Preliminary Advice and Agreement**		
123(2)	The power pursuant to Section 123(2) of the PDI Act, if:	TLDS, PDO	**Nil**
123(2)(a)	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
123(2)(b)	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and		
123(2)(c)	the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),		
123(2)(d) & (e)	to, subject to Section 123(4)of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).		
123(4)	The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	TLDS, PDO	**Nil**
Section 125	**Time Within Which Decision Must be Made**		
125(6)	The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	TLDS	**Nil**
125(7)	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	TLDS	**Nil**
Section 126	**Determination of Application**		
126(1)	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
126(3)	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	TLDS, PDO	**Nil**
Section 127	**Conditions**		
127(1)	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	TLDS, PDO	**Nil**
127(2)(c)	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	TLDS, PDO	**Nil**
127(4)	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	TLDS, PDO	**Nil**
127(6)	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	TLDS, PDO	**Nil**
127(8)	The power pursuant to Section 127(8)(b) of the PDI Act to:	TLDS, PDO	**Nil**
127(8)(b)	determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 128	**Variation of Authorisation**		
128(2)(d)	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	TLDS, PDO	**Nil**
Section 135	**Urgent Building Work**		
135(2)	The power pursuant to Section 135(2) of the PDI Act to issue any direction.	TLDS, PDO	**Nil**
Section 143	**Cancellation of Development Authorisation**		
143(1)	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	TLDS, PDO	**Nil**
143(2)	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	TLDS, PDO	**Nil**
Section 235	**Professional Advice to be Obtained in Relation to Certain Matters**		
235(1)	The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	TLDS	**Nil**
235(2)	The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	TLDS	**Nil**

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APPENDIX 28Da

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 3	**Interpretation**		
3(6)(b)	The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure Regulations 2017 (the **General Regulations**) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	TLDS, PDO	**Nil**
Regulation 22	**Prescribed Scheme (Section 93)**		
22(2)	The power pursuant to Regulation 22(2) of the General Regulations to, in connection with Regulation 22(1)(a)(ii) of the General Regulations act as a relevant authority for the purposes of:	TLDS, PDO	**Nil**
22(2)(a)	making a decision in accordance with a practice direction under Section 107(3)(a) of the PDI Act; and		
22(2)(b)	determining whether a proposed development the subject of an application falls within a specified class of development excluded from the operation of Section 107(3) and (4) of the PDI Act by the Planning and Design Code.		
Regulation 31	**Verification of Application**		
31(1)	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	TLDS, PDO	**Nil**
31(1)(a)	determine the nature of the development; and		
31(1)(b)	if the application is for planning consent - determine:		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
31(1)(b)(i)	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and		
31(1)(b)(ii)	the category or categories of development that apply for the purposes of development assessment; and		
31(1)(c)	determine whether the relevant authority is the correct entity to assess the application under 7the PDI Act; and		
31(1)(d)	if the relevant authority is the correct entity to assess the application (or any part of the application):		
31(1)(d)(i)	check that the appropriate documents and information have been lodged with the application; and		
31(1)(d)(ii)	confirm the prescribed fees required to be paid at that point; and		
31(1)(d)(iii)(A)	in the case of an application for outline consent – provide notice of the determination in writing to the applicant; or		
31(1)(d)(iii)(B)	provide an appropriate notice via the SA planning portal.		
Regulation 32A	**Site Contamination – Detailed Site Investigation Report**		
32A(a)	The power pursuant to Regulation 32A(1) of the General Regulations to for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if	TLDS, PDO	**Nil**
32A(1)(a)	the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and		

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
32A(1)(b)	the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:		
32A(1)(b)(i)	site contamination; and		
32A(1)(b)(ii)	if remediation is required, the extent of that remediation; and		
32A(1)(c)	the application is not required to be referred to the Environment Protection Authority under item 9A or 9AB of the table in Schedule 9 clause 3.		
32A(2)	The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	TLDS, PDO	**Nil**
Regulation 32B	**Site Contamination – Statement of Site Suitability**		
32B	The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application	TLDS, PDO	**Nil**
Regulation 33	**Application and Further Information**		
33(4)	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 35	**Amended Applications**		
35(3)	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	TLDS, PDO	**Nil**
35(4)	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	TLDS, PDO	**Nil**
Regulation 38	**Withdrawing/Lapsing Applications**		
38(1)	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	TLDS, PDO	**Nil**
38(1)(a)	any agency to which the application has been referred under Division 2 of the General Regulations; and		
38(1)(b)	any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.		
38(2)	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	TLDS, PDO	**Nil**
38(3)	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	TLDS, PDO	**Nil**
38(3)(a)	take reasonable steps to notify the applicant of the action under consideration; and		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
38(3)(b)	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.		
Regulation 40	**Court Proceedings**		
40	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	TLDS, PDO	**Nil**
Regulation 42	**Additional Information or Amended Plans**		
42(1)	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	TLDS, PDO	**Nil**
Regulation 46	**Preliminary Advice and Agreement (Section 123)**		
46(6)	The power pursuant to Regulation 46(6) of the General Regulations, if:	TLDS, PDO	**Nil**
46(6)(a)	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and		
46(6)(b)	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,		
	to refer the application (unless withdrawn) to the prescribed body:		
46(6)(c)	to obtain a variation to the agreement under Section 123 of the PDI Act; or		
46(6)(d)	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.		

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
46(7)	The power pursuant to Regulation 46(7) of the General Regulations to notify relevant prescribed body of the withdrawal, if:	TLDS, PDO	**Nil**
46(7)(a)	an application is withdrawn by the applicant; and		
46(7)(b)	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,		
46(8)	The power pursuant to Regulation 46(8) of the General Regulations, to notify the relevant prescribed body of the lapsing, if:	TLDS, PDO	**Nil**
46(8)(a)	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and		
46(8)(b)	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,		
46(9)	The power pursuant to Regulation 46(9) of the General Regulations, if:	TLDS, PDO	**Nil**
46(9)(a)	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and		
46(9)(b)	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations		
Regulation 48	**Notification of Application of Tree-Damaging Activity to Owner of Land**		
48	The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:	TLDS, PDO	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
48(a)	give the owner notice of the application within 5 business days after the application is made; and		
48(b)	give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.		
Regulation 49	**Public Inspection of Applications**		
49(3)	The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.	TLDS, PDO, AOD	**Nil**
Regulation 57	**Notice of Decision (Section 126(1))**		
57(4)(a)	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	TLDS, PDO	**Nil**
Regulation 60	**Consideration of Other Development Authorisations**		
60	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	TLDS, PDO	**Nil**
Regulation 61	**Certificate of Independent Technical Expert in Certain Cases**		
61(4)(c)	The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	TLDS	**Nil**

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PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 65	**Variation of Authorisation (Section 128)**		
65(1)	The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	TLDS, PDO	**Nil**
Regulation 76	**Advice from Commission**		
76(2)	The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	TLDS, PDO	**Nil**
Regulation 78	**Underground Mains Area**		
78(3)	The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	TLDS, PDO	**Nil**
Schedule 6B Clause 2	**New Dwellings**		
2(1)(b)	The power pursuant to Clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a previous use or activity that was for residential purposes.	TLDS, PDO	**Nil**

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APPENDIX 28Db

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 5	**Calculation or Assessment of Fees**		
5(1)	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (**the Fees Regulations**) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	TLDS, PDO	**Nil**
5(1)(a)	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and		
5(1)(b)	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).		
5(2)	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	TLDS, PDO	**Nil**
5(3)	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	TLDS, PDO	**Nil**

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APPENDIX 28Dc

PLANNING AND DESIGN CODE – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Planning and Design Code	**Procedural Matters**		
	The power pursuant to and in accordance with the Planning and Design Code (**the PD Code**) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	TLDS, PDO	**Nil**
	The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	TLDS, PDO	**Nil**
	Procedural Referrals		
	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would warrant a referral when considering the purpose of the referral.	TLDS, PDO	**Nil**
	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	TLDS, PDO	**Nil**
	an alteration to an existing access or public road junction to be minor;		
	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access to be minor.		
	The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	TLDS, PDO	**Nil**

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PLANNING AND DESIGN CODE – INSTRUMENT D			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	TLDS, PDO	**Nil**
	The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.	MDRS	**TLDS, PDO**
	The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	TLDS, PDO	**Nil**
	Administrative Terms and Definitions		
	The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of 'Excluded Building', form the opinion that:	TLDS, PDO	**Nil**
	the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;		
	the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.		

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APPENDIX 29

INSTRUMENT OF DELEGATION UNDER THE PRIVATE PARKING AREAS ACT 1986

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PRIVATE PARKING AREAS ACT 1986			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 9	**Enter into an Agreement with the Owner of a Private Parking Area**		
9(1)	The power under section 9(1) of the *Private Parking Areas Act 1986* (**the Act**) to enter into an agreement with the owner of a private parking area for Council to enforce Part 3 of the Act with respect to the private parking area	CEO	**Nil**

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APPENDIX 30

INSTRUMENT OF DELEGATION UNDER THE PUBLIC SECTOR (DATA SHARING) ACT 2016

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

PUBLIC SECTOR (DATA SHARING) ACT 2016			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 13	**Minister May Enter Data Sharing Agreements**		
13(1)	The power under section 13(1) of the *Public Sector (Data Sharing) Act 2016* (**the Act**) to enter into an agreement relating to the sharing of data with a relevant entity.	CEO	**DCC, DCGD, DCSCC, DCWP**
13(2)	The power under section 13(2) of the Act agree to conditions to an agreement between the Minister and the relevant entity, including conditions providing for:	CEO	**DCC, DCGD, DCSCC, DCWP**
13(2)(a)	the provision of public sector data by a public sector agency to the relevant entity		
13(2)(b)	the provision of data by the relevant entity to the Minister or a public sector agency		
13(2)(c)	the application of 1 or more of the trusted access principles to the sharing of data under the agreement.		

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APPENDIX 31

INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 27	**Lands Granted Prior to the Day on Which This Act Comes Into Operation May Be Brought Into Operation Under This Act**		
27	The power pursuant to Section 27 of the *Real Property Act 1886* **(the Act**) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:	CEO	**DCC, MF**
27(a)	The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the		

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.		
27(b)	the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.		
27(c)	The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.		
Section 28	**Undivided Shares and Mortgaged Land May Not Be Brought Under Act Except Upon Conditions**		
28	The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where, the Council appears to be entitled to an undivided share of the land; or the Council is the mortgagee of the land.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 39	**Caveat Against Bringing Land Under Act**		
39	The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat with the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.	Not Delegated	
Section 41	**Applicant May Withdraw His Application**		
41	The power pursuant to Section 41 of the Act, to withdraw the Council's application at any time prior to the issuing of the certificate and request in writing signed by the Delegate the return to the	CEO	**DCGD, DCC, MF, DCWP, MAM**

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.		
Section 44	**Proceedings Under Caveat**		
44	The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged with the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.	Not Delegated	
Section 56	**Priority of Instruments**		
56(5)	The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between two or more registered mortgages or encumbrances.	CEO	**DCGD, DCC, MF, DCWP, MAM**
56(6)(b)	The power pursuant to Section 56(6)(b) of the Act to consent to an application for the variation of an order of priority in accordance with Section 56(5) of the Act where the Council is the holder of a registered mortgage or encumbrance which is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 78	**Issue of New Certificate on Application**		
78	The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to make application to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 80A	**Application for Certificate based on possession**		
80A	The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 80F	**Caveats**		
80F	The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 90B	**Variation and Extinguishment of Easements**		
90B(1)	The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:	CEO	**DCGD, DCC, MF, DCWP, MAM**
90B(1)(a)	vary the position of, or extend or reduce the extent of, an easement over servient land; or		
90B(1)(b)	vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or		
90B(1)(c)	extinguish an easement.		
90B(2)	The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 90F	**Easement Subject to Existing Mortgage etc**		
90F	The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 92	**Person now holding under lease or agreement may surrender**		
92	The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 93	**Execution and Registration of Crown Lease**		
93(1)	The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute the lease for lodgement in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 96	**Transfers**		
96(1)	The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any land to transfer that land and for that purpose, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**
96(2)	The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any right-of-way or other easement intended to be created or transferred, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 96AA	**Creation of Easements by Reservation**		
96AA	The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 105	**Sale Under Writ of Fieri Facias or Decree, Warrant or Order of Court**		
105	The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 115A	**Issue of Certificate Where Land is Vested by Operation of Law**		
115A	The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:	CEO	**DCGD, DCC, MF, DCWP, MAM**
115A(a)	in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or		
115A(b)	in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.		

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 116	**Leasing of Land**		
116	The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM, DCSCC, MCRP, TLCD**
Section 118	**Leases Not to Bind Non-Consenting Mortgagees or Encumbrancees**		
118	The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbranced land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 119A	**Standard Terms and Conditions of Lease**		
119A(1)	The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 120	**Lease may be Surrendered by Separate Instrument**		
120	The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, signed by the lessee and lessor.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 121	**Registrar-General may Record Surrender**		
121	The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent, of his or her intention to give up possession of the land comprised in such lease, to make application in the appropriate form and on production of such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land to make a record in the Register Book of the surrender of the lease.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 123	**Surrender where Lease Subject to Mortgage or Under Lease**		
123	The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 126	**Registrar-General to Note Particulars of Re-Entry in Register Book**		
126	The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 128B	**Encumbrance of Land**		
128B(1)	The power pursuant to Section 128B of the Act, if land is to be charged with, or made security for, the payment of an annuity, rent-charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.	Not Delegated	
Section 129A	**Standard terms and Conditions of Mortgage or Encumbrance**		
129A(1)	The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office for filing a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 132	**Nature of Mortgage and Encumbrance and Procedure in Case of Default**		
132	The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 133	**Power of Sale**		
133	The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 137	**Power of Mortgagee to Enter, Take Possession, Distrain, Let or Bring Action for Recovery of Land**		
137	The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent-charge, secured by any mortgage or encumbrance, or any part thereof, may enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof, or may distrain upon the occupier or tenant of the land under the power hereinafter contained, or may from time to time let the said land for any term not exceeding one year, or may bring an action for recovery of the land either before or after entering into the receipt of the rents and profits, or making any distress as aforesaid, and either before or after any sale of the land shall be effected under the power of sale given or implied in his mortgage or encumbrance.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 138	**Power of Mortgagee to Distrain on Tenant or Occupier for Arrears Not Exceeding the Amount of Rent Due**		
138	The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbranced land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 140	**Application to Mortgagee to Registrar-General for Foreclosure**		
104(1)	The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 142A	**Provision for Case where Mortgagee or Encumbrancee Refuses to Join in Proceedings on Default**		
124A(1)	The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:	CEO	**DCGD, DCC, MF, DCWP, MAM**
124A(1)(a)	appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;		
124A(1)(b)	give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.		
Section 143	**Discharge of Mortgages and Encumbrances**		
143(1)	The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and signed by the Delegate, a mortgagee or encumbrance held by the Council.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 144	**Partial Discharge of Mortgage or Encumbrance on Grant of Easement**		
144	The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 150	**Transfer of Mortgage Lease and Encumbrance**		
150	The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 153	**Renewal or Extension of Mortgage etc**		
153(1) & (2)	The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 154A	**Person who Intends to Lodge an Instrument may Lodge a Priority Notice**		
154A(1)	The power pursuant to Section 154A(1) of the Act to lodge an instrument, on payment of the prescribed fee with the Lands Titles Registration Office, a priority notice (as required under Section 154A(2) of the Act) for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section154E	**Withdrawal of Priority Notice**		
154E	The power pursuant to Section 154E of the Act to withdraw a priority notice by lodging a notice of withdrawal in the appropriate form with the Lands Titles Registration Office.	CEO	**DCGD, DCC, MF, DCWP, MAM**

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 169	**Disclaimers**		
169(1)	The power pursuant to Section 169(1) of the Act, where the Council claims that it has been registered, without its consent, as proprietor of any estate or interest in land, to advise the Registrar-General in writing that the registration occurred.	CEO	**DCGD, DCC, MF, DCWP, MAM**
169(2a)	The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	CEO	**DCGD, DCC, MF, DCWP, MAM**
169(6)	The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under paragraph (b) of Section 169(4) or (5) of the Act to apply to the Supreme Court for an order that the Registrar-General take such action as is necessary to give effect to the instrument of disclaimer.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 173	**Bankruptcy or Assignment of Lessee**		
173(1)(a)	The power pursuant to Section 173(1)(a) of the Act where the Council is a lessor and the registered proprietor of the lease has become bankrupt, or has made or will make, a statutory assignment and if such lease be not mortgaged or encumbered under the provisions of the Act, to apply to the Registrar-General in writing accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment, certifying his or her refusal to accept such lease, to make record in the Register Book a note of such refusal;	CEO	**DCGD, DCC, MF, DCWP, MAM**

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
173(1)(b)	The power pursuant to Section 173(1)(b) of the Act and in accordance with Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to apply to the Registrar General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to make record in the Register Book a note of such refusal and apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.		
173(1)(c)	The power pursuant to Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.		
173(1)(d)	The power pursuant to Section 173(1)(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.		

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 176	**Application to be Made in Such Case**		
176	The power pursuant to Section 176 of the Act where the Council is an executor or administrator before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 181	**Proceedings when Executor etc Refuse to Transfer**		
181	The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 188	**Registration of Survivor of Joint Proprietors, and of Remainder-Man Entitled to Estate in Possession**		
188	The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 191	**Caveats**		
191(1)	The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
191(1)(d)	The power pursuant to Section 191(1)(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.		
191(1)(e)	The power pursuant to and in accordance with Section 191(1)(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.		
191(1)(fa)	The power pursuant to Section 191(1)(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.		
191(1)(g)	The power pursuant to Section 191(1)(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.		
191(1)(h)	The power pursuant to Section 191(1)(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.		
191(1)(k)	The power pursuant to Section 191(1)(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.		
191(3)	The power pursuant to Section 191(3) of the Act to lodge a caveat under this Section in respect of land for which the Council is the registered proprietor.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section192	**Summons to Give Up Possession**		
192	The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council, where the Council is:	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
192(a)	the registered proprietor of a freehold estate in possession;		
192(b)	the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;		
192(c)	the lessor with power to re-enter where rent is in arrears for three months; or		
192(d)	the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired.		
Section 210	**Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation**		
210	The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 221	**Reviews**		
221(1a)	If the Council is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, the power pursuant to Section 221(1a) of the Act to seek a review of the decision by the Tribunal.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 223A	**Applications for amendment**		
223A(1)	The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:	CEO	**DCGD, DCC, MF, DCWP, MAM**

REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
223A(1)(a)	the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or		
223A(1)(b)	the description of the land in the certificate is erroneous or imperfect on the face of it.		
223A(2)	The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 223D	**Caveats**		
223D(1)	The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 223J	**Rectification by Consent**		
223J	The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 223LD	**Application for Division**		
223LD(1)	The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.	CEO	**DCGD, DCC, MF, DCWP, MAM**

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
223LD(8)	The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	CEO	**DCGD, DCC, MF, DCWP, MAM**
223LD(9)	The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section223LDA	**Application May Deal with Statutory Encumbrances**		
223LDA	The power pursuant to Section 223LDA of the Act to:	CEO	**DCGD, DCC, MF, DCWP, MAM**
223LDA(a)	specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and		
223LDA(b)(i)	sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.		
Section 223LH	**Consent to Plans of Division**		
223LH(1)	The power pursuant to Section 223LH(1) of the Act:	CEO	**DCGD, DCC, MF, DCWP, MAM**
223LH(1)(a)	where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;		
223LH(1)(b)	where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;		

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REAL PROPERTY ACT 1886			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
223LH(1)(c)	where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.		
223LH(2)	The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 223LJ	**Amalgamation**		
223LJ(1)	The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.	CEO	**DCGD, DCC, MF, DCWP, MAM**
223LJ(3)	The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrancee of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	CEO	**DCGD, DCC, MF, DCWP, MAM**
Section 273	**Authority to Register**		
273(1)	The power pursuant to section 273(1) and (1a) of the Act to provide certification in the appropriate form to deal with or affect land (including by instrument lodged electronically under the Electronic Conveyancing National Law (South Australia)	CEO	**DCGD, DCC, MF, DCWP, MAM**

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APPENDIX 32

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 5	**Commencement Of Road Process**		
5	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	
Section 9	**Deposit of Preliminary Plan and Statement of Persons Affected**		
9(1)	The function pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared:	CEO	**DCWP, MAM, STE**
9(1)(a)	a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and		
9(1)(b)	a statement in a form approved by the Surveyor-General containing—		
9(1)(b)(i)	the names and addresses of those persons affected who can be identified by reasonable enquiry; and		

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
9(1)(b)(ii)	such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.		
9(2)	The function pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	CEO	**DCWP, MAM, STE**
Section 10	**Notification of Proposed Road Process**		
10(1)	The function pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to—	CEO	**DCWP, MAM, STE**
10(1)(a)	after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and		
10(1)(b)	at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.		
10(2)	The function pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.	CEO	**DCWP, MAM, STE**
Section 11	**Dealings in Land after Commencement of Process for Road Opening**		
11(a)(ii)	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	**DCWP, MAM, STE**

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
11(b)(iii)	The power pursuant to Section 11(b)(iii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.	CEO	**DCWP, MAM, STE**
Section 12	**Power to Make Preliminary Agreements**		
12(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	
12(3)	The function 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:	CEO	**DCWP, MAM, STE**
12(3)(a)	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;		
12(3)(b)	in any case, first invite offers from the owners of land adjoining the land subject to the proposed road closure.		
Section 14	**Meeting to Consider Objection or Application**		
14(1)	The function pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.	CEO	**DCWP, MAM, STE**

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 15	**Making of Road Process Order**		
15(1)	The function pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process—	Not Delegated	
15(1)(a)	make a road process order in relation to all or part of the land to which the proposed road process relates; or		
15(1)(b)	determine that no road process order is to be made.		
Section 16	**Criteria in Relation to Road Process Orders**		
16	The function pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to	Not Delegated	
16(a)	any objections made by any person pursuant to the Act; and		
16(b)	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		
16(c)	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		
16(d)	alternative uses of the land subject to the road process that would benefit the public or a section of the public; and		

ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
16(e)	any other matter that the Delegate considers relevant.		
Section 17	**Further Orders to be Made in Conjunction with Order for Road Closure**		
17	The function pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:	Not Delegated	
17(a)	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;		
17(b)	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;		
17(c)	an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;		
17(d)	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;		
17(e)	an order that land subject to the road closure—		
17(e)(i)	be added to adjoining land that is dedicated under the Crown Lands Act 1929; or		
17(e)(ii)	be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or		
17(e)(iii)	be vested in the Crown.		

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 18	**Orders for Road Closure May Include Orders for Easements**		
18(1)	The power pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.	Not Delegated	
18(2)(d)	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	
Section 19	**Notice of Road Process Order**		
19	The function pursuant to Section 19 of the Act when acting as the relevant authority to as soon as practicable after a road process order is made:	CEO	**DCWP, MAM, STE**
19(a)	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		
19(b)	in addition, in the case of an order for a road opening—		
19(b)(i)	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		
19(b)(ii)	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		

ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
19(c)	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.		
Section 20	**Deposit of Documents After Making Road Process Order**		
20(1)	The function pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General—	CEO	**DCWP, MAM, STE**
20(1)(a)	2 copies of the order; and		
20(1)(b)	survey plans as required by the Registrar-General for the purposes of this Section; and		
20(1)(c)	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 function payable in respect of the agreement; and		
20(1)(d)	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		
20(1)(e)	any other document required by the Surveyor-General; and		
20(1)(f)	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.		
20(3)	The function pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact—	CEO	**DCWP, MAM, STE**

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
20(3)(a)	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		
20(3)(b)	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.		
Section 22	**Error or Deficiency in Order**		
22(2)	The function pursuant to Section 22(2)(b)(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	**DCWP, MAM, STE**
Section 24	**Confirmation of Road Process Order**		
24(2)(b)	The function pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision—	CEO	**DCWP, MAM, STE**
24(2)(b)(i)	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		
24(2)(b)(ii)	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.		
Section 31	**Land Acquisition Act Applies Where Road Opened**		
31(1)(a)	The function pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to—	CEO	**DCWP, MAM, STE**

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
31(1)(a)(i)	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		
31(1)(a)(i)	append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing the amount, so far as is practicable, into its separate components.		
Section 33	**Acquisition of Additional Land under Land Acquisition Act**		
33(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 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and proceed to acquire the land, whether or not the land is required in connection with the proposed road.	Not Delegated	
33(4)	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	
Section 34G	**Roads Associated with Adelaide Park Lands**		
34G(1)	The power, pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	Not Delegated	
34G(2)	The function, pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by:	Not Delegated	

ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
34G(2)(a)	a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor-General; and		
34G(2)(b)	such other information as may be required by the Regulations.		
34G(4)	The function, pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act,:	Not Delegated	
34G(4)(a)	give public notice, in accordance with the Regulations, of the proposal; and		
34G(4)(b)	give notice of the proposal to any State authority or council specified by the Minister; and		
34G(4)(c)	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).		
34G(6)	The function, pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act :	Not Delegated	
34G(6)(a)	any representation in relation to the proposal made to the Council within the relevant period; and		
34G(6)(b)	any response that the Council wishes to make in relation to those representations.		
34G(9)	The power, pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.	Not Delegated	

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ROADS (OPENING AND CLOSING) ACT 1991			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
34G(14)	The power and function pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.	Not Delegated	
Section 39	**Duty to Fence**		
39	The function pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	CEO	**DCWP, MAM**

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APPENDIX 33

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 17	**Installation etc of Traffic Control Devices – General Provision**		
17(1)	The power pursuant to Section 17(1) of the *Road Traffic Act 1961* (**the Act**), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.	CEO	**DCWP, MAM, TLCM, TOCM, STE**
17(2)	The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.	CEO	**DCWP, MAM, TLCM, TOCM, STE**
17(3)	The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:	CEO	**DCWP, MAM, TLCM, TOCM, STE**

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
17(3)(a)	in relation to an area where persons are engaged in work or an area affected by works in progress; or		
17(3)(b)	in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or		
17(3)(c)	for any temporary purposes.		
17(5)	The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	CEO	**DCWP, MAM**
Section 18	**Direction as to Installation etc of Traffic Control Devices**		
18(5)	The function pursuant to Section 18(5) of 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	**DCWP, MAM, STE**
18(7)	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	**DCWP, MAM, STE**
Section 20	**Work Areas and Work Sites**		
20(3)	The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.	CEO	**DCWP, MAM, TLCM, TOCM, STE**

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
20(4)	The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:	CEO	**DCWP, MAM, TLCM, TOCM, STE**
20(4)(a)	if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or		
20(4)(b)	if:		
20(4)(b)(i)	the work is required to be undertaken by the Council as a matter of urgency; and		
20(4)(b)(ii)	the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and		
20(4)(b)(iii)	the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and		
20(4)(b)(iv)	the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or		
20(4)(c)	if:		
20(4)(c)(i)	the signs will not relate to any prescribed roads; and		
20(4)(c)(ii)	the signs are placed on the road in accordance with an approval of the Minister under this Part.		
20(6)	The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	CEO	**DCWP, MAM, TLCM, TOCM, STE**

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
20(9)	The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:	CEO	**DCWP, MAM, TLCM, TOCM, STE**
20(9)(a)	by telephone or any other manner prescribed by the regulations; and		
20(9)(b)	at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).		
Section 20A	**Appeal to District Court**		
20A(1)	The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision.	CEO	**DCWP**
Section 31	**Action to Deal with False Devices or Hazards to Traffic**		
31(2)	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	**DCWP, MAM, TLCM, TOCM, STE, DCGD, MDRS, TLCS, GI, APO**
Section 33	**Road Closing and Exemptions for Certain Events**		
33(2)	The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.	CEO	**DCWP, MAM, TLCM, TOCM, STE**

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 40P	**Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed**		
40P(3)	The function pursuant to Section 40P(3) of the Act and subject to Section 40P(4) of the Act to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	CEO	**DCGD, MDRS, TLCS**
40P(4)	The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of a vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	CEO	**DCGD, MDRS, TLCS**
40P(5)	The function pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:	CEO	**DCWP, MAM, DCGD, MDRS**
40P(5)(a)	firstly, in payment of the costs of and incidental to the sale;		
40P(5)(b)	secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this Section of the Act; and		
40P(5)(c)	thirdly, in payment of the balance to the owner of the vehicle.		
40P(6)	The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following the sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.	CEO	**DCGD, MDRS**

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86	**Council May Determine that Ticket for Parking be Obtained Without Fee**		
86	The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):	Not Delegated	
86(a)	determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or		
86(b)	vary or revoke a determination made under Section 86 of the Act.		
Section 163ZC	**Compensation Orders for Damage to Road Infrastructure**		
163ZC(2)	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 Delegated	
Section 163ZD	**Assessment of Compensation**		
163ZD(2)	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	**DCWP, MAM**
163ZD(2)(b)	any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and		
163ZD(2)(c)	any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and		
163ZD(2)(d)	any other certificate of the Council as the road authority, such as a certificate:		

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ROAD TRAFFIC ACT 1961			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
163ZD(2)(d)(i)	estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or		
163ZD(2)(d)(ii)	estimating the cost of remedying the damage; or		
163ZD(2)(d)(iii)	estimating the extent of the offender's contribution to the damage.		
Section 163ZE	**Service of Certificates**		
163ZE(1)	The function, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	CEO	**DCWP, MAM**
Section 174C	**Council May Grant Exemptions from Certain Provisions**		
174C(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	**DCWP, MAM**

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APPENDIX 33a

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 6	**Event Management Plan**		
6	The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 in the preparation of an event management plan for the purpose of Section 33(1) of the Act, to consult, as the Minister directs, with:	CEO	**DCWP, MAM, STE**
6(a)	the Commissioner of Police; or		
6(b)	the Commissioner of Highways; or		
6(c)	each Council within whose area the event is to take place		

APPENDIX 33b

ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 17	**Permits for Permit Zones**		
17(2)	The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 to determine—	CEO	**DCWP, MAM, STE, DCGD, MDRS, TLCS**
17(2)(a)	the class of permits required for vehicles to stop in a permit zone established by the Council;		
17(2)(b)	the persons entitled to such permits;		
17(2)(c)	any fees to be paid for such permits;		
17(2)(d)	the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles), and to vary any such determination		
17(3)	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	**DCWP, MAM, STE, DCGD, MDRS, TLCS**

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ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 22	**Parking and Payment of Parking Fees**		
22(2)	The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed permissive parking signs on a length of road or an area, to determine fees that will be payable for parking by the operation of parking ticket-vending machines or parking meters, installed or to be installed in the length of road or area, and the power to vary such fees.	Not Delegated	

APPENDIX 33A

INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013 FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE

INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL

USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF EXEMPTIONS FOR EVENTS

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

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCATION OF PREVIOUS INSTRUMENT

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

INSTRUMENT OF GENERAL APPROVAL

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

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

A. Traffic Control Devices

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

A.1 Authorisation of other Officers

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

A.2 Conformity with the *Road Traffic Act*

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

A.3 Conformity with the Australian Standards and the Code

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

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

A.4 Notification to adjoining Councils

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

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

A.5 Notification to the Commissioner of Highways

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

A.6 Consultation on traffic signals

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

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

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

A.7 Traffic Impact Statement

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

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

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

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

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

(a) specifically listed in the Code requiring separate approval; or

(b) not contained in or referred to in the Australian Standards or the Code; or

(c) not complying with clause A.3.

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

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

B. Speed Limits at Works on Roads

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

- a work area; or
- a work site

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

B.1 Authorisation of other Officers

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

B.3 Conformity with the *Road Traffic Act*

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

B.4 Conformity with the SA Standards

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

B.5 Persons who may act on behalf of Council

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

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

B.6 Training and Accreditation

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

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

B.7 Record Keeping

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

C. Traffic Control Devices at Works on Roads

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

C.1 Authorisation of other Officers

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

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

C.2 Conformity with the Road Traffic Act

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

C.3 Conformity with the Code, and SA Standards

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

C.4 Persons who may act on behalf of Council

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

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

C.5 Training and Accreditation

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

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

C.6 Record Keeping

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

D. Temporary Parking Controls

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

D.1 Authorisation of other Officers

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

D.2 Conformity with the Act

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

D.3 Conformity with Australian Standards and the Code

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

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

D.4 Information on Signs

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

D.5 Limitation of Temporary Parking Controls

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

D.6 Records of Temporary Parking Controls

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

E. TRAFFIC CONTROL DEVICES FOR EVENTS

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

E.1. Conformity with the Road Traffic Act

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

E.2. Conformity with Plan

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

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

E.3. Notification to adjoining Councils

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

E.4 Notification to the Commissioner of Highways

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

INSTRUMENT OF DELEGATION

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

F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

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

F.1 Sub-Delegation and Authorisation to other Officers

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

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

F.2 Conformity with the Road Traffic Act

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

F.3 Conformity with the Australian Standards and the Code

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

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

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

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

F.5 Record Keeping

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

G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

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

(a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and

(b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

G.1 Sub-Delegation to other Officers

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

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and

2. Any such sub-delegation must be made by Instrument in writing by Council resolution; and

3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and

4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and

5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and

6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

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

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

G.3 Conformity with the Road Traffic Act

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

G.4 Exemption from Australian Road Rules

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

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

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

G.5 Conditions on Exemptions from Australian Road Rules

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

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

G.6 Notification to Commissioner of Highways

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

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

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

G.8 Notification to Traffic Management Centre, Metropolitan Region

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

G.9 Notification to Commissioner of Police

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

G.10 Agreement of Commissioner of Police

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

G.11 Use of Advance Warning Signs

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

G.12 Effect on Roadside Furniture

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

H. DEFINITION OF TERMS

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

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

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

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

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

Officer means Council employee

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

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

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

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I. FUTURE VARIATIONS TO THIS INSTRUMENT

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

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

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APPENDIX 33B

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 delegations made by the Council to the Chief Executive Officer of the Council (and any person appointed to act in that position), 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. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power pursuant to Section 33(1) of the Act and delegated to the Council pursuant to Clause G of the Instrument, to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:
   2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and
   2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the function to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.

CONDITIONS

3. The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and

4. The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.

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APPENDIX 33C

AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961 MADE BY THE COUNCIL IN ACCORDANCE WITH THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013 FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE

BACKGROUND

1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation 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 Authorisations made by 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.

CLAUSE A7 TRAFFIC IMPACT STATEMENT

2. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

   - Sam Dilena, Director City Works & Presentation
   - Sam Wellington, Manager Assets & Maintenance
   - Hyeyoung Ghang, Senior Traffic Engineer

3. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

   - Sam Dilena, Director City Works & Presentation
   - Sam Wellington, Manager Assets & Maintenance
   - Hyeyoung Ghang, Senior Traffic Engineer

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4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)
- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce , City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

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APPENDIX 33D

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

BACKGROUND

1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation to Council (**the Instrument**) containing:
   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 Authorisations made by the Council to Officers of the Council and approved by the Chief Executive Officer (and any person appointed to act in that position) on behalf of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

AUTHORISATIONS

2. TRAFFIC CONTROL DEVICES

   2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.

   2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.

2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)
- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce, City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

3. SPEED LIMITS AT WORKS ON ROADS

3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.

3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.

3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)

- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce, City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

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 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)
- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce, City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

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5. TEMPORARY PARKING CONTROLS

5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.

5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.

5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)
- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce, City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

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(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council

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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:

- Sam Dilena, Director City Works & Presentation
- Sam Wellington, Manager Assets & Maintenance
- Hyeyoung Ghang, Senior Traffic Engineer
- Tony Burchell, Team Leader City Maintenance
- Troy Kleinig, Technical Officer - City Maintenance
- Greg Lemke, Leading Hand - Rapid Response (A)
- Nick Tziortzis, Leading Hand - Rapid Response (B)
- Jafar Adam, City Maintenance - Team Member (A)
- Carlo Aquaro, City Maintenance - Team Member (B)
- Scott Gates, City Maintenance - Team Member (C)
- Brayden Nicol, City Maintenance - Team Member (D)
- John Dimasi, City Maintenance - Team Member (E)
- Ben Little, City Maintenance - Team Member (G)
- Phillip Butler, City Maintenance - Team Member (H)
- Shaun Desmond, City Maintenance - Team Member (J)
- Alex Luce, City Maintenance - Team Member (K)
- Jitender Brar, City Maintenance - Team Member (L)
- Tim Kirby, City Maintenance - Team Member (M)
- Stuart Benness, City Maintenance - Team Member (P)
- Jason Osbourne, City Maintenance - Team Member (Q)

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APPENDIX 34

INSTRUMENT OF DELEGATION UNDER THE STATE RECORDS ACT 1997

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

STATE RECORDS ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 15	**Surveys of Official Records and Record Management**		
15(2)	The power pursuant to Section 15(2) of the *State Records Act 1997* (**the Act**) to afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.	CEO	**DCC, MICT, SCIM**
Section 18	**Voluntary Transfer to State Records' Custody**		
18(1)	The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, to deliver any of the Council's records into the custody of State Records.	CEO	**DCC, MICT, SCIM**

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STATE RECORDS ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 19	**Mandatory Transfer to State Records' Custody**		
19(1)	The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):	CEO	**DCC, MICT, SCIM**
19(1)(a)	when the Council ceases to require access to the record for current administrative purposes; or		
19(1)(b)	during the year occurring 15 years after the record came into existence, whichever first occurs.		
19(3)	The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:	CEO	**DCC, MICT, SCIM**
19(3)(a)	in accordance with record management standards issued by the Manager; or		
19(3)(c)	with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.		
19(5)	The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	CEO	**DCC, MICT, SCIM**
Section 22	**Keeping of Official Records in Premises Other than State Records' Premises**		
22(2)	The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	CEO	**DCC, MICT, SCIM**

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STATE RECORDS ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 23	**Disposal of Official Records by Agency**		
23(1)	The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	CEO	**DCC, MICT, SCIM**
23(2)	The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.	CEO	**DCC, MICT, SCIM**
23(4)	The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	CEO	**DCC, MICT, SCIM**
Section 24	**Disposal of Official Records by Manager**		
24(3)	The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	CEO	**DCC, MICT, SCIM**
Section 25	**Agency's Access to Records in Custody of State Records**		
25(1)	The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	CEO	**DCC, MICT, SCIM**
25(3)	The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	CEO	**DCC, MICT, SCIM**

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STATE RECORDS ACT 1997			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 26	**Public Access to Records in Custody of State Records**		
26(1)	The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:	CEO	**DCC, MICT, SCIM**
26(1)(a)	determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or		
26(1)(b)	determine conditions excluding or restricting access to the record.		

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APPENDIX 35

INSTRUMENT OF DELEGATION UNDER THE STRATA TITLES ACT 1988

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 12	**Application for Amendment**		
12(2)(b)	The power pursuant to Section 12(2)(b) of the *Strata Titles Act 1988* (**the Act**), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.	CEO	**Nil**
12(2)(c)	The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.		
12(3a)	The power pursuant to Section 12(3a) of the Act, where:	CEO	**Nil**
12(3a)(a)	the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and		

STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
12(3a)(b)	the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.		
12(8)	The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the *Real Property Act 1886* is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.	CEO	**Nil**
Section 12A	**Application may Deal with Statutory Encumbrances**		
12A	The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	CEO	**Nil**
Section 13	**Amendment by Order of ERD Court**		
13(1), (2) & (3)	The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	CEO	**Nil**
13(3a)	The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.	CEO	**Nil**
Section 16	**Amalgamation of Adjacent Sites**		
16(2)(c)	The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to endorse an application for amalgamation, with the consent of all persons (other than unit holders) with registered interests in the units.	Not Delegated	

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STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 17	**Cancellation**		
17(2)(b)	The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	Not Delegated	
17(4)	The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.	Not Delegated	
17(4a)	The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	Not Delegated	
Section 17AAA	**Application for Division**		
17AAA(2)	The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to and endorse a plan of division lodged with the application.	Not Delegated	
Section 19	**Articles of Strata Corporation**		
19(3b)(e)	The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	Not Delegated	
Section 19A	**Certain Articles may be Struck out by Court**		
19A(1) & (2)	The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	Not Delegated	

STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 27D	**Offences**		
27D(5)	The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	CEO	**Nil**
27D(7)	The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:	CEO	**Nil**
27D(7)(a)	make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and		
27D(7)(b)	provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.		
Section 28	**Power to Enforce Duties of Maintenance and Repair**		
28(5)	The power pursuant to Section 28(5) of the Act, where:	CEO	**Nil**
28(5)(a)	the strata corporation recovers costs from the Council under Section 28(4) of the Act; and		
28(5)(b)	the circumstances out of which the work was required are attributable to the act or default of another person, to recover those costs from that other person as a debt.		
Section 32	**Right of Unit Holders etc to Satisfy Themselves as to Insurance**		
32(1)	The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	CEO	**Nil**

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STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 33	**Holding of General Meetings**		
33(2)	The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	CEO	**Nil**
33(2)(e)	The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.		
Section 34	**Voting at General Meetings**		
34(2a)	The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	CEO	**Nil**
34(4)	The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	CEO	**Nil**
Section 37	**Administrator of Strata Corporation's Affairs**		
37(1)	The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.	Not Delegated	
Section 41	**Information to be Furnished**		
41(1)	The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:	CEO	**Nil**
41(1)(a)	furnish:		
41(1)(a)(i)	particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);		

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STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
41(1)(a)(ii)	particulars of the assets and liabilities of the corporation;		
41(1)(a)(iii)	particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;		
41(1)(a)(iv)	particulars in relation to any prescribed matter;		
41(1)(b)	provide copies of:		
41(1)(b)(i)	the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;		
41(1)(b)(ii)	the statement of accounts of the corporation last prepared by the corporation;		
41(1)(b)(iii)	the articles for the time being in force;		
41(1)(b)(iv)	current policies of insurance taken out by the corporation;		
41(1)(c)	make available for inspection:		
41(1)(c)(i)	a copy of the accounting records of the corporation;		
41(1)(c)(ii)	the minute books of the corporation;		
41(1)(c)(iii)	any other prescribed documentary material;		
41(1)(d)	if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;		
41(1)(e)	make available for inspection the register maintained under Section 39A of the Act.		

STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
41(1a)	The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.	CEO	**Nil**
Section 41AA	**Persons Who may Apply for Relief**		
41AA	The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	Not Delegated	
Section 41A	**Resolution of Disputes, etc**		
41A(3)	The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	Not Delegated	
41A(4)	The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	Not Delegated	
41A(6)	The power pursuant to Section 41A(6) of the Act to make an application to a court to:	Not Delegated	
41A(6)(a)	transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or		
41A(6)(b)	state a question of law for the opinion of the Supreme Court.		
41A(10)(b)	The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	Not Delegated	

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STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 42	**Unit Holder's Power of Entry**		
42(1)	Where the Council is the unit holder of a unit (Unit A) and:	CEO	**Nil**
42(1)(a)(i)	the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or		
42(1)(a)(ii)	the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and		
42(1)(b)	some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.		
Section 44	**Dealing with Part of Unit**		
44(2)	The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:	Not Delegated	
44(2)(a)	if all of the units comprised in the strata scheme consist of non-residential premises; or		
44(2)(b)	where Section 44(2)(a) does not apply:		
44(2)(b)(i)	if the lease or licence is granted to another unit holder; or		
44(2)(b)(ii)	if the lease or licence is authorised by unanimous resolution of the strata corporation.		

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STRATA TITLES ACT 1988			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 44A	**Body Corporate may Act as Officer, etc**		
44A(2)	The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council.	Not Delegated	
Section 46	**Relief where Unanimous Resolution Required**		
46(1)	The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.	Not Delegated	

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APPENDIX 36

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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

UNCLAIMED GOODS ACT 1987			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 5	**Unclaimed Goods**		
5(1)(b)	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 to 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	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM**
5(1)(c)	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.		
5(2)	The function pursuant to Section 5(2) of the Act, in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP,**
5(2)(a)	states the address at which the goods are available for collection; and		

UNCLAIMED GOODS ACT 1987			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
5(2)(b)	contains a brief description of the goods; and		**MAM**
5(2)(c)	states the times at which, or the hours between which, the goods will be available for collection at that address; and		
5(2)(d)	is made –		
5(2)(d)(i)	by post addressed to the last known address of the bailor; or		
5(2)(d)(ii)	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.		
5(3)	The function pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	CEO	**DCGD, MDRS, TLCS, GI, APO, DCWP, MAM**
Section 6	**Sale or Disposal of Unclaimed Goods**		
6(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 -	CEO	**DCGD, MDRS, TLCS, DCWP**
6(1)(a)	sell the goods; or		
6(1)(b)	if the value of the goods would be insufficient to defray the costs of sale – otherwise dispose of the goods.		
6(2)	The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the function pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an	CEO	**DCGD, MDRS, TLCS, DCWP**

UNCLAIMED GOODS ACT 1987			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
	authorisation.		
6(3)	The function pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to –	CEO	**DCGD, MDRS, TLCS, DCWP**
6(3)(a)	give notice of the application to the Commissioner of Police; and		
6(3)(b)	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.		
6(5)	The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the function pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to	CEO	**DCGD, MDRS, TLCS, DCWP**
6(5)(a)	sell the goods by public auction; and		
6(5)(b)	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 –		
6(5)(b)(i)	to the Commissioner of Police; and		
6(5)(b)(ii)	to the bailor.		
6(6)	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	**DCGD, MDRS, TLCS, DCWP**

UNCLAIMED GOODS ACT 1987			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 7	**Claim Made by Bailor After Commencement of Proceedings Under this Act**		
7(1)	The function pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	CEO	**DCGD, MDRS, TLCS, DCWP**
7(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 -	CEO	**DCGD, MDRS, TLCS, DCWP**
7(2)(a)	the reasonable costs incurred by the Council in proceeding under the Act;		
7(2)(b)	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;		
7(2)(c)	the amount of any lien that the Council has over the goods.		
7(3)	The power pursuant to Section 7(3) of the Act, if 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 within the prescribed period, to proceed to sell or dispose of the goods.	CEO	**DCGD, MDRS, TLCS, DCWP**
Section 8	**Proceeds of Sale**		
8(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 -	CEO	**DCGD, MDRS, TLCS, DCWP**
8(1)(a)	retain from those proceeds -		
8(1)(a)(i)	the reasonable costs of the sale and of proceeding under the Act;		

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UNCLAIMED GOODS ACT 1987			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
8(1)(a)(ii)	the reasonable costs of storing and maintaining the goods prior to sale;		
8(1)(a)(iii)	the amount of any lien that the Council had over the goods; and		
8(1)(b)	pay the balance to the Treasurer.		

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APPENDIX 37

INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

NOTES

1. **Conditions or Limitations**: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 24 September 2024.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 6	**Water Planning**		
6(6)	The power pursuant to Section 6(6) of the *Water Industry Act 2012* (**the Act**), to make written representations on the proposal to the Minister, in relation to a proposal:	Not Delegated	
6(6)(a)	to create the *State Water Demand and Supply Statement*; or		
6(6)(b)	to undertake a comprehensive review of the *State Water Demand and Supply Statement*,		
Section 19	**Application for Licence**		
19(1)	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 24	**Licence Fees and Returns**		
24(2)	The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to:	Not Delegated	
24(2)(a)	in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and		
24(2)(b)	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.		
Section 28	**Variation of Licence**		
28(2)	The power pursuant to Section 28(2) of the Act to:	Not Delegated	
28(2)(a)	make application to the Commission to vary the terms or conditions of the Council's licence;		
28(2)(b)	make representations to the Commission about the proposed variation and agree to the variation of the terms or conditions of the Council's licence.		
Section 29	**Transfer of Licence**		
29(1)	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	Not Delegated	
29(4)	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 32	**Surrender of Licence**		
32(1)	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.	Not Delegated	
32(3)	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	Not Delegated	
Section 33	**Suspension or Cancellation of Licences**		
33(3)(b)	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	Not Delegated	
Section 36	**Standard Terms and Conditions for Retail Services**		
36(1)	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	Not Delegated	
36(2)	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	Not Delegated	
36(3)	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	Not Delegated	
36(5)	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 37	**Customer Hardship Policies**		
37(3)	The power pursuant to Section 37(3) of the Act to:	Not Delegated	
37(3)(a)	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or		
37(3)(b)	with the written approval of the Commission, adopt such a policy with modifications.		
Section 38	**Power to Take Over Operations**		
38(2)	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	Not Delegated	
Section 39	**Appointment of Operator**		
39(3)	The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.	Not Delegated	
Section 41	**Appointment of Water Industry Officers**		
41(1)	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	Not Delegated	
41(2)	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	Not Delegated	
Section 42	**Conditions of Appointment**		
42(1)	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
42(2)	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	Not Delegated	
Section 43	**Identity Cards**		
43(1)	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	CEO	**DCWP, MAM, TLG**
Section 44	**Power to Enter Land to Conduct Investigations**		
44(1)	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	Not Delegated	
44(3)	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	Not Delegated	
44(3)(a)	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and		
44(3)(b)	minimise the impact of work carried out by the Council on activities of others on the land; and		
44(3)(c)	comply with the conditions of the authorisation.		
Section 45	**Power to Carry Out Work on Land**		
45(1)	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	Not Delegated	
45(1)(a)	to construct, install, improve or add to any water/sewerage infrastructure; or		

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
45(1)(b)	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or		
45(1)(c)	to lay pipes and install, operate or inspect pumps and other equipment; or		
45(1)(d)	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or		
45(1)(e)	to obtain or enlarge a supply of water; or		
45(1)(f)	to protect, improve or restore the quality of water; or		
45(1)(g)	to protect any infrastructure or equipment connected with any water service or sewerage service; or		
45(1)(h)	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.		
45(3)	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	Not Delegated	
45(3)(a)	give the authority responsible for the management of public land not less than 12 hours' notice of the Council's intention to carry out work on the land; and		
45(3)(b)	secure the authority's agreement to the carrying out of the work;		
45(4)	The power pursuant to Section 45(4) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
45(7)	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	Not Delegated	
45(9)	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	Not Delegated	
45(11)	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	Not Delegated	
45(12)	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	Not Delegated	
45(14)	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	Not Delegated	
45(16)	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	Not Delegated	
45(17)	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
45(19)	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	Not Delegated	
Section 46	**Acquisition of Land**		
46(1)	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969.	Not Delegated	
Section 49	**Encroachments**		
49(1)	The power pursuant to Section 49(1) of the Act to consent to a person:	Not Delegated	
49(1)(a)	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or		
49(1)(b)	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or		
49(1)(c)	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or		
49(1)(d)	excavating or altering any land or structure supporting any water/sewerage infrastructure.		
49(2)	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	Not Delegated	
49(2)(a)	at any reasonable time, enter land and carry out an inspection of any place; and		

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
49(2)(b)	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.		
49(3)	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Not Delegated	
49(4)	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	Not Delegated	
49(6)	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	Not Delegated	
49(7)	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	Not Delegated	
Section 50	**Protection of Infrastructure and Equipment**		
50(2)	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	Not Delegated	
50(2)(a)	at any reasonable time, enter any land and carry out an inspection of any place; and		
50(2)(b)	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.		

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
50(3)	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Not Delegated	
50(4)	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	Not Delegated	
50(7)	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Not Delegated	
50(7)(a)	on application to a court convicting the person of an offence against Section 50 of the Act; or		
50(7)(b)	by action in a court of competent jurisdiction.		
Section 51	**Notice of Work that May Affect Water/Sewerage Infrastructure**		
51(4)	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	CEO	**Nil**
51(4)(a)	on application to a court convicting the person of an offence against Section 51 of the Act; or		
51(4)(b)	by action in a court of competent jurisdiction.		
Section 52	**Duty to Give Notice before Paving a Road etc**		
52(1)	The power pursuant to Section 52(1) of the Act, before the Council begins:	CEO	**DCWP, MAM, MPMOPD, DCGD**
52(1)(a)	to first lay the pavement or hard surface in any road; or		
52(1)(b)	to relay the pavement or hard surface in any road; or		

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
52(1)(c)	to widen or extend the pavement or hard surface in any road; or		
52(1)(d)	to alter the level of any road; or		
52(1)(e)	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or		
52(1)(f)	to construct or alter any drainage work in any road, in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days' notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).		
52(2)	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	CEO	**DCWP, MAM, MPMOPD, DCGD**
52(3)	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:	CEO	**DCWP, MAM, MPMOPD, DCGD**
52(3)(a)	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;		
52(3)(b)	in prescribed circumstances – an amount determined under the regulations.		
52(6)	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	CEO	**DCWP, MAM, MPMOPD, DCGD**

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 53	**Unlawful Abstraction, Removal or Diversion of Water or Sewage**		
53(2)	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	Not Delegated	
53(3)	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:	Not Delegated	
53(3)(a)	on application to a court convicting the person of an offence against this Section; or		
53(3)(b)	by action in a court of competent jurisdiction.		
Section 54	**Water Meters**		
54(1)	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to	Not Delegated	
54(1)(a)	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;		
54(1)(b)	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.		
54(3)	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	Not Delegated	
54(10)	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
54(11)	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.	Not Delegated	
54(12)	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:	Not Delegated	
54(12)(a)	on application to a court convicting the person of an offence against this section; or		
54(12)(b)	by action in a court of competent jurisdiction.		
54(13)	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.	CEO	**DCWP, MAM, DCGD, DCC, MF**
Section 55	**Discharge of Unauthorised Material into Water Infrastructure**		
55(3)	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:	Not Delegated	
55(3)(a)	on application to a court convicting the person of an offence against this Section; or		
55(3)(b)	by action in a court of competent jurisdiction.		
Section 56	**Discharge of Unauthorised Material into Sewerage Infrastructure**		
56(3)	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
56(3)(a)	on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or		
56(3)(b)	as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.		
56(4)	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	Not Delegated	
56(5)	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.	Not Delegated	
56(7)	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	Not Delegated	
56(9)	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	Not Delegated	
Section 57	**Work to be Carried Out by Owner at Requirement of Water Industry Entity with Respect to Sewerage Infrastructure**		
57(1)	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice., in order:	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
57(1)(a)	to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or		
57(1)(b)	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,		
57(2)	The power pursuant to Section 57(2) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:	Not Delegated	
57(2)(a)	install or construct in such locations as are specified in the notice;		
57(2)(b)	connect to the infrastructure;		
57(2)(c)	alter or replace;		
57(2)(d)	maintain, repair or cleanse;		
57(2)(e)	remove, block or disconnect, such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.		
57(3)	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	Not Delegated	
57(5)	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
57(6)	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	Not Delegated	
57(8)	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	Not Delegated	
Section 58	**Power to Disconnect Drains to Restrict Services**		
58(1)	The power pursuant to Section 58(1) of the Act, to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure, or restrict the provision of any sewerage service to the land, if the Council has grounds to believe that material:	Not Delegated	
58(1)(a)	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or		
58(1)(b)	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,		
58(2)	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	Not Delegated	
Section 59	**Power to Restrict or Discontinue Water Supply**		
59(1)	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	Not Delegated	
59(1)(a)(i)	that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or		

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
59(1)(a)(ii)	that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or		
59(1)(a)(iii)	that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and		
59(1)(b)	that action under Section 59(1) of the Act is justified in the circumstances, to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.		
59(3)	The power pursuant to Section 59(3) of the Act and subject to Section 59(5) of the Act to:	Not Delegated	
59(3)(a)	lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);		
59(3)(b)	prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;		
59(3)(c)	prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;		
59(3)(d)	prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;		
59(3)(e)	for such time or times as the delegate thinks proper, discontinue the supply of water.		
59(4)	The power pursuant to Section 59(4) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.	Not Delegated	

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
59(5)	The power pursuant to Section 59(5) of the Act, to:	Not Delegated	
59(5)(a)	impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and		
59(5)(b)	vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.		
Section 60	**Power to Require the Use of Devices to Reduce Flow**		
60(1)	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.	Not Delegated	
60(2)	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:	Not Delegated	
60(2)(a)	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and		
60(2)(b)	to use the device to reduce flow in those pipes during the periods specified in the notice.		
60(5)	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
60(6)	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.	Not Delegated	
Section 64	**Disconnection in an Emergency**		
64	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	CEO	**DCWP, MAM, MPMOPD, DCGD**
Section 68	**Responsibilities of Water Industry Entity**		
68(2)	The power pursuant to Section 68(2) of the Act, to, where the Technical Regulator so requires of the Council:	Not Delegated	
68(2)(a)	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and		
68(2)(b)	obtain the approval of the Technical Regulator to the plan and any revision; and		
68(2)(c)	comply with the plan as approved from time to time; and		
68(3)(d)	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.		

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 69	**Responsibilities of Customers**		
69(3)	The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	Not Delegated	
Section 80	**Enforcement Notices**		
80(2)(h)	The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	Not Delegated	
Section 82	**Warning Notices and Assurances**		
82(1)(b)(ii)	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	Not Delegated	
Section 83	**Injunctions**		
83(1)	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.	Not Delegated	
83(8)	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 84	**Review of Decisions by Commission or Technical Regulator**		
84(1)	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	Not Delegated	
84(1)(a)	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or		
84(1)(b)	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or		
84(1)(c)	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or		
84(1)(d)	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.		
Section 85	**Appeals**		
85(1)	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:	Not Delegated	
85(1)(a)	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;		
85(1)(b)	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.		

WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86F	**Information Brochure**		
86F(1)	The power pursuant to Section 86F(1) of the Act to determine:	Not Delegated	
86F(1)(a)	the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and		
86F(1)(b)	the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and		
86F(1)(c)	the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and		
86F(1)(d)	the standard access arrangement used by the Council.		
Section 86G	**Specific Information to Assist Proponent to Formulate Proposal**		
86G(1)(c)	The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.	Not Delegated	
86G(2)	The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G of the Act.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86I	**Access Proposal**		
86I(3)	The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.	Not Delegated	
86I(4)(b)	The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,	Not Delegated	
86I(4)(b)(i)	whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and		
86I(4)(b)(ii)	if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.		
86I(6)	The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:	Not Delegated	
86I(6)(a)	the name of the proponent and an address at which the proponent may be contacted; and		
86I(6)(b)	the name of the operator and an address at which the regulated operator may be contacted; and		
86I(6)(c)	the general nature of the access proposal.		
86I(7)	The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86J	**Function to Negotiate in Good Faith**		
86J(1)	The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.	Not Delegated	
Sectio 86K	**Existence of Dispute**		
86K(2)	The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.	Not Delegated	
Section 86N	**Power to Refer Dispute to Arbitration**		
86N(3)	The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.	Not Delegated	
Section 86Z	**Confidentiality of Information**		
86Z(2)	The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.	Not Delegated	
Section 86ZD	**Formal Requirements Related to Awards**		
86ZD(1)	The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.	Not Delegated	
Section 86ZE	**Consent Awards**		
86ZE(a)	The power pursuant to Section 86ZE of the Act to consent to a proposed award.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86ZG	**Termination or Variation of Award**		
86ZG(1)	The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.	Not Delegated	
86ZG(3)	The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.	Not Delegated	
Section 86ZJ	**Appeal on Question of Law**		
86ZJ	The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.	Not Delegated	
Section 86ZK	**Injunctive Remedies**		
86ZK(5)	The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.	Not Delegated	
86ZK(6)	The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.	Not Delegated	
86ZK(8)	The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.	Not Delegated	
Section 86ZL	**Compensation**		
86ZL(1)	The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.	Not Delegated	

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WATER INDUSTRY ACT 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 86ZM	**Confidential Information**		
86ZM(7)	The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.	Not Delegated	
Section 86ZN	**Access by Agreement**		
86ZN	The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.	CEO	**DCWP, MAM, DCGD**
Section 86ZR	**Review of Part**		
86ZR(2)	The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.	CEO	**DCWP, MAM, DCGD**
Section 92	**Water Conservation Measures**		
92(5)	The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	Not Delegated	

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APPENDIX 37a

WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 11	**Information as to Amounts Already Paid for Retail Services etc**		
11(1)	The power pursuant to Regulation 11(1) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	Not Delegated	
11(2)	The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	Not Delegated	
11(3)	The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	Not Delegated	
Regulation 12	**Certificate as to Encumbrance**		
12(1)	The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994* and the regulations under that Act and that are in favour of the Council.	Not Delegated	

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WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 13	**Protection of Infrastructure – Planting of Trees etc on Public Land**		
13(a)	The power pursuant to Regulation 13(a) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	Not Delegated	
13(b)	The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	Not Delegated	
Regulation 14	**Protection of Infrastructure – Action in Relation to Trees and Shrubs**		
14(1)	The power pursuant to Regulation 14(1) of the Regulations, if:	Not Delegated	
14(1)(a)	a tree or shrub has been planted in contravention of Regulation 13; or		
14(1)(b)	the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure, to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.		
14(2)	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.	Not Delegated	
14(3)	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	Not Delegated	

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WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 15	**Protection of Infrastructure – Damage Caused by Trees or Shrubs**		
15	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	Not Delegated	
15(a)	the owner for the time being of the land on which the tree or shrub is, or was, situated; or		
15(b)	in the case of land under the care, control or management of a Council – that Council.		
Regulation 1	**Access to Sewerage Infrastructure**		
16(2)	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	Not Delegated	
Regulation 17	**Power to Restrict or Discontinue Water Supply**		
17(1)	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	Not Delegated	
17(1)(a)	obtain the approval of the prescribed authority before acting; and		
17(1)(b)	notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):		
17(1)(b)(i)	if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and in all cases:		

WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
17(1)(b)(i)(A)	on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and		
17(1)(b)(i)(B)	in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and		
17(1)(b)(i)(C)	in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.		
Regulation 18	**Notices under Section 59 – Permits**		
18(1)	The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.	Not Delegated	
Regulation 23	**Fittings etc to be Flush with Road Surface**		
23(2)(a)	The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.	CEO	**DCWP, MAM**
23(2)(b)	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	CEO	**DCWP, MAM**
23(3)	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	CEO	**DCWP, MAM, DCC, MF**

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WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Regulation 34	**Pipes Must Not Lie Across Allotment Boundaries**		
34(1)	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	Not Delegated	
34(4)	The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	Not Delegated	
34(7)	The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.	Not Delegated	
Regulation 36	**Water Meters – Estimates**		
36	The power pursuant to Regulation 36 of the Regulations if:	Not Delegated	
36(a)	the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and		

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WATER INDUSTRY REGULATIONS 2012			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
36(b)	a code or rules made under the *Essential Services Commission Act 2002* relating to the provision of retail services to customers does not apply to that supply of water, to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.		
Regulation 38	**Charge where Land Not Connected or Service to Land Reduced or Discontinued**		
38	The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	Not Delegated	
38(a)	the land is not connected to infrastructure by which a retail service is provided by the Council; or		
38(b)	the provision of a retail service to the land by the Council has been reduced or discontinued.		

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH 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. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on 23 September 2025.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

SA PUBLIC HEALTH ACT 2011			
STATUTORY PROVISION	**POWER / FUNCTION**	**DELEGATE / LIMITATION**	**SUB DELEGATION**
Section 93	**Action on Non-compliance with Notice**		
93(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.	CEO	**Nil**
93(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.	CEO	**Nil**
93(3)	The power pursuant to Section 93(3) of the Act for a person taking action under this section to enter any relevant premises at any reasonable time.	CEO	**Nil**
93(4)	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.	CEO	**Nil**
93(5)	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.	CEO	**Nil**