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Mount Gambier

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# DELEGATIONS

# CITY OF

# MOUNT GAMBIER

City of
Mount Gambier

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- Instrument of Delegation under the Graffiti Control Act 2001 [Appendix 9]
- SA Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010
- Instrument of Delegation Under the Electronic Conveyancing National Law (South Australia) Act 2013
- SA Instrument of Delegation Under the Gas Act 1997
- Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013
- Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity
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- Instrument of Delegation under the Natural Resources Management Act 2004 the Natural Resources Mgt. (General) Regulations 2005 & the Natural Resources Mgt. (Transitional Provisions-Levies) Reg. 2005
- Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017
- Instrument of Delegation under the Public Assemblies Act 1972
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- Instrument of Delegation under the Work Health and Safety Act 2012

## Delegation Sources

- Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport
- Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- By-Law No. 1 Permits & Penalties 2018 - Delegations
- Community Titles Act 1996
- Development (Waste Reform) Variation Regulations 2019
- Development Act 1993
- Development (Development Plans) Amendment Act 2006
- Development Regulations 2008
- Dog and Cat Management Act 1995
- Environment Protection Act 1993
- Environment Protection (Waste to Resources) Policy 2010
- Expiation of Offences Act 1996
- Fences Act 1975
- Financial Authority
- Fines Enforcement and Debt Recovery Act 2017
- Fire and Emergency Services Act 2005
- Fire and Emergency Services Regulations 2005
- Food Act 2001
- Freedom of Information Act 1991
- Freedom of Information (Fees and Charges) Regulations 2003
- Graffiti Control Act 2001
- Electricity Act 1996
- Electricity (Principles of Vegetation Clearance) Regulations 2010
- Electronic Conveyancing National Law (South Australia) Act 2013
- Gas Act 1997
- Heavy Vehicle National Law (South Australia) Act 2013
- Planning, Development and Infrastructure Act 2016
- Road Traffic Act 1961
- Land and Business (Sale and Conveyancing) Act 1994
- Liquor Licensing Act 1997
- Local Government Act 1999
- Local Nuisance and Litter Control Act 2016
- Local Nuisance and Litter Control Regulations 2017
- Natural Resources Management Act 2004
- Natural Resources Management (General) Regulations 2005
- Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017
- Public Assemblies Act 1972
- Real Property Act 1886
- Road Traffic (Miscellaneous) Regulations 2014
- Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014
- Roads (Opening and Closing) Act 1991
- Safe Drinking Water Act 2011
- South Australian Public Health (Fees) Regulations 2018
- South Australian Public Health Act 2011
- South Australian Public Health (Legionella) Regulations 2013
- South Australian Public Health (Wastewater) Regulations 2013
- South Australian Public Health (General) Regulations 2013
- State Records Act 1997
- Strata Titles Act 1988
- Supported Residential Facilities Act 1992
- Supported Residential Facilities Regulations 2009

- Unclaimed Goods Act 1987
- Water Industry Act 2012
- Water Industry Regulations 2012
- Work Health and Safety Act 2012

## Titles

- Aaron Izzard: Aaron Izzard -
- Andrew Meddle: Andrew Meddle -
- AO - GA: Authorised Officer - Gregory Andrews - Gregory Andrews
- Ashlea Fisher: Ashlea Fisher -
- Barbara Cernovskis: Barbara Cernovskis -
- BO: Building Officer -
- Brad Patzel: Brad Patzel -
- Brian Russell Sparrow: Brian Russell Sparrow -
- C&MES: CEO & Mayoral Executive Support - Lynne Dowling
- CBO: Contract Building Officer -
- CEO: Chief Executive Officer - Andrew Meddle
- Chris Habets: Chris Habets -
- Colin McGregor: Colin McGregor -
- Council: Council - Council
- Dale Magnussen: Dale Magnussen -
- Darrin Wilke: Darrin Wilke -
- Daryl Stuart Ferguson : Daryl Stuart Ferguson -
- David Hurley: David Hurley -
- Denise Richardson: Denise Richardson -
- Derek Ferguson: Derek Ferguson -
- EHO1: Environmental Health Officer 1 -
- EHO2: Environmental Health Officer 2 -
- ETO: Engineering Technical Officer -
- Fiona McGregor: Fiona McGregor -
- FPO: Fire Prevention Officer - Michelle Abramovic
- GD-MACD: Gallery Director - Manager Arts & Cultural Development -
- Georgina Davison: Georgina Davison -
- GI: General Inspector - Michelle Abramovic
- GITL: General Inspector - Team Leader - Derek Ferguson
- GM-CBS: General Manager - Council Business Services -
- GM-CG: General Manager - City Growth - Judy Nagy
- GM-CI: General Manager - City Infrastructure - Nick Serle
- GM-CW: General Manager - Community Wellbeing - Barbara Cernovskis
- HRMO: Human Resource Management Officer -
- Janine Amoroso : Janine Amoroso -
- Jeroen Zwijnenburg: Jeroen Zwijnenburg -
- Joanne Fowler: Joanne Fowler -
- Judy Nagy: Judy Nagy -
- Kahli Rolton: Kahli Rolton -
- Kathy Allen: Kathy Allen -
- Kylie Harradine: Kylie Harradine -
- Leanne Little: Leanne Little -
- Lisa McGregor: Lisa McGregor -
- LM: Manager Library - Georgina Davison
- M&CC: Media & Communications Co-ordinator -
- MA: Management Accountant - Kahli Rolton
- Marlene Tracy Tzioutziouklaris: Marlene Tracy Tzioutziouklaris -
- Mary Lynne Dowling: Mary Lynne Dowling -
- MBSP: Manager Development Services - Tracy Tzioutziouklaris
- MCC: Main Corner Coordinator - Talie Teakle
- MCD: Manager Community Development -

- MEA: Manager Executive Administration - Michael McCarthy
- MED&C: Manager Engineering Design and Contracts -
- Melentie Pandilovski: Melentie Pandilovski -
- Melissa Telford: Melissa Telford -
- MF&CS: Manager Finance & Customer Service - Jeroen Zwijnenburg
- Michael McCarthy: Michael McCarthy -
- Narelle Lewis: Narelle Lewis -
- Natalie Teakle: Natalie Teakle -
- Nicholas Scott Serle: Nicholas Scott Serle -
- Patricia Ellis: Patricia Ellis -
- Peter Steven Atkinson: Peter Steven Atkinson -
- Peter Thompson: Peter Thompson -
- PO1: Planning Officer 1 -
- PO2: Planning Officer 2 -
- Rebecca Mobbs: Rebecca Mobbs -
- RO: Rates Officer -
- Sally Wilson: Sally Wilson -
- SBO: Senior Building Officer - Paul Gibbs
- Sharny McLean: Sharny McLean -
- S-PO: Senior Planning Officer - Simon Wiseman
- SRO: Senior Rates Officer -
- TLA: Team Leader Administration -
- TLF1: Team Leader Finance 1 -
- TLF2: Team Leader Finance 2 -
- Trevor Stanley Pettingill: Trevor Stanley Pettingill -
- WMI: Works Manager Infrastructure -
- WM-WDBMP&G: Works Manager - Waste, Depot,Building Maintenance, Parks and Gardens -
- Xarnia Keding: Xarnia Keding -

## Title Groups

- Financial Delegates: Financial Delegates - Andrew Meddle, Barbara Cernovskis, Judy Nagy, Nicholas Scott Serle, Trevor Stanley Pettingill, Brad Patzel, Mary Lynne Dowling, Jeroen Zwijnenburg, Cheryl Ann McCombe, Brian Russell Sparrow, Georgina Davison, Natalie Teakle, Daryl Stuart Ferguson , Chris Habets, David Hurley, Rebecca Mobbs, Peter Steven Atkinson, Marlene Tracy Tzioutziouklaris, Derek Ferguson, Kahli Rolton, Michael McCarthy, Melentie Pandilovski, Sharny McLean, Darrin Wilke, Patricia Ellis, Peter Thompson, Joanne Fowler, Kylie Harradine, Janine Amoroso , Denise Richardson, Xarnia Keding, Ashlea Fisher, Aaron Izzard, Fiona McGregor, Colin McGregor, Sally Wilson, Melissa Telford, Leanne Little, Narelle Lewis, Lisa McGregor, Kathy Allen, Elisa Solly

## Authorisations under the Road Traffic Act 1961 Approved by the Chief Executive Officer of the Council in Accordance With the Instrument of General Approval and Delegation to Council

| Authorisations under Road Traffic Act 1961 Made in Accordance with the Notice to Council 22 August 2013 from the Minister for Transport | | | |
|---|---|---|---|
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 277756 | AUTHORISATIONS<br>2. TRAFFIC CONTROL DEVICES<br>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. | | Council |
| 277757 | AUTHORISATIONS<br>2. TRAFFIC CONTROL DEVICES<br>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. | | Council |
| 277758 | AUTHORISATIONS<br>2. TRAFFIC CONTROL DEVICES<br>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: | | Council |
| 277759 | AUTHORISATIONS<br>3. SPEED LIMITS AT WORKS ON ROADS | | Council |

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| | 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. | | |
| 277760 | AUTHORISATIONS<br><br>3. SPEED LIMITS AT WORKS ON ROADS<br><br>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. | | Council |
| 277761 | AUTHORISATIONS<br><br>3. SPEED LIMITS AT WORKS ON ROADS<br><br>3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument: [insert name of Council employee(s)]. | | Council |
| 277762 | AUTHORISATIONS<br><br>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS<br><br>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. | | Council |
| 277763 | AUTHORISATIONS<br><br>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS<br><br>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. | | Council |

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| 277764 | AUTHORISATIONS<br><br>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS<br><br>4.3 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument: [insert name of Council employee(s)]. | | Council |
| 277765 | AUTHORISATIONS<br><br>5. TEMPORARY PARKING CONTROLS<br><br>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. | | Council |
| 277766 | AUTHORISATIONS<br><br>5. TEMPORARY PARKING CONTROLS<br><br>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. | | Council |
| 277767 | AUTHORISATIONS<br><br>5. TEMPORARY PARKING CONTROLS<br><br>5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument: [insert name of Council employee(s)]. | | Council |
| 277768 | AUTHORISATIONS<br><br>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY<br><br>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 | | Council |

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| | 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. | | |
| 277769 | AUTHORISATIONS<br><br>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY<br><br>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. | | Council |
| 277770 | AUTHORISATIONS<br><br>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY<br><br>6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument: [insert name of Council employee(s)]. | | Council |

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

| Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 277771 | 1. Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground<br><br>1.1 The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground. | | CEO |
| 277772 | 2. Opening of Interment Sites, Exhumation and Re-interment<br><br>2.1 The power pursuant to Section 13(6) of the Act to consult with the Attorney General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground. | | CEO |
| 277773 | 3. Disposal of Unclaimed Cremated Human Remains<br><br>3.1 The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium. | | CEO |
| 277774 | 4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria<br><br>4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium. | | CEO |
| 277775 | 5. Power of Councils to Establish and Manage Public Mortuaries<br><br>5.1 The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal. | | CEO |
| 277776 | 6. Establishment of Mausolea Within Cemeteries<br><br>6.1 The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority. | | CEO |

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| 277777 | 7. Designation of Natural Burial Grounds Within Cemeteries<br><br>7.1 The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery. | | CEO |
| 277778 | 8. Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions<br><br>8.1 The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground. | | CEO |
| 277779 | 9. Closure of Cemeteries and Natural Burial Grounds<br><br>9.1 Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:<br><br>9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or<br><br>9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground. | | CEO |
| 277780 | 9. Closure of Cemeteries and Natural Burial Grounds<br><br>9.2 The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:<br><br>9.2.1 discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or<br><br>9.2.2 discharge the interment right and issue to the former holder, free of charge:<br><br>9.2.2.1 a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or<br><br>9.2.2.2 if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground. | | CEO |
| 277781 | 9. Closure of Cemeteries and Natural Burial Grounds<br><br>9.3 The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground | | CEO |

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| | pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:<br><br>9.3.1 discharge the interment right and issue to the former holder, free of charge:<br><br>9.3.1.1 a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or<br><br>9.3.1.2 if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and<br><br>9.3.2 remove any human remains interred at the original interment site and re inter the remains pursuant to the new interment right; and<br><br>9.3.3 remove any memorial erected at the original interment site and re position the memorial at the new interment site. | | |
| 277782 | 9. Closure of Cemeteries and Natural Burial Grounds<br><br>9.4 The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act. | | CEO |
| 277783 | 9. Closure of Cemeteries and Natural Burial Grounds<br><br>9.5 The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group. | | CEO |
| 277784 | 10. Dedication of Closed Council Cemeteries as Park Lands<br><br>10.1 Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:<br><br>10.1.1 remove memorials to deceased persons;<br><br>10.1.2 relocate memorials to deceased persons in the park lands;<br><br>10.1.3 replace memorials to deceased persons with some other form of memorial in the park lands. | | CEO |
| 277785 | 11. Conversion of Closed Cemeteries into Public Parks or Gardens<br><br>11.1 The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the | | CEO |

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| | relevant authority for a closed cemetery, to convert the cemetery into a public park or garden. | | |
| 277786 | 11. Conversion of Closed Cemeteries into Public Parks or Gardens<br><br>11.2 Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:<br><br>11.2.1 remove memorials to deceased persons;<br><br>11.2.2 relocate memorials to deceased persons in the park or garden;<br><br>11.2.3 replace memorials to deceased persons with some other form of memorial in the park or garden. | | CEO |
| 277787 | 12. Powers of Relevant Authorities in Relation to Closed Cemeteries<br><br>12.1 The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:<br><br>12.1.1 construct roads and pathways on the land; and<br><br>12.1.2 erect or construct buildings or structures on the land; and<br><br>12.1.3 construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and<br><br>12.1.4 erect lighting, seating and any other infrastructure or public amenity; and<br><br>12.1.5 take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden. | | CEO |
| 277788 | 13. Issue of Interment Rights<br><br>13.1 Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:<br><br>13.1.1 identifies the person to whom the interment right is issued; and<br><br>13.1.2 identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and<br><br>13.1.3 identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner | | CEO |

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| | set out in<br>the interment right, of the site at which the remains may be interred pursuant to the interment right; and<br>13.1.4 specifies the period for which the interment right is granted; and<br>13.1.5 sets out the rights to renewal of the interment right; and<br>13.1.6 specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer. | | |
| 277789 | 13. Issue of Interment Rights<br>13.2 The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold. | | CEO |
| 277790 | 13. Issue of Interment Rights<br>13.3 Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site. | | CEO |
| 277791 | 13. Issue of Interment Rights<br>13.4 The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there. | | CEO |
| 277792 | 14. Duration of Interment Rights<br>14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:<br>14.1.1 for the period specified in the interment right; or<br>14.1.2 in perpetuity. | | CEO |
| 277793 | 15. Renewal of Interment Rights<br>15.1 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of | | CEO |

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| | not less than 5 years. | | |
| 277794 | 15. Renewal of Interment Rights<br>15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee. | | CEO |
| 277795 | 16. Transfer of Interment Rights<br>16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right. | | CEO |
| 277796 | 17. Re-use of Internment Sites<br>17.1 Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:<br>17.1.1 re-use the internment site to which the interment right related; and<br>17.1.2 remove any memorial to a deceased person erected on or at the site. | | CEO |
| 277797 | 18. Ownership of Memorial<br>18.1 The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act. | | CEO |
| 277798 | 19. Duty to Maintain Memorial<br>19.1 The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site. | | CEO |
| 277799 | 20. Power to Require Repair, Removal or Reinstatement of Memorial<br>20.1 The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice | | CEO |
| 277800 | 20. Power to Require Repair, Removal or Reinstatement of Memorial<br>20.2 The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to | | CEO |

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| | have the work carried out and recover the cost of doing so as a debt from the owner of the memorial. | | |
| 277801 | 20. Power to Require Repair, Removal or Reinstatement of Memorial<br>20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:<br>20.3.1 a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and<br>20.3.2 urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,<br><br>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. | | CEO |
| 277802 | 21. Power of Relevant Authority to Dispose of Unclaimed Memorial<br>21.1 The power pursuant to Section 42(1) of the Act, if:<br>21.1.1 2 years or more have elapsed:<br>21.1.1.1 since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or<br>21.1.1.2 since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and<br>21.1.2 a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and<br>21.1.3 the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:<br>21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and<br>21.1.3.2 by written notice affixed to the memorial; and<br>21.1.4 the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and<br>21.1.5 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,<br>to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit. | | CEO |

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| 277803 | 22. General Powers of Relevant Authority<br>22.1 The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:<br>22.1.1 enlarge the cemetery, natural burial ground or crematorium; and<br>22.1.2 improve or embellish the cemetery, natural burial ground or crematorium; and<br>22.1.3 restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and<br>22.1.4 take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium. | | CEO |
| 277804 | 23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground<br>23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground. | | CEO |
| 277805 | 24. Neglected Cemeteries and Natural Burial Grounds<br>24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:<br>24.1.1 the delegate is of the opinion that a cemetery or natural burial ground within its area:<br>24.1.1.1 is in a neglected condition; or<br>24.1.1.2 fails in any manner to comply with the requirements of this Act;<br>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. | | CEO |
| 277806 | 24. Neglected Cemeteries and Natural Burial Grounds<br>24.2 The power pursuant to Section 46(3) of the Act, if:<br>24.2.1 the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and<br>24.2.2 no application for review of the decision to give the notice is made within 14 days after the notice is given,<br>to have the work carried out. | | CEO |

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| 277807 | 24. Neglected Cemeteries and Natural Burial Grounds<br>24.3 The power pursuant to Section 46(4) of the Act, if:<br>24.3.1 the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and<br>24.3.2 an application for review of the decision to give the notice is determined in favour of the Council<br>to, within 14 days after the determination of the review, have the work carried out. | | CEO |
| 277808 | 24. Neglected Cemeteries and Natural Burial Grounds<br>24.4 The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given. | | CEO |
| 277809 | 25. Right of Review<br>25.1 The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority. | | CEO |
| 277810 | 26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees<br>26.1 The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground. | | CEO |
| 277811 | 27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds<br>27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:<br>27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or<br>27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or<br>27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council. | | CEO |
| 277812 | 28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria<br>28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence | | CEO |

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| | in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium. | | |
| 277813 | 29. Disposal of Surplus Cemetery Land, etc<br><br>29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce. | | CEO |
| 277814 | 30. Disposal of Land After Closure of Cemetery Etc<br><br>30.1 The power pursuant to Section 52(1) of the Act, if:<br><br>30.1.1 a cemetery or natural burial ground has been closed in accordance with this Act; and<br><br>30.1.2 all human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,<br><br>to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce. | | CEO |
| 277815 | 31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc<br><br>31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:<br><br>31.1.1 the holder of an interment right in relation to the cemetery or natural burial ground; or<br><br>31.1.2 the owner of a memorial erected in a cemetery or natural burial ground,<br><br>fail, to request the Public Trustee act on behalf of the holder or owner. | | CEO |
| 277816 | 32. Authorised Officers<br><br>32.1 The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class. | | CEO |
| 277817 | 32. Authorised Officers<br><br>32.2 The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised | | CEO |

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| | officer. | | |
| 277818 | 32. Authorised Officers<br><br>32.3 The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition. | | CEO |
| 277819 | 33. Filling of Sunken Interment Sites<br><br>33.1 The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level. | | CEO |
| 277820 | 34. Powers of Relevant Authority in Relation to Mausolea and Vaults<br><br>34.1 The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:<br><br>34.1.1 a mausoleum or vault in the cemetery does not comply with the Regulations; or<br><br>34.1.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,<br><br>open the mausoleum or vault and inspect it. | | CEO |
| 277821 | 34. Powers of Relevant Authority in Relation to Mausolea and Vaults<br><br>34.2 The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:<br><br>34.2.1 the mausoleum or vault does not comply with the Regulations; or<br><br>34.2.2 offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,<br><br>to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice. | | CEO |
| 277822 | 34. Powers of Relevant Authority in Relation to Mausolea and Vaults<br><br>34.3 The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under | | CEO |

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| | Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person. | | |
| 277823 | 35. Removal and Disposal of Name Plate etc from Coffin Before Cremation<br><br>35.1 The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:<br><br>35.1.1 a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or<br><br>35.1.2 any other thing that comes into the possession of the Council as a result of a cremation. | | CEO |
| 277824 | 36. Power of Relevant Authority in Relation to Things on Interment Sites<br><br>36.1 The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:<br><br>36.1.1 cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and<br><br>36.1.2 cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown. | | CEO |
| 277825 | 37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.<br><br>37.1 The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground. | | CEO |

## Delegation of Powers under Council's By-Law No. 1 Permits & Penalties

| By-Law No. 1 Permits & Penalties 2018 - Delegations | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 291250 | to grant or refuse an application for permission to undertake an activity or engage in conduct regulated by a Council By-law or to otherwise grant permission under any Council By-law; | | CEO, GITL, GM-CBS, GM-CG, GM-CI, GM-CW |
| 291251 | to attach any conditions that the delegate sees fit to a grant of permission issued under a By-law and to vary or revoke such conditions or impose new conditions by notice in writing to the person(s) to whom permission was granted; | | CEO, GITL, GM-CBS, GM-CG, GM-CI, GM-CW |
| 291252 | 10.1.3. to revoke or suspend a grant of permission that has been issued under a Council By-law by notice in writing to the person(s) to whom permission was granted; and | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 291253 | 10.1.4. to commence proceedings to prosecute an offence under a Council By-law. | | CEO |

## Instrument of Delegation under the Community Titles Act 1996

| Community Titles Act 1996 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 277826 | 1. Interpretation<br>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 ("the Act") where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:<br>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or<br>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),<br>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. | | CEO, GM-CG |
| 277827 | 2. Application<br>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:<br>2.1.1 land comprising an allotment or allotments;<br>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division. | | CEO |
| 277828 | 3. Application May Deal With Statutory Encumbrances<br>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | | CEO, GM-CG |
| 277833 | 4. Consents to Application<br>4.1 The power pursuant to Section 16(1)(a) of the Act, | | CEO |

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| | 4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or<br><br>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or<br><br>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council<br><br>to consent to the application. | | |
| 277834 | 5. Application to Amend Schedule of Lot Entitlements<br><br>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is<br><br>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or<br><br>5.1.2 a prospective owner at the relevant time of a community lot; or<br><br>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or<br><br>5.1.4 where the Council is a person referred to in Section 21(5) of the Act,<br><br>to consent to the proposed amendment. | | CEO |
| 277835 | 5. Application to Amend Schedule of Lot Entitlements<br><br>5.2 The power pursuant to Section 21(5) of the Act:<br><br>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:<br><br>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or<br><br>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or<br><br>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or<br><br>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:<br><br>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the | | CEO |

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| | proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or<br>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or<br>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,<br>to grant consent. | | |
| 277829 | 6. Encroachments<br>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council. | | CEO, GM-CG |
| 277830 | 7. Scheme Description<br>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:<br>7.1.1 add any information that is necessary or desirable; or<br>7.1.2 clarify any part of the description; or<br>7.1.3 remove any unnecessary detail. | | CEO, GM-CG |
| 277831 | 8. Scheme Description<br>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description. | | CEO, GM-CG |
| 277836 | 9. Persons Whose Consents are Required<br>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:<br>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or<br>9.1.2 the prospective owner at the relevant time of a community lot;<br>9.1.3 the owner or prospective owner at the relevant time of a development lot;<br>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or | | CEO |

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| | 9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or<br><br>9.1.6 a person referred to Section 32(2) of the Act,<br><br>to grant consent. | | |
| 277837 | 9. Persons Whose Consents are Required<br><br>9.2 The power pursuant to Section 32(2) of the Act:<br><br>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:<br><br>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or<br><br>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or<br><br>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or<br><br>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:<br><br>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or<br><br>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or<br><br>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,<br><br>to grant consent. | | CEO |
| 277853 | 9A. By-laws<br><br>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice. | | CEO |
| 277854 | 9A. By-laws | | CEO |

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| | 9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation. | | |
| 277855 | 9B. By-law as to the Exclusive Use of Part of the Common Property<br><br>9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act. | | CEO |
| 277856 | 9C. Enforcement of Development Contract<br><br>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:<br><br>9C.1.1 the developer; and<br><br>9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,<br><br>even though no obligations attach to the corporation, owner and occupier under the contract. | | CEO |
| 277857 | 9C. Enforcement of Development Contract<br><br>9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court. | | CEO |
| 277858 | 9C. Enforcement of Development Contract<br><br>9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to:<br><br>9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or<br><br>9C.3.2 state a question of law for the opinion of the Supreme Court. | | CEO |
| 277838 | 10. Application for Amendment<br><br>10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment. | | CEO |

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| 277839 | 10. Application for Amendment<br><br>10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:<br><br>10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or<br><br>10.2.2 a person who holds a registered encumbrance over the lot,<br><br>consent to the amendment. | | CEO |
| 277840 | 10. Application for Amendment<br><br>10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application. | | CEO |
| 277841 | 11. Status of Application for Amendment of Plan<br><br>11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended. | | CEO |
| 277842 | 11. Status of Application for Amendment of Plan<br><br>11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886. | | CEO |
| 277832 | 12. Application May Deal With Statutory Encumbrances<br><br>12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | | CEO, GM-CG |
| 277843 | 13. Alteration of Boundaries of Primary Community Parcel<br><br>13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation. | | CEO |
| 277844 | 14. Amendment of Plan Pursuant to Development Contract | | CEO |

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| | 14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan. | | |
| 277845 | 15. Amendment by Order of District Court<br>15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan. | | CEO |
| 277859 | 15. Amendment by Order of ERD Court<br>15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter. | | CEO |
| 277846 | 16. Persons Whose Consents are Required<br>16.1 The power pursuant to Section 61(1) of the Act, where the Council is:<br>16.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or<br>16.1.2 the prospective owner at the relevant time of a community lot; or<br>16.1.3 the owner or prospective owner at the relevant time of a development lot; or<br>16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or<br>16.1.5 a person referred to in Section 61(2) of the Act,<br>to consent to the amalgamation. | | CEO |
| 277847 | 16. Persons Whose Consents are Required<br>16.2 The power pursuant to Section 61(2) of the Act,<br>16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:<br>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or<br>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or | | CEO |

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| | 16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or<br><br>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or<br><br>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:<br><br>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or<br><br>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or<br><br>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or<br><br>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,<br><br>to consent. | | |
| 277848 | 17. Deposit of Amalgamated Plan<br><br>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:<br><br>17.1.1 the owner of the servient land; or<br><br>17.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)<br><br>to endorse an application for amalgamation with the Council's consent. | | CEO |
| 277849 | 18. Persons Whose Consent is Required<br><br>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:<br><br>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or<br><br>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or<br><br>18.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot,<br><br>to give consent to the application. | | CEO |

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| 277860 | 18A. Application to ERD Court<br><br>18A.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan. | | CEO |
| 277861 | 18A. Application to ERD Court<br><br>18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter. | | CEO |
| 277850 | 19. Cancellation<br><br>19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected). | | CEO |
| 277851 | 19. Cancellation<br><br>19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan. | | CEO |
| 277852 | 20. Division of Primary Parcel Under Part 19AB<br><br>20.1 The power pursuant to Section 70(2) of the Act, where the Council is:<br><br>20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;<br><br>20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or<br><br>20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel,<br><br>to endorse a plan of division lodged with the application with the Council’s consent. | | CEO |
| 277862 | 21. Voting at General Meetings<br><br>21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council’s behalf. | | CEO |

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| 277863 | 21. Voting at General Meetings<br>21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting. | | CEO |
| 277864 | 22. Administrator of Community Corporation's Affairs<br>22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed. | | CEO |
| 277865 | 23. Power to Enforce Duties of Maintenance and Repair etc<br>23.1 The power pursuant to Section 101(6) of the Act, where:<br>23.1.1 -<br>23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or<br>23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and<br>23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,<br>to recover those costs from that other person as a debt. | | CEO |
| 277866 | 24. Right to Inspect Policies of Insurance<br>24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation. | | CEO |
| 277867 | 24. Right to Inspect Policies of Insurance<br>24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation. | | CEO |
| 277868 | 24. Right to Inspect Policies of Insurance<br>24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation. | | CEO |
| 277869 | 25. Information to be Provided by Corporation | | CEO |

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| | 25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:<br>25.1.1 provide a statement setting out:<br>25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and<br>25.1.1.2 particulars of the assets and liabilities of the corporation; and<br>25.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and<br>25.1.1.4 particulars in relation to any other matter prescribed by regulations; and<br>25.1.2 provide copies of:<br>25.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and<br>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and<br>25.1.2.3 current policies of insurance taken out by the corporation; and<br>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:<br>25.1.3.1 a copy of the accounting records of the corporation; and<br>25.1.3.2 the minute books of the corporation; and<br>25.1.3.3 any other documentary material prescribed by regulation; and<br>25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and<br>25.1.5 make available for inspection the register maintained under Section 135 of the Act. | | |
| 277870 | 25. Information to be Provided by Corporation<br>25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation. | | CEO |
| 277871 | 26. Information as to Higher Tier of Community Scheme<br>26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the | | CEO |

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| | Act. | | |
| 277872 | 26. Information as to Higher Tier of Community Scheme<br><br>26.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act. | | CEO |
| 277873 | 27. Persons Who May Apply for Relief<br><br>27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act. | | CEO |
| 277874 | 28. Resolution of Disputes, etc<br><br>28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court. | | CEO |
| 277875 | 28. Resolution of Disputes, etc<br><br>28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court. | | CEO |
| 277876 | 28. Resolution of Disputes, etc<br><br>28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court. | | CEO |
| 277877 | 28. Resolution of Disputes, etc.<br><br>28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court. | | CEO |
| 277878 | 28. Resolution of Disputes, etc. | | CEO |

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| | 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to:<br>28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or<br>28.5.2 state a question of law for the opinion of the Supreme Court. | | |
| 277879 | 29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold<br>29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale. | | CEO |
| 277884 | 29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold<br>29.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:<br>29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or | | CEO |
| 277880 | 29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold<br>29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract,<br>to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited. | | CEO |
| 277881 | 30. Entry onto Lot or Common Property<br>30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to:<br>30.1.1 give notice to the owner of the lot to be entered; or<br>30.1.2 where it is necessary to enter the common property, to give notice to the corporation. | | CEO |

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| 277882 | 30. Entry onto Lot or Common Property<br><br>30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances. | | CEO |
| 277883 | 30. Entry onto Lot or Common Property<br><br>30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property. | | CEO |

| Development (Waste Reform) Variation Regulations 2019 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278314 | 120. Development Authorisations to Continue<br><br>120.1 The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:<br><br>120.1.1 grant a new development authorisation to the person; or<br><br>120.1.2 revoke an existing development authorisation; or<br><br>120.1.3 by notice in writing to the authorisee given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform Regulations:<br><br>120.1.3.1 vary the terminology or numbering in the existing development authorisation; or<br><br>120.1.3.2 impose or vary a condition of the existing development authorisation,<br><br>if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations. | | CEO |
| 278315 | 120. Development Authorisations to Continue<br><br>120.2 The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action under clause 2(2) of Schedule 1 of the Waste Reform Regulations, to, dispense with the requirement for applications and payment of fees as the Delegate considers appropriate. | | CEO |
| **Development Act 1993** | | | |

| # | Item Delegated | Conditions and Limitations | Delegate |
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| 277885 | 1. Concept of Change in the Use of Land<br>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:<br>1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and | | CEO, GM-CG, MBSP |
| 278284 | 1. Concept of Change in the Use of Land<br>1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:<br>1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land. | | CEO |
| 277886 | 2. Appointment of Authorised Officers<br>2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993. | | CEO |
| 277887 | 2. Appointment of Authorised Officers<br>2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer. | | CEO |
| 277888 | 2. Appointment of Authorised Officers<br>2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card. | | CEO |
| 277889 | 2. Appointment of Authorised Officers<br>2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. | | CEO |

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| 277890 | 3. Delegations<br><br>3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette. | | CEO |
| 277891 | 4. Council or Minister May Amend a Development Plan<br><br>4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan. | | CEO |
| 277892 | 4. Council or Minister May Amend a Development Plan<br><br>4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister. | | CEO |
| 277893 | 4. Council or Minister May Amend a Development Plan<br><br>4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister. | | CEO |
| 277894 | 4. Council or Minister May Amend a Development Plan<br><br>4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act. | | CEO |
| 277895 | 4. Council or Minister May Amend a Development Plan<br><br>4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all. | | CEO |
| 277896 | 4. Council or Minister May Amend a Development Plan<br><br>4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister. | | CEO |

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| 277897 | 4. Council or Minister May Amend a Development Plan<br><br>4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter. | | CEO |
| 277898 | 5. Amendments by a Council<br><br>5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations. | | CEO, GM-CG, MBSP |
| 277899 | 5. Amendments by a Council<br><br>5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council. | | CEO |
| 277900 | 5. Amendments by a Council<br><br>5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:<br><br>5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;<br><br>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:<br><br>5.3.2.1 accords with the Planning Strategy; and<br><br>5.3.2.2 accords with the Statement of Intent; and<br><br>5.3.2.3 accords with other parts of the Development Plan; and<br><br>5.3.2.4 complements the policies in the Development Plans for adjoining areas; and<br><br>5.3.2.5 satisfies the matters prescribed in the Regulations; | | CEO, GM-CG, MBSP |

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| | 5.3.3 the DPA must include:<br><br>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and<br><br>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and<br><br>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);<br><br>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;<br><br>5.3.5 the DPA must include any other matter prescribed by the Regulations. | | |
| 277901 | 5. Amendments by a Council<br><br>5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit. | | CEO |
| 277902 | 5. Amendments by a Council<br><br>5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications. | | CEO |
| 277903 | 5. Amendments by a Council<br><br>5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act. | | CEO |
| 277904 | 5. Amendments by a Council<br><br>5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister. | | CEO |

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| 277905 | 5. Amendments by a Council<br><br>5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister. | | CEO |
| 277906 | 5. Amendments by a Council<br><br>5.9 Process A<br><br>5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations. | | CEO |
| 278286 | 5. Amendments by a Council<br><br>5.9 Process A<br><br>5.9.2 The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment. | | CEO |
| 278287 | 5. Amendments by a Council<br><br>5.9 Process A<br><br>5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister. | | CEO |
| 278288 | 5. Amendments by a Council<br><br>5.9 Process A<br><br>5.9.4 The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA. | | CEO |
| 278289 | 5. Amendments by a Council<br><br>5.9 Process A<br><br>5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks. | | CEO |

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| 277907 | 5. Amendments by a Council<br><br>5.10 Process B<br><br>5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.<br><br>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.<br><br>5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.<br><br>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.<br><br>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act. | | CEO |
| 277908 | 5. Amendments by a Council<br><br>5.11 Process C<br><br>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.<br><br>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.<br><br>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:<br><br>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and<br><br>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, | | CEO |

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| | a written notice in accordance with the Regulations. | | |
| 277909 | 5. Amendments by a Council<br><br>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:<br><br>5.12.1 accords with the Planning Strategy; and<br><br>5.12.2 accords with the Statement of Intent; and<br><br>5.12.3 accords with other parts of the Development Plan; and<br><br>5.12.4 complements the policies in the Development Plans for adjoining areas; and<br><br>5.12.5 satisfies the matters prescribed in the Regulations. | | CEO |
| 277910 | 5. Amendments by a Council<br><br>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:<br><br>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and<br><br>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,<br><br>5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations. | | CEO, GM-CG, MBSP |
| 277911 | 5. Amendments by a Council<br><br>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:<br><br>5.14.1 informing the owner of the proposed amendment, and<br><br>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations. | | CEO, GM-CG, MBSP |

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| 277912 | 5. Amendments by a Council<br><br>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:<br><br>5.15.1 informing the owner of the proposed amendment; and<br><br>5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations. | | CEO, GM-CG, MBSP |
| 277913 | 5. Amendments by a Council<br><br>5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment. | | CEO, GM-CG, MBSP |
| 277914 | 5. Amendments by a Council<br><br>5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment. | | CEO |
| 277915 | 5. Amendments by a Council<br><br>5.18 The duty to send to the Minister:<br><br>5.18.1 a copy of a report under Section 25(13)(a); and<br><br>5.18.2 a certificate from the Chief Executive Officer;<br><br>pursuant to and in accordance with Section 25(14) of the Act and the Regulations. | | CEO |
| 277916 | 5. Amendments by a Council<br><br>5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister. | | CEO, GM-CG, MBSP |
| 277917 | 5. Amendments by a Council<br><br>5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to | | CEO, GM-CG, MBSP |

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| | the Minister. | | |
| 277918 | 5. Amendments by a Council<br><br>5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister. | | CEO |
| 277919 | 6. Amendments by the Minister<br><br>6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks. | | CEO |
| 277920 | 6. Amendments by the Minister<br><br>6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks. | | CEO |
| 277921 | 6. Amendments by the Minister<br><br>6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks. | | CEO |
| 277922 | 6. Amendments by the Minister<br><br>6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act. | | CEO |
| 277923 | 6. Amendments by the Minister<br><br>6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action. | | CEO |
| 277924 | 7. Parliamentary Scrutiny<br><br>7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister. | | CEO |
| 277925 | 8. Strategic Directions Reports<br><br>8.1 The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that: | | CEO |

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| | 8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:<br>8.1.1.1 the Planning Strategy; and<br>8.1.1.2 any other policy or document prescribed by the regulations; and<br>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and<br>8.1.3 sets out the Council's priorities for:<br>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and<br>8.1.3.2 the integration of transport and land-use planning within its area; and<br>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and<br>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and<br>8.1.3.5 infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and<br>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and<br>8.1.4 contains such other material as may be:<br>8.1.4.1 prescribed by the regulations; or<br>8.1.4.2 required by the Minister. | | |
| 277926 | 8. Strategic Directions Reports<br>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:<br>8.2.1 within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:<br>8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and<br>8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and<br>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act. | | CEO |

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| 277927 | 8. Strategic Directions Reports<br><br>8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:<br><br>8.3.1 by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and<br><br>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations. | | CEO |
| 277928 | 8. Strategic Directions Reports<br><br>8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations. | | CEO |
| 277929 | 8. Strategic Directions Reports<br><br>8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. | | CEO |
| 277930 | 8. Strategic Directions Reports<br><br>8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:<br><br>8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and<br><br>8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act. | | CEO |
| 277931 | 8. Strategic Directions Reports<br><br>8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister. | | CEO |
| 277932 | 8. Strategic Directions Reports<br><br>8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister). | | CEO |

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| 277933 | 8. Strategic Directions Reports<br>8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:<br>8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or<br>8.9.2 from a particular requirement with respect to a report under Section 30 of the Act. | | CEO |
| 277934 | 8. Strategic Directions Reports<br>8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council. | | CEO |
| 277935 | 8. Strategic Directions Reports<br>8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations. | | CEO |
| 277936 | 8. Strategic Directions Reports<br>8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act. | | CEO |
| 277937 | 8. Strategic Directions Reports<br>8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act. | | CEO |
| 277938 | 9. Copies of Plans to be Made Available to the Public<br>9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council. | | CEO, GM-CG, MBSP |

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| 277939 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br><br>10.1.1 the provisions of the appropriate Development Plan; | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278264 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br><br>10.1.2 the provisions of the Building Rules; | | BO, CBO, CEO, SBO |
| 278265 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br><br>10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act; | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278266 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br><br>10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act; | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278267 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br><br>10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and | | BO, CBO, CEO, GM-CG, MBSP, S-PO, SBO |
| 278268 | 10.Matters Against Which Development Must be Assessed<br><br>10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and | | CEO, GM-CG, MBSP |

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| | grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):<br>10.1.6 such other matters as may be prescribed. | | |
| 277940 | 10.Matters Against Which Development Must be Assessed<br>10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277941 | 10.Matters Against Which Development Must be Assessed<br>10.3 If:<br>10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and<br>10.3.2 the Council:<br>10.3.2.1 is the relevant authority; and<br>10.3.2.2 is to make the assessment under that paragraph; and<br>10.3.3 the Council determines to grant consent under that paragraph,<br>the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent. | | CEO |
| 277942 | 11. Determination of Relevant Authority<br>11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development. | | CEO, GM-CG, MBSP |
| 277943 | 11. Determination of Relevant Authority<br>11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations. | | CEO, GM-CG, MBSP |
| 277944 | 11. Determination of Relevant Authority<br>11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to | | CEO |

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| | 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. | | |
| 277945 | 11. Determination of Relevant Authority<br><br>11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel | | CEO |
| 277946 | 11. Determination of Relevant Authority<br><br>11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act. | | CEO, GM-CG, MBSP |
| 277947 | 11. Determination of Relevant Authority<br><br>11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet. | | CEO, GM-CG, MBSP |
| 277948 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277949 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277950 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 277951 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277952 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278271 | 12. Special Provisions Relating to Assessment Against Development Plans<br><br>12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277953 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules. | | BO, CBO, CEO, SBO |
| 277954 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.2 The power pursuant to and in accordance with Section 36(2) of the Act:<br><br>13.2.1 to assess whether a development is at variance with the Building Rules;<br><br>13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;<br><br>13.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:<br><br>13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or<br><br>13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances | | BO, CBO, CEO, SBO |

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| | of the particular case. | | |
| 277955 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place. | | BO, CBO, CEO, SBO |
| 277956 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code. | | BO, CBO, CEO, SBO |
| 277957 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:<br><br>13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or<br><br>13.5.2 such compliance is certified by a private certifier. | | BO, CBO, CEO, SBO |
| 277958 | 13. Special Provisions Relating to Assessment Against the Building Rules<br><br>13.6 The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification. | | BO, CBO, CEO, SBO |
| 277959 | 14. Consultation With Other Authorities or Agencies<br><br>14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:<br><br>14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and<br><br>14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |

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| | or concur (as the case requires). | | |
| 277960 | 14. Consultation With Other Authorities or Agencies<br>14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act. | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277961 | 14. Consultation With Other Authorities or Agencies<br>14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings. | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277962 | 15. Preliminary Advice and Agreement<br>15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277963 | 15. Preliminary Advice and Agreement<br>15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277964 | 16. Proposed Development Involving Creation of Fortifications<br>16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner'). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277965 | 16. Proposed Development Involving Creation of Fortifications<br>16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277966 | 16. Proposed Development Involving Creation of Fortifications<br>16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | involves the creation of fortifications to:<br><br>16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or<br><br>16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications. | | |
| 277967 | 16. Proposed Development Involving Creation of Fortifications<br><br>16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277968 | 17. Public Notice and Consultation<br><br>17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277969 | 17. Public Notice and Consultation<br><br>17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -<br><br>17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:<br><br>17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of each piece of adjoining land; and<br><br>17.2.1.2 give any other person of a prescribed class,<br><br>notice of the application; and<br><br>17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:<br><br>17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and<br><br>17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and<br><br>17.2.3 if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | 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. | | |
| 277970 | 17. Public Notice and Consultation<br>17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277971 | 17. Public Notice and Consultation<br>17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277972 | 17. Public Notice and Consultation<br>17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277973 | 17. Public Notice and Consultation<br>17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277974 | 17. Public Notice and Consultation<br>17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277975 | 17. Public Notice and Consultation<br>17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277976 | 17. Public Notice and Consultation<br>17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 277977 | 17. Public Notice and Consultation<br><br>17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277978 | 17. Public Notice and Consultation<br><br>17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 277979 | 18. Application and Provision of Information<br><br>18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:<br><br>18.1.1 provide such additional documents or information to enable assessment of the application;<br><br>18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;<br><br>18.1.3 consult with an authority or body prescribed by the Regulations;<br><br>18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and<br><br>18.1.5 comply with any other requirement prescribed by the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277980 | 18. Application and Provision of Information<br><br>18.2 If:<br><br>18.2.1 a development is of a kind that is complying development; and<br><br>18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and<br><br>18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),<br><br>the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |

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| 277981 | 18. Application and Provision of Information<br><br>18.3 If:<br><br>18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and<br><br>18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,<br><br>the power and duty pursuant to Section 39(2b)(c) of the Act, to;<br><br>18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and<br><br>the duty pursuant to Section 39(2b)(d) of the Act, to;<br><br>18.3.4 make that request within a period prescribed by the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277982 | 18. Application and Provision of Information<br><br>18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:<br><br>18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and<br><br>18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development). | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277983 | 18. Application and Provision of Information<br><br>18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply. | | CEO |
| 277984 | 18. Application and Provision of Information<br><br>18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply. | | CEO |
| 277985 | 18. Application and Provision of Information | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, |

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| | 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application. | | S-PO, SBO |
| 277986 | 18. Application and Provision of Information<br>18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277987 | 18. Application and Provision of Information<br>18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council). | | CEO, GM-CG, MBSP |
| 277988 | 18. Application and Provision of Information<br>18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application. | | CEO |
| 277989 | 18. Application and Provision of Information<br>18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277990 | 18. Application and Provision of Information<br>18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277991 | 18. Application and Provision of Information<br>18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 277992 | 18. Application and Provision of Information<br><br>18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative. | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277993 | 18. Application and Provision of Information<br><br>18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277994 | 18. Application and Provision of Information<br><br>18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277995 | 18. Application and Provision of Information<br><br>18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn. | | CEO, GM-CG, MBSP |
| 277996 | 19. Determination of Application<br><br>19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.) | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277997 | 19. Determination of Application<br><br>19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 277998 | 20. Time Within Which Decision Must be Made<br><br>20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations. | | CEO, GM-CG, MBSP |
| 277999 | 20. Time Within Which Decision Must be Made | | CEO, GM-CG, MBSP |

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| | 20.2 If:<br><br>20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and<br><br>20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,<br><br>the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application. | | |
| 278000 | 21. Conditions<br><br>21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278001 | 21. Conditions<br><br>21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land). | | CEO, GM-CG, MBSP |
| 278002 | 21. Conditions<br><br>21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act. | | CEO, GM-CG, MBSP |
| 278003 | 21. Conditions<br><br>21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case. | | BO, CEO, GM-CG, MBSP, SBO |
| 278004 | 22. Cancellation by a Relevant Authority<br><br>22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council | | CEO, GM-CG, MBSP |

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| | or the Delegate. | | |
| 278005 | 23. Investigation of Development Assessment Performance<br>23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister. | | CEO, GM-CG, MBSP |
| 278006 | 23. Investigation of Development Assessment Performance<br>23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act. | | CEO, GM-CG, MBSP |
| 278007 | 23. Investigation of Development Assessment Performance<br>23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister. | | CEO, GM-CG, MBSP |
| 278008 | 24. Crown Development and Public Infrastructure<br>24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278009 | 24. Crown Development and Public Infrastructure<br>24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278010 | 24. Crown Development and Public Infrastructure<br>24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development. | | CEO |
| 278011 | 25. Electricity Infrastructure Development<br>25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278012 | 25. Electricity Infrastructure Development | | CEO, GM-CG, MBSP, |

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| | 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice. | | PO1, PO2, S-PO |
| 278013 | 25. Electricity Infrastructure Development<br><br>25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition. | | CEO |
| 278014 | 26. Open Space Contribution System<br><br>26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:<br><br>26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or<br><br>26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or<br><br>26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act,<br><br>according to the determination and specification of the Council or Delegate. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278015 | 26. Open Space Contribution System<br><br>26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission. | | CEO |
| 278016 | 26. Open Space Contribution System<br><br>26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278017 | 26. Open Space Contribution System<br><br>26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the | | CEO |

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| | development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act. | | |
| 278018 | 26. Open Space Contribution System<br><br>26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278019 | 26. Open Space Contribution System<br><br>26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278020 | 27. Carparking Fund<br><br>27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund. | | CEO |
| 278021 | 27. Carparking Fund<br><br>27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained. | | CEO |
| 278022 | 27. Carparking Fund<br><br>27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development. | | CEO |
| 278023 | 27. Carparking Fund<br><br>27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development. | | CEO |
| 278024 | 27. Carparking Fund | | CEO |

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| | 27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund. | | |
| 278025 | 27. Carparking Fund<br>27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette. | | CEO |
| 278026 | 27. Carparking Fund<br>27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund. | | CEO |
| 278027 | 27. Carparking Fund<br>27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund. | | CEO |
| 278028 | 28. Urban Trees Fund<br>28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area). | | CEO |
| 278029 | 28. Urban Trees Fund<br>28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette. | | CEO |
| 278030 | 28. Urban Trees Fund<br>28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan. | | CEO |
| 278031 | 28. Urban Trees Fund<br>28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund. | | CEO |

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| 278032 | 28. Urban Trees Fund<br>28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:<br>28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or | | CEO |
| 278269 | 28. Urban Trees Fund<br>28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:<br>28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act. | | CEO |
| 278033 | 28. Urban Trees Fund<br>28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:<br>28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;<br>28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale. | | CEO |
| 278034 | 29. Certificate in Respect of the Division of Land<br>29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278035 | 30. Saving Provisions<br>30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship. | | CEO |
| 278036 | 31. Avoidance of Duplication of Procedures Etc<br>31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a ‘Commonwealth Act | | CEO, GM-CG, MBSP |

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| | document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act. | | |
| 278037 | 31. Avoidance of Duplication of Procedures Etc<br><br>31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. | | CEO, GM-CG, MBSP |
| 278038 | 31. Avoidance of Duplication of Procedures Etc<br><br>31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act. | | CEO, GM-CG, MBSP |
| 278039 | 31. Avoidance of Duplication of Procedures Etc<br><br>31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. | | CEO, GM-CG, MBSP |
| 278040 | 31. Avoidance of Duplication of Procedures Etc<br><br>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:<br><br>31.5.1 in circumstances where:<br><br>31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and<br><br>31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant | | CEO, GM-CG, MBSP |

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| | authority of that fact;<br><br>the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the<br><br>Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and | | |
| 278285 | 31. Avoidance of Duplication of Procedures Etc<br><br>31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:<br><br>31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. | | CEO, GM-CG, MBSP |
| 278041 | 32. Requirement to Upgrade Building in Certain Cases<br><br>32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards. | | BO, CBO, CEO, SBO |
| 278042 | 32. Requirement to Upgrade Building in Certain Cases<br><br>32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code. | | BO, CBO, CEO, SBO |
| 278043 | 33. Urgent Building Work<br><br>33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect | | BO, CBO, CEO, SBO |

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| | to building work performed as a matter of urgency. | | |
| 278044 | 34. Action if Development Not Substantially Completed<br><br>34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval. | | CEO |
| 278045 | 34. Action if Development Not Substantially Completed<br><br>34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person. | | CEO |
| 278046 | 34. Action if Development Not Substantially Completed<br><br>34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid. | | CEO, GM-CG, MBSP |
| 278047 | 35. Completion of Work<br><br>35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice. | | CEO |
| 278048 | 35. Completion of Work<br><br>35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act. | | CEO |
| 278049 | 35. Completion of Work<br><br>35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner. | | CEO, GM-CG, MBSP |
| 278050 | 35. Completion of Work<br><br>35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than | | CEO, GM-CG, MBSP |

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| | 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act. | | |
| 278051 | 36. Council to Establish Development Assessment Panels<br><br>36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act. | | CEO |
| 278052 | 36. Council to Establish Development Assessment Panels<br><br>36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act. | | CEO |
| 278053 | 36. Council to Establish Development Assessment Panels<br><br>36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women. | | CEO |
| 278054 | 36. Council to Establish Development Assessment Panels<br><br>36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years. | | CEO |
| 278055 | 36. Council to Establish Development Assessment Panels<br><br>36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel. | | CEO |
| 278056 | 36. Council to Establish Development Assessment Panels<br><br>36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:<br><br>36.6.1 breach of, or failure to comply with, the conditions of appointment; or<br><br>36.6.2 misconduct; or<br><br>36.6.3 neglect of duty; or | | CEO |

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| | 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or<br>36.6.5 failure to carry out satisfactorily the duty of his or her office; or<br>36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act. | | |
| 278057 | 36. Council to Establish Development Assessment Panels<br>36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment. | | CEO |
| 278058 | 36. Council to Establish Development Assessment Panels<br>36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public. | | CEO, GM-CG, MBSP |
| 278059 | 36. Council to Establish Development Assessment Panels<br>36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister. | | CEO |
| 278060 | 36. Council to Establish Development Assessment Panels<br>36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel). | | CEO |
| 278061 | 36. Council to Establish Development Assessment Panels<br>36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette. | | CEO |
| 278062 | 36. Council to Establish Development Assessment Panels<br>36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act. | | CEO |
| 278063 | 36. Council to Establish Development Assessment Panels<br>36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption | | CEO |

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| | under Section 56A(27) of the Act. | | |
| 278064 | 37. Building Rules Assessment Audits<br><br>37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B. | | CEO |
| 278065 | 37. Building Rules Assessment Audits<br><br>37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period. | | CEO |
| 278066 | 37. Building Rules Assessment Audits<br><br>37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B. | | CEO |
| 278067 | 37. Building Rules Assessment Audits<br><br>37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12). | | CEO |
| 278068 | 37. Building Rules Assessment Audits<br><br>37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15). | | CEO |
| 278272 | 37A. Development Plan Assessment Audits<br><br>37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act. | | CEO |
| 278273 | 37A. Development Plan Assessment Audits<br><br>37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact. | | CEO |

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| 278274 | 37A. Development Plan Assessment Audits<br>37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister. | | CEO |
| 278275 | 37A. Development Plan Assessment Audits<br>37A.4 The power pursuant to Section 56C(15) of the Act to, if<br>37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and | | CEO |
| 278276 | 37A. Development Plan Assessment Audits<br>37A.4 The power pursuant to Section 56C(15) of the Act to, if<br>37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,<br>consult with the Minister. | | CEO |
| 278069 | 38. Land Management Agreements<br>38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land. | | CEO |
| 278070 | 38. Land Management Agreements<br>38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge). | | CEO |
| 278071 | 38. Land Management Agreements<br>38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision. | | CEO |
| 278072 | 38. Land Management Agreements<br>38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | agreement under Section 57 of the Act. | | |
| 278073 | 38. Land Management Agreements<br><br>38.5 The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land. | | CEO |
| 278074 | 38. Land Management Agreements<br><br>38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land. | | CEO |
| 278075 | 38. Land Management Agreements<br><br>38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister. | | CEO |
| 278076 | 39. Land Management Agreements - Development Applications<br><br>39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act. | | CEO |
| 278077 | 39. Land Management Agreements - Development Applications<br><br>39.2 The duty pursuant to Section 57A(3) of the Act to have regard to:<br><br>39.2.1 the provisions of the appropriate Development Plan.<br><br>39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278078 | 39. Land Management Agreements - Development Applications<br><br>39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 278079 | 39. Land Management Agreements - Development Applications<br><br>39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278080 | 39. Land Management Agreements - Development Applications<br><br>39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278081 | 39. Land Management Agreements - Development Applications<br><br>39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278082 | 39. Land Management Agreements - Development Applications<br><br>39.7 The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land. | | CEO |
| 278083 | 39. Land Management Agreements - Development Applications<br><br>39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land. | | CEO |
| 278084 | 39. Land Management Agreements - Development Applications<br><br>39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act). | | CEO |
| 278085 | 40. Notification During Building<br><br>40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification | | BO, CBO, CEO, GM-CG, MBSP, SBO |

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| | stage has been reached. | | |
| 278086 | 41. Classification of Buildings<br><br>41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned. | | BO, CBO, CEO, SBO |
| 278087 | 42. Certificates of Occupancy<br><br>42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy. | | BO, CBO, CEO, SBO |
| 278088 | 42. Certificates of Occupancy<br><br>42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy. | | BO, CBO, CEO, SBO |
| 278089 | 42. Certificates of Occupancy<br><br>42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy. | | BO, CBO, CEO, SBO |
| 278090 | 42. Certificates of Occupancy<br><br>42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances. | | BO, CBO, CEO, SBO |
| 278091 | 43. Temporary Occupation<br><br>43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose. | | BO, CBO, CEO, SBO |
| 278092 | 43. Temporary Occupation<br><br>43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building. | | BO, CBO, CEO, SBO |

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| 278093 | 44. Emergency Orders<br><br>44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:<br><br>44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and<br><br>44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278094 | 44A Fire Safety<br><br>44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority. | | CEO |
| 278095 | 44A Fire Safety<br><br>44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority. | | CEO |
| 278096 | 44A Fire Safety<br><br>44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)). | | CEO |
| 278097 | 44A Fire Safety<br><br>44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority. | | CEO |
| 278098 | 44A Fire Safety<br><br>44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority. | | CEO |
| 278099 | 44A Fire Safety<br><br>44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years | | CEO |

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| | of a member of the appropriate authority. | | |
| 278100 | 44A Fire Safety<br>44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority. | | CEO |
| 278101 | 44A Fire Safety<br>44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority. | | CEO |
| 278102 | 45. Building Inspection Policies<br>45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy. | | CEO, GM-CG, MBSP |
| 278103 | 46. Advertisements<br>46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:<br>46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and<br>46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278104 | 46. Advertisements<br>46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served. | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278105 | 47. Enforcement Notices<br>47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278106 | 47. Enforcement Notices | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, |

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| | 47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer. | | S-PO, SBO |
| 278107 | 47. Enforcement Notices<br>47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:<br>47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and<br>47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action. | | BO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278108 | 48. Applications to Court<br>48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act. | | CEO |
| 278109 | 48. Applications to Court<br>48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person. | | CEO, GM-CG, MBSP |
| 278110 | 49. General Right to Apply to Court<br>49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute. | | CEO |
| 278111 | 50. Authority to be Advised of Certain Matters<br>50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278112 | 51. Referrals<br>51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act. | | CEO, GM-CG, MBSP |

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| 278113 | 52. Professional Advice to be Obtained in Relation to Certain Matters<br><br>52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278114 | 52. Professional Advice to be Obtained in Relation to Certain Matters<br><br>52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| **Development (Development Plans) Amendment Act 2006** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278115 | 53. Transitional Provisions<br><br>53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278116 | 53. Transitional Provisions<br><br>53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| **Development Regulations 2008** | | | |

| # | Item Delegated | Conditions and Limitations | Delegate |
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| 278307 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.1.2 constitute a breach of any other law; or | | CEO |
| 278295 | 53A. Complying Development – Development Plan Consent<br><br>53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:<br><br>53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and<br><br>53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1). | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278296 | 53A. Complying Development – Development Plan Consent<br><br>53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:<br><br>53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and<br><br>53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278297 | 53B. Complying Building Work – Building Rules<br><br>53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2). | | BO, CBO, CEO, SBO |
| 278117 | 54. Infrastructure Planning | | CEO, GM-CG, MBSP |

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| | 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent. | | |
| 278118 | 55. Consultation with Government Departments or Agencies<br><br>55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act. | | CEO, GM-CG, MBSP |
| 278119 | 56. Public Consultation - Section 25 & 26<br><br>56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:<br><br>56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and<br><br>56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and<br><br>56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and<br><br>56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting). | | CEO, GM-CG, MBSP |
| 278120 | 56. Public Consultation - Section 25 & 26<br><br>56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c). | | CEO |
| 278121 | 56. Public Consultation - Section 25 & 26<br><br>56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the | | CEO |

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| | Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations. | | |
| 278122 | 56. Public Consultation - Section 25 & 26<br><br>56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release. | | CEO |
| 278123 | 57. Public Meeting<br><br>57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate. | | CEO |
| 278124 | 57. Public Meeting<br><br>57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate. | | CEO |
| 278125 | 58. Application to Relevant Authority<br><br>58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations. | | CEO, GM-CG, MBSP |
| 278126 | 58. Application to Relevant Authority<br><br>58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel. | | CEO, GM-CG, MBSP |
| 278127 | 58. Application to Relevant Authority<br><br>58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission. | | CEO, GM-CG, MBSP |

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| 278128 | 58. Application to Relevant Authority<br><br>58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet. | | CEO, GM-CG, MBSP |
| 278277 | 58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:<br><br>58.4A.1 the Development Assessment number assigned to the development proposed under the application; and | | CEO, GM-CG, MBSP |
| 278301 | 58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:<br><br>58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:<br><br>58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and<br><br>58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.<br><br>58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken. | | CEO, GM-CG, MBSP |
| 278129 | 58. Application to Relevant Authority<br><br>58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c). | | CEO, MBSP |
| 278130 | 58. Application to Relevant Authority<br><br>[City of Tea Tree Gully only]<br><br>58.6 If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the | | CEO |

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| | application:<br><br>58.6.1 a copy of the application; and<br><br>58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application. | | |
| 278131 | 58. Application to Relevant Authority<br><br>58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:<br><br>58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;<br><br>58.7.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act). | | CEO, MBSP |
| 278132 | 58. Application to Relevant Authority<br><br>58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application. | | CEO, MBSP |
| 278133 | 59. Nature of Development<br><br>59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278134 | 59. Nature of Development<br><br>59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278135 | 59. Nature of Development<br><br>59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact. | | |
| 278136 | 59. Nature of Development<br><br>59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278137 | 60. Non-Complying Development<br><br>60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:<br><br>60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or | | CEO |
| 278300 | 60. Non-Complying Development<br><br>60.1.2 resolve to proceed with an assessment of the application. | | CEO |
| 278138 | 60. Non-Complying Development<br><br>60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278139 | 60. Non-Complying Development<br><br>60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278140 | 61. Notification of Application for Tree-Damaging Activity to Owner of Land<br><br>61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:<br>61.1.1 to give the owner of land notice of the application; and<br>61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application. | | |
| 278141 | 62. Amended Applications<br>62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278142 | 62. Amended Applications<br>62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278143 | 63. Withdrawing/Lapsing Application<br>63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278144 | 63. Withdrawing/Lapsing Application<br>63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278145 | 63. Withdrawing/Lapsing Application<br>63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:<br>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and<br>63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |

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| | proposed course of action, and the power to determine the manner and form of those submissions. | | |
| 278146 | 64. Contravening Development<br><br>64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278147 | 65. Referrals<br><br>65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278148 | 66. Procedure Where Concurrence Required<br><br>66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278149 | 67. Additional Information or Amended Plans<br><br>67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278150 | 68. Special Provisions - Referrals<br><br>68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:<br><br>68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or<br><br>68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or<br><br>68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the | | BO, CBO, CEO, GM-CG, MBSP, SBO |

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| | Building Code,<br><br>and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28. | | |
| 278151 | 68. Special Provisions - Referrals<br><br>68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report. | | CEO |
| 278152 | 68. Special Provisions - Referrals<br><br>68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:<br><br>68.3.1 recommends against the granting of building rules consent; or<br><br>68.3.2 concurs in the granting of consent on conditions specified in its report,<br><br>but the Delegate:<br><br>68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or<br><br>68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,<br><br>the duty pursuant to Regulation 28(5a) of the Regulations to:<br><br>68.3.5 refer the application to the Building Rules Assessment Commission; and<br><br>68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278153 | 68. Special Provisions - Referrals<br><br>68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278154 | 68. Special Provisions - Referrals<br><br>68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the | | BO, CBO, CEO, GM-CG, MBSP, SBO |

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| | construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent. | | |
| 278155 | 69. Land Division Applications<br><br>69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278156 | 69. Land Division Applications<br><br>69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278157 | 70. Underground Mains Area<br><br>70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278158 | 70. Underground Mains Area<br><br>70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278159 | 70. Underground Mains Area<br><br>70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278160 | 71. Preliminary Advice and Agreement - Section 37AA<br><br>71.1 The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278161 | 71. Preliminary Advice and Agreement - Section 37AA | | CEO, GM-CG, MBSP, |

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| | 71.2 The power pursuant to Regulation 31A(6) of the Regulations if:<br>71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and<br>71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,<br>to refer the application (unless withdrawn) to the prescribed body:<br>71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or<br>71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act. | | PO1, PO2, S-PO |
| 278162 | 71. Preliminary Advice and Agreement - Section 37AA<br>71.3 The power pursuant to Regulation 31A(7) of the Regulations if:<br>71.3.1 an application is withdrawn by the Applicant; and<br>71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,<br>to notify the relevant prescribed body of the withdrawal of an application. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278163 | 71. Preliminary Advice and Agreement - Section 37AA<br>71.4 The power pursuant to Regulation 31A(8) of the Regulations if:<br>71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and<br>71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,<br>to notify the relevant prescribed body of the lapsing of an application. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278164 | 71. Preliminary Advice and Agreement - Section 37AA<br>71.5 The power pursuant to Regulation 31A(9) of the Regulations if:<br>71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and<br>71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,<br>to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | under Regulation 42 of the Regulations. | | |
| 278294 | 71A. Public Notice Categories<br><br>71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278165 | 72. Public Inspection of Certain Applications<br><br>72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge). | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278166 | 72. Public Inspection of Certain Applications<br><br>72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278167 | 72. Public Inspection of Certain Applications<br><br>72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278168 | 72. Public Inspection of Certain Applications<br><br>72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278169 | 73. Response by Applicant<br><br>73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 278170 | 74. Determination of Commission as Relevant Authority<br><br>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:<br><br>74.1.1 in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278270 | 74. Determination of Commission as Relevant Authority<br><br>74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:<br><br>74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278171 | 74. Determination of Commission as Relevant Authority<br><br>74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278172 | 75. Assessment in Respect of Building Rules Referred to the Council<br><br>75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision. | | BO, CBO, CEO, SBO |
| 278173 | 76. Notification of Decision to Applicant (Including Conditions)<br><br>76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4). | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278174 | 77. Notification of Decision to a Prescribed Body<br><br>77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |

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| | been referred. | | |
| 278175 | 77. Notification of Decision to a Prescribed Body<br><br>77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278176 | 78. Notification of Decision to Owner of Land<br><br>78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278177 | 79. Scheme Description - Community Titles<br><br>79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:<br><br>79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted.<br><br>OR<br><br>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.<br><br>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.<br><br>Signed:<br><br>Dated: | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278178 | 79. Scheme Description - Community Titles<br><br>79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |

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| | concerning additional approvals that may be required in the future and to sign and date the endorsement. | | |
| 278179 | 80. Special Provisions Relating to Staged Consents<br><br>80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278180 | 81. Endorsed Plans<br><br>81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278282 | 81A. Minor Variation of Development Authorisation<br><br>81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278181 | 82. Lapse of Consent or Approval<br><br>82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278182 | 83. Width of Roads and Thoroughfares<br><br>83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278183 | 83. Width of Roads and Thoroughfares<br><br>83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | a through road. | | |
| 278184 | 84. Road Widening<br><br>84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278185 | 85. Requirement as to Forming of Roads<br><br>85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278186 | 85. Requirement as to Forming of Roads<br><br>85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278187 | 85. Requirement as to Forming of Roads<br><br>85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278188 | 86. Construction of Roads, Bridges, Drains and Services<br><br>86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278189 | 87. Supplementary Provisions<br><br>87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278190 | 87. Supplementary Provisions<br><br>87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| 278191 | 87. Supplementary Provisions<br><br>87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278192 | 88. General Land Division<br><br>88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements. | | CEO |
| 278193 | 88. General Land Division<br><br>88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278194 | 89. Division of Land by Strata Title<br><br>89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278195 | 90. General Provisions<br><br>90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278196 | 90. General Provisions<br><br>90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278197 | 90. General Provisions<br><br>90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations. | | |
| 278198 | 91. Declaration by The Minister - Section 46<br><br>91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278199 | 91. Declaration by The Minister - Section 46<br><br>91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278200 | 91. Declaration by The Minister - Section 46<br><br>91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278201 | 92. Referral of Assessment of Building Work<br><br>92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278202 | 92. Referral of Assessment of Building Work<br><br>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278302 | 92. Referral of Assessment of Building Work | | BO, CBO, CEO, GM- |

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| | 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:<br><br>92.2.1 provide the certification in the form set out in Schedule 12A; and | | CG, MBSP, SBO |
| 278303 | 92. Referral of Assessment of Building Work<br><br>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:<br><br>92.2.2 to the extent that may be relevant and appropriate: | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278312 | 92. Referral of Assessment of Building Work<br><br>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:<br><br>92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278305 | 92. Referral of Assessment of Building Work<br><br>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:<br><br>92.2.2.2 assign a classification to the building under the Regulations; and | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278304 | 92. Referral of Assessment of Building Work<br><br>92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a | | BO, CBO, CEO, GM-CG, MBSP, SBO |

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| | certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:<br><br>92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993. | | |
| 278203 | 92. Referral of Assessment of Building Work<br><br>92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278204 | 93. Notifications During Building Work<br><br>93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278205 | 93. Notifications During Building Work<br><br>93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278206 | 93. Notifications During Building Work<br><br>93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278207 | 94. Essential Safety Provisions<br><br>94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions. | | BO, CBO, CEO, SBO |
| 278208 | 94. Essential Safety Provisions<br><br>94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building | | BO, CBO, CEO, SBO |

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| | Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act. | | |
| 278281 | 94A Swimming Pool Safety<br><br>94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy. | | CEO |
| 278209 | 95. Building Rules: Bushfire Prone Areas<br><br>95.1 Where:<br><br>95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and<br><br>95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and<br><br>95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),<br><br>the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278210 | 96. Construction Industry Training Fund<br><br>96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278211 | 96. Construction Industry Training Fund<br><br>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278212 | 96. Construction Industry Training Fund<br><br>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the | | BO, CBO, CEO, GM-CG, MBSP, SBO |

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| | application has lapsed. | | |
| 278298 | 96A Requirement to Up-grade Building in Certain Cases<br><br>96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:<br><br>96A.1.1 that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or<br><br>96A.1.2 that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition). | | BO, CBO, CEO, SBO |
| 278213 | 97. Classification of Buildings<br><br>97.1 The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations. | | BO, CBO, CEO, SBO |
| 278214 | 97. Classification of Buildings<br><br>97.2 The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use. | | BO, CBO, CEO, SBO |
| 278299 | 97. Classification of Buildings<br><br>97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use). | | BO, CBO, CEO, SBO |
| 278283 | 97. Classification of Buildings<br><br>97.3 The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act – | | BO, CBO, CEO, SBO |

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| | 97.3.1 the maximum number of persons who may occupy the building (or part of the building); and<br><br>97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building. | | |
| 278215 | 98. Certificates of Occupancy<br><br>98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied. | | BO, CBO, CEO, SBO |
| 278216 | 98. Certificates of Occupancy<br><br>98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation. | | BO, CBO, CEO, SBO |
| 278217 | 98. Certificates of Occupancy<br><br>98.3 The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation. | | BO, CBO, CEO, SBO |
| 278218 | 98. Certificates of Occupancy<br><br>98.4 Where:<br><br>98.4.1 a building is required by the Building Rules:<br><br>98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or<br><br>98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and<br><br>98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, | | BO, CBO, CEO, SBO |

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| | the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily. | | |
| 278219 | 98. Certificates of Occupancy<br><br>98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report. | | BO, CBO, CEO, SBO |
| 278220 | 98. Certificates of Occupancy<br><br>98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy. | | BO, CBO, CEO, SBO |
| 278221 | 98. Certificates of Occupancy<br><br>98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy. | | BO, CBO, CEO, SBO |
| 278222 | 99. Certificate of Independent Technical Expert in Certain Case<br><br>99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert. | | BO, CBO, CEO, GM-CG, MBSP, SBO |
| 278223 | 100. Fees<br><br>100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278224 | 100. Fees<br><br>100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278225 | 100. Fees<br><br>100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, |

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| | an amount in respect of the fee, reassess a fee payable under the Regulations. | | S-PO, SBO |
| 278226 | 100. Fees<br><br>100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:<br><br>100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and<br><br>100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment. | | BO, CBO, CEO, GM-CG, MBSP, PO1, PO2, S-PO, SBO |
| 278227 | 101. Register Of Applications<br><br>101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act. | | CEO, GM-CG, MBSP |
| 278228 | 101. Register Of Applications<br><br>101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1). | | CEO, GM-CG, MBSP |
| 278229 | 102. Registration of Land Management Agreements<br><br>102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act. | | CEO, GM-CG, MBSP |
| 278230 | 102. Registration of Land Management Agreements<br><br>102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register. | | CEO, GM-CG, MBSP |
| 278231 | 103. Land Management Agreements - Development Applications<br><br>103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act. | | CEO, GM-CG, MBSP |

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| 278232 | 103. Land Management Agreements - Development Applications<br><br>103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate. | | CEO, GM-CG, MBSP |
| 278233 | 103. Land Management Agreements - Development Applications<br><br>103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council. | | CEO, GM-CG, MBSP |
| 278234 | 103. Land Management Agreements - Development Applications<br><br>103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated. | | CEO, GM-CG, MBSP |
| 278235 | 103. Land Management Agreements - Development Applications<br><br>103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement. | | CEO, GM-CG, MBSP |
| 278278 | 104. Documents to be Preserved by a Council<br><br>104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier. | | CEO |
| 278236 | 104. Documents to be Preserved by a Council<br><br>104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act. | | CEO |
| 278279 | 104. Documents to be Preserved by a Council<br><br>104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years. | | CEO |
| 278237 | 104. Documents to be Preserved by a Council<br><br>104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation | | CEO |

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| | 101(1) of the Regulations until the building to which the document relates is demolished or removed. | | |
| 278238 | 104. Documents to be Preserved by a Council<br><br>104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents. | | CEO |
| 278239 | 104. Documents to be Preserved by a Council<br><br>104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations. | | CEO |
| 278240 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.1 for inspection under Regulation 101(4)(a) if to do so would: | | CEO |
| 278306 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or | | CEO |
| 278313 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.1.2 constitute a breach of any other law; or | | CEO |
| 278308 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.2 for copying under Regulation 101(4)(b) if to do so would: | | CEO |

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| 278309 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or | | CEO |
| 278310 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.2.2 involve an infringement of copyright in matter contained in a document; or | | CEO |
| 278311 | 104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:<br><br>104.5.2.3 constitute a breach of any other law. | | CEO |
| 278280 | 104A Documents to be Provided by Private Certifier<br><br>104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document. | | CEO, GM-CG, MBSP |
| 278241 | 105. Transfer of Development Potential<br><br>105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee. | | CEO |
| 278242 | 106. System Indicators<br><br>106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis. | | CEO, GM-CG, MBSP |
| 278243 | 106. System Indicators | | CEO, GM-CG, MBSP |

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| | 106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter. | | |
| 278244 | 106. System Indicators<br><br>106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document. | | CEO, GM-CG, MBSP |
| 278245 | 107. Schedule 1A - Demolition<br><br>107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area. | | CEO |
| 278246 | 107. Schedule 1A - Demolition<br><br>107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken. | | CEO |
| 278247 | 108. Schedule 4 - New Dwellings<br><br>108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278248 | 109. Schedule 6 - Fees<br><br>109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act. | | CEO |
| 278249 | 110. Schedule 8 - Development Near The Coast<br><br>110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building. | | CEO |

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| 278250 | 111. Schedule 8 - Development Adjacent To Main Roads<br><br>111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:<br><br>111.1.1 alter an existing access; or<br><br>111.1.2 change the nature of movement through an existing access; or<br><br>111.1.3 create a new access; or<br><br>111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,<br><br>in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278251 | 112. Schedule 8 - State Heritage Places<br><br>112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278252 | 113. Schedule 8 - Mining - General<br><br>113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278253 | 114. Schedule 8 - Activity of Environmental Significance<br><br>114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278254 | 115. Schedule 8 - Aquaculture Development<br><br>115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the | | CEO |

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| | opinion that development involves a minor alteration to an existing or approved development. | | |
| 278255 | 116. Schedule 8 - Development Within the River Murray Floodplain Area<br><br>116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated. | | CEO |
| 278256 | 117. Schedule 8 - Development Within the River Murray Tributaries Area<br><br>117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated. | | CEO |
| 278257 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br><br>118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278258 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br><br>118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278259 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br><br>118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:<br><br>118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);<br><br>118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b). | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278260 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development | | CEO, GM-CG, MBSP, |

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| | 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:<br>118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and | | PO1, PO2, S-PO |
| 278290 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br>118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:<br>118.4.2 whether the division will change the nature or function of an existing road. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278261 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br>118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278262 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:<br>118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278291 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:<br>118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278292 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br>118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

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| | 118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations. | | |
| 278263 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br><br>118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:<br><br>118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278293 | 118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development<br><br>118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:<br><br>118.7.2 whether the proposed division will change the nature or function of an existing road. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |

## Instrument of Delegation under the Dog and Cat Management Act 1995

| Dog and Cat Management Act 1995 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278316 | 1. Appointment of Authorised Persons<br>1.1 The power pursuant to Section 25A(1) of the Dog and Cat Management Act 1995 (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act. | | CEO |
| 278334 | 1. Appointment of Authorised Persons<br>1.2 The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment. | | CEO |
| 278335 | 1. Appointment of Authorised Persons<br>1.3 The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person. | | CEO |
| 278317 | 2. Identification of Authorised Persons<br>2.1 The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board. | | CEO, HRMO |
| 278318 | 2. Identification of Authorised Persons<br>2.2 The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions. | | CEO |

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| 278319 | 3. Area Limitation on Authorised Persons Appointed by Councils<br><br>3.1 The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council. | | CEO |
| 278320 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1 The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to: | | CEO, GM-CBS |
| 278359 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.1 maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and | | CEO |
| 278360 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.2 ensure that the Board is provided with information contained in the register as required by the Board from time to time; and | | CEO |
| 278361 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.3 maintain such other registers as may be required by the Board; and | | CEO |
| 278362 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.4 make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and | | CEO |
| 278363 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.5 if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and | | CEO |
| 278364 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.1.6 appoint a suitable person to be Registrar; and | | CEO |

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| 278365 | 4. Council Responsibility for Management of Dogs and Cats<br>4.1.7 make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and | | CEO, GM-CBS |
| 278366 | 4. Council Responsibility for Management of Dogs and Cats<br>4.1.8 appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and | | CEO |
| 278367 | 4. Council Responsibility for Management of Dogs and Cats<br>4.1.9 make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and | | CEO, GM-CG |
| 278368 | 4. Council Responsibility for Management of Dogs and Cats<br>4.1.10 make satisfactory arrangements for fulfilling other obligations under the Act. | | CEO |
| 278321 | 4. Council Responsibility for Management of Dogs and Cats<br>4.2 The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained. | | CEO, GM-CG |
| 278322 | 4. Council Responsibility for Management of Dogs and Cats<br>4.3 The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats. | | CEO, GM-CBS |
| 278323 | 4. Council Responsibility for Management of Dogs and Cats<br>4.4 The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council. | | CEO, GM-CBS |
| 278324 | 4. Council Responsibility for Management of Dogs and Cats<br>4.5 The power pursuant to Section 26(6) of the Act to charge:<br>4.5.1 fees for the provision of extracts from registers kept under the Act; and | | CEO, GM-CBS |

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| | 4.5.2 fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and<br><br>4.5.3 fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:<br><br>4.5.3.1 for the registration of dogs or businesses under Part 4 of the Act; and<br><br>4.5.3.2 for the late payment of registration fees; and<br><br>4.5.3.3 for meeting any other requirement imposed on the Council under the Act. | | |
| 278325 | 4. Council Responsibility for Management of Dogs and Cats<br><br>4.6 The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act. | | CEO, GM-CBS |
| 278326 | 5. Plans of Management Relating to Dogs and Cats<br><br>5.1 The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area. | | CEO, GM-CG |
| 278327 | 5. Plans of Management Relating to Dogs and Cats<br><br>5.2 The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board. | | CEO, GM-CG |
| 278328 | 6. Rectification of Register<br><br>6.1 The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register. | | CEO, GM-CBS, GM-CG |
| 278329 | 7. Destruction and Control Orders<br><br>7.1 The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog:<br><br>7.1.1 a Destruction Order;<br><br>7.1.2 a Control (Dangerous Dog) Order; | | CEO, GM-CG |

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| | 7.1.3 a Control (Menacing Dog) Order;<br>7.1.4 a Control (Nuisance Dog) Order;<br>7.1.5 a Control (Barking Dog) Order. | | |
| 278330 | 7. Destruction and Control Orders<br>7.2 The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed. | | CEO |
| 278331 | 8. Grounds on Which Orders May be Made<br>8.1 The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:<br>8.1.1 in the case of a Destruction Order:<br>8.1.1.1 the dog is unduly dangerous; and<br>8.1.1.2 the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or | | CEO, GM-CG |
| 278332 | 8. Grounds on Which Orders May be Made<br>8.1.2 in the case of a Control (Dangerous Dog) Order:<br>8.1.2.1 the dog:<br>(a) is dangerous; and<br>(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<br>8.1.2.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or | | CEO, GM-CG |
| 278333 | 8. Grounds on Which Orders May be Made<br>8.1.3 in the case of a Control (Menacing Dog) Order: | | CEO, GM-CG |

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| | 8.1.3.1 the dog:<br>(a) is menacing; and<br>(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<br>8.1.3.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or | | |
| 278336 | 8. Grounds on Which Orders May be Made<br>8.1.4 in the case of a Control (Nuisance Dog) Order:<br>8.1.4.1 the dog:<br>(a) is a nuisance; and<br>(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<br>8.1.4.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or | | CEO, GM-CG |
| 278337 | 8. Grounds on Which Orders May be Made<br>8.1.5 in the case of a Control (Barking Dog) Order:<br>8.1.5.1 the dog is a nuisance; and<br>8.1.5.2 the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act. | | CEO, GM-CG |
| 278338 | 9. Procedure for Making and Revoking Orders<br>9.1 The power pursuant to Section 52(1) of the Act to:<br>9.1.1 make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and<br>9.1.2 to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act. | | CEO, GM-CG |

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| 278339 | 9. Procedure for Making and Revoking Orders<br>9.2 The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:<br>9.2.1 to ascertain all persons who own or are responsible for the control of the dog; and<br>9.2.2 to give each of the persons so ascertained at least 7 days written notice:<br>9.2.2.1 identifying the dog in relation to which is it is proposed that the order be made;<br>9.2.2.2 setting out the terms of the proposed order; and<br>9.2.2.3 inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate. | | CEO, GM-CG |
| 278340 | 9. Procedure for Making and Revoking Orders<br>9.3 The power pursuant to Section 52(2) of the Act to:<br>9.3.1 make an order in the manner and form required by the Board; and<br>9.3.2 note an order in the register kept by the Council under the Act. | | CEO, GM-CBS, GM-CG |
| 278341 | 9. Procedure for Making and Revoking Orders<br>9.4 The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog. | | CEO, GM-CG |
| 278342 | 9. Procedure for Making and Revoking Orders<br>9.5 The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog. | | CEO, GM-CG |
| 278343 | 9. Procedure for Making and Revoking Orders<br>9.6 The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act. | | CEO, GM-CBS |
| 278344 | 9. Procedure for Making and Revoking Orders<br>9.7 The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an | | CEO, GM-CBS |

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| | order made by the Board. | | |
| 278345 | 10. Directions About How to Comply with Order<br><br>10.1 The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council. | | CEO, GM-CG |
| 278346 | 11. Power of Court to Order Destruction or Control of Dog on Application<br><br>11.1 The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act. | | CEO |
| 278347 | 12. Prohibition Orders<br><br>12.1 The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person. | | CEO |
| 278348 | 12. Prohibition Orders<br><br>12.2 The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of. | | CEO, GM-CG |
| 278349 | 12. Prohibition Orders<br><br>12.3 The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:<br><br>12.3.1 while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; and<br><br>12.3.2 –<br><br>12.3.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or<br><br>12.3.2.2 during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog. | | CEO |

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| 278350 | 12. Prohibition Orders<br><br>12.4 The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the Criminal Law Consolidation Act 1935. | | CEO |
| 278351 | 12. Prohibition Orders<br><br>12.5 The power pursuant to Section 59A(5) of the Act to:<br><br>12.5.1 make an order in the manner and form required by the Board; and<br><br>12.5.2 record the order in a manner and form approved by the Board, and keep the record readily available for public inspection. | | CEO, GM-CG |
| 278352 | 12. Prohibition Orders<br><br>12.6 The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made. | | CEO, GM-CG |
| 278353 | 12. Prohibition Orders<br><br>12.7 The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act. | | CEO, GM-CG |
| 278354 | 13. Procedure Following Seizure of Dog<br><br>13.1 The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog. | | CEO, GM-CG |
| 278355 | 13. Procedure Following Seizure of Dog<br><br>13.2 The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council. | | CEO, GM-CBS |
| 278356 | 14. Power to Seize and Detain Cats<br><br>14.1 The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be detained. | | CEO |

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| 278357 | 15. Certain Bodies May Microchip and Desex Detained Dogs and Cats<br><br>15.1 The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following:<br><br>15.1.1 microchip the dog or cat;<br><br>15.1.2 desex the dog or cat;<br><br>15.1.3 cause the dog or cat to be microchipped or desexed or both. | | CEO, GM-CG |
| 278358 | 15. Certain Bodies May Microchip and Desex Detained Dogs and Cats<br><br>15.2 The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat. | | CEO, GM-CBS |

## Instrument of Delegation under the Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010

| **Environment Protection Act 1993** | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278369 | 1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act. | | CEO |
| 278370 | 2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation. | | CEO |
| 278371 | 3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition. | | CEO |
| 278372 | 4. Site Contamination Assessment Orders<br>4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority. | | CEO |
| 278373 | 5. Site Remediation Orders<br>5.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority. | | CEO |
| **Environment Protection (Waste to Resources) Policy 2010** | | | |

| # | Item Delegated | Conditions and Limitations | Delegate |
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| 278375 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>6A. [Metropolitan Councils only]<br>The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 ("the Policy"), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area. | | CEO |
| 278376 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste; | | CEO |
| 278377 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant; | | CEO |
| 278378 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying; | | CEO |
| 278379 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council: | | CEO |

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| | (d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste; | | |
| 278380 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(e) all containers of medical waste must be stored in a secure location; | | CEO |
| 278381 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible; | | CEO |
| 278382 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor; | | CEO |
| 278383 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(h) medical waste must be disposed of as soon as reasonably practicable; | | CEO |
| 278384 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br>(i) all medical waste must be: | | CEO |

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| | (i) disposed of by incineration; or<br><br>(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;<br><br>(iii) collected for disposal by -<br><br>(A) a licensed waste transporter authorised to collect and transport medical waste; or<br><br>(B) a council; | | |
| 278385 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br><br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br><br>(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; | | CEO |
| 278386 | DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES ) POLICY 2010<br><br>7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:<br><br>(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. | | CEO |

## Instrument of Delegation under the Expiation of Offences Act 1996

| Expiation of Offences Act 1996 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278387 | 1. Certain Offences may be Expiated<br>1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act. | | CEO, GI, GITL, GM-CBS, GM-CG, MBSP |
| 278388 | 2. Expiation Notices<br>2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence. | | CEO, GM-CBS, GM-CG |
| 278389 | 3. Review of Notices on Ground that Offence is Trifling<br>3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:<br>3.1.1 to provide further information; and<br>3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review. | | CEO, GM-CBS, GM-CG |
| 278390 | 3. Review of Notices on Ground that Offence is Trifling<br>3.2 The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates. | | CEO, GM-CBS, GM-CG |
| 278391 | 3. Review of Notices on Ground that Offence is Trifling<br>3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender. | | CEO, GM-CBS, GM-CG |

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| 278401 | 3. Review of Notices on Ground that Offence is Trifling<br><br>3.4 The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act. | | CEO, GM-CBS, GM-CG |
| 278392 | 4. Expiation Reminder Notices<br><br>4.1 The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender. | | CEO, GM-CBS, GM-CG |
| 278393 | 5. Expiation Enforcement Warning Notices<br><br>5.1 The duty pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender. | | CEO, GM-CBS, GM-CG |
| 278394 | 6. Late Payment<br><br>6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017. | | CEO, GM-CBS, GM-CG |
| 278395 | 8. Withdrawal of Expiation Notices<br><br>8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:<br><br>8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;<br><br>8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged | | CEO, GM-CBS, GM-CG |

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| | offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or<br><br>8.1.3 the notice is defective; or<br><br>8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or<br><br>8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences. | | |
| 278396 | 8. Withdrawal of Expiation Notices<br><br>8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related. | | CEO, GM-CBS, GM-CG |
| 278397 | 8. Withdrawal of Expiation Notices<br><br>8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email. | | CEO, GM-CBS, GM-CG |
| 278398 | 8. Withdrawal of Expiation Notices<br><br>8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice. | | CEO, GM-CBS, GM-CG |
| 278399 | 9. Provision of Information<br><br>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:<br><br>9.1.1 the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and | | CEO |
| 278400 | 9. Provision of Information<br><br>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:<br><br>9.1.2 the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an | | CEO |

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| | expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued. | | |

## Instrument of Delegation under the Fences Act 1975

| Fences Act 1975 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278402 | 1. Notice of Intention to Perform Fencing Work<br><br>1.1 The power pursuant to Section 5(1) of the Fences Act 1975 (“the Act”) to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner. | | CEO, GM-CBS, GM-CI |
| 278403 | 1. Notice of Intention to Perform Fencing Work<br><br>1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council’s land (being land of less than one hectare) and the adjoining owner’s land. | | CEO |
| 278404 | 2. Cross-notice<br><br>2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner. | | CEO, GM-CBS, GM-CI |
| 278405 | 2. Cross-notice<br><br>2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act. | | CEO |
| 278406 | 3. Agreement upon Basis of Proposals and Counter proposals<br><br>3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area). | | CEO, GM-CBS, GM-CI |

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| 278407 | 4. Performance of Fencing Work<br><br>4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner. | | CEO, GM-CBS, GM-CI |

## Financial Authority under s37 and s137 of the Local Government Act 1999

| Financial Authority | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 291254 | Contracts and Transactions<br><br>A contract may be entered into by an officer, employee or agent authorised by the Council (Financial Authorised Officer - FAO) to enter into the contract on its behalf | (i) The financial value (exclusive of GST) of any contract, transaction or expenditure (or aggregation of related contracts, transactions or expenditure) is not to exceed the authorised limit imposed on a Financial Authorised Officer by the Chief Executive Officer by written or electronic instrument.<br><br>(ii) Regard is to be given to the requirements of Item 6.3 of Council's Register of Statutory Resolutions and Authorisations, Internal Accounting Control Policies and Procedures, Procurement Policy and Procedures and other relevant policies and procedures applicable from time to time when a Financial Authorised Officer is entering into any contracts, transactions or expending funds.<br><br>(iii) Activities performed under this authorisation are to be undertaken separately to any other approved activities of the Financial Authorised Officer to ensure separation of duties.<br><br>(iv) Subject to (v) below this authorisation survives any additional authorisations of limited duration arising from any formal appointment of the Financial Authorised Officer or acting/higher duties in another position.<br><br>(v) This authorisation or the conditions/limitations imposed on a Financial Authorised Officer may be revoked or varied at | Aaron Izzard, Andrew Meddle, Ashlea Fisher, Barbara Cernovskis, Brad Patzel, Brian Russell Sparrow, CEO, Chris Habets, Colin McGregor, Dale Magnussen, Darrin Wilke, Daryl Stuart Ferguson , David Hurley, Denise Richardson, Derek Ferguson, Fiona McGregor, Georgina Davison, Janine Amoroso , Jeroen Zwijnenburg, Joanne Fowler, Judy Nagy, Kahli Rolton, Kathy Allen, Kylie Harradine, Leanne Little, Lisa McGregor, Marlene Tracy Tzioutziouklaris, Mary Lynne Dowling, Melentie Pandilovski, Melissa Telford, Michael McCarthy, Narelle Lewis, Natalie Teakle, Nicholas Scott Serle, Patricia Ellis, Peter Steven Atkinson, Peter Thompson, Rebecca Mobbs, Sally Wilson, Sharny McLean, Trevor Stanley Pettingill, Xarnia Keding, Financial Delegates |

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| | | any time by the Chief Executive Officer (by written or electronic instrument), or by Council.Chief Executive Officer:- Up to Budget to give effect to a resolution of Council and Annual Business Plan (Subject to Annual Budget and Procurement Policy)<br><br>- Andrew Meddle<br><br>General Managers - $50,000 (or $100,000 when giving effect to a tender/contract signed by the Chief Executive Officer or authorised by resolution of Council)<br><br>- Barbara Cernovskis<br><br>- Nick Serle<br><br>- Judy Nagy<br><br>$ Limit Officer<br><br>20,000 Trevor Stanley Pettingill<br><br>20,000 Brad Patzel<br><br>5,000 Mary Lynne Dowling<br><br>5,000 Jeroen Zwijnenburg<br><br>5,000 Cheryl Ann McCombe<br><br>5,000 Brian Russell Sparrow<br><br>5,000 Natalie (Talie) Teakle<br><br>5,000 Georgina Davison<br><br>2,000 Daryl Stuart Ferguson<br><br>5,000 Chris Habets<br><br>5,000 David Hurley | |

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| | | 1,000 Leanne Little<br>1,000 Narelle Lewis<br>1,000 Lisa McGregor<br>1,000 Kathy Allen<br>1,000 Elisa Solly | |
| 291255 | Expenditure of Funds<br>Subject to the Local Government Act 1999 or another Act, to expend funds as the authorised officer thinks fit in the exercise, performance or discharge of Councils powers, functions or duties under the Local Government Act 1999 or other Acts. | (i) The financial value (exclusive of GST) of any contract, transaction or expenditure (or aggregation of related contracts, transactions or expenditure) is not to exceed the authorised limit imposed on a Financial Authorised Officer by the Chief Executive Officer by written or electronic instrument.<br>(ii) Regard is to be given to the requirements of Item 6.3 of Council's Register of Statutory Resolutions and Authorisations, Internal Accounting Control Policies and Procedures, Procurement Policy and Procedures and other relevant policies and procedures applicable from time to time when a Financial Authorised Officer is entering into any contracts, transactions or expending funds.<br>(iii) Activities performed under this authorisation are to be undertaken separately to any other approved activities of the Financial Authorised Officer to ensure separation of duties.<br>(iv) Subject to (v) below this authorisation survives any additional authorisations of limited duration arising from any formal appointment of the Financial Authorised Officer or acting/higher duties in another position.<br>(v) This authorisation or the conditions/limitations imposed on a Financial Authorised Officer may be revoked or varied at | Aaron Izzard, Andrew Meddle, Ashlea Fisher, Barbara Cernovskis, Brad Patzel, Brian Russell Sparrow, CEO, Chris Habets, Colin McGregor, Dale Magnussen, Darrin Wilke, Daryl Stuart Ferguson , David Hurley, Denise Richardson, Derek Ferguson, Fiona McGregor, Georgina Davison, Janine Amoroso , Jeroen Zwijnenburg, Joanne Fowler, Judy Nagy, Kahli Rolton, Kathy Allen, Kylie Harradine, Leanne Little, Lisa McGregor, Marlene Tracy Tzioutziouklaris, Mary Lynne Dowling, Melentie Pandilovski, Melissa Telford, Michael McCarthy, Narelle Lewis, Natalie Teakle, Nicholas Scott Serle, Patricia Ellis, Peter Steven Atkinson, Peter Thompson, Rebecca Mobbs, Sally Wilson, Sharny McLean, Trevor Stanley Pettingill, Xarnia Keding, Financial Delegates |

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| | | any time by the Chief Executive Officer (by written or electronic instrument), or by Council.Chief Executive Officer:- Up to Budget to give effect to a resolution of Council and Annual Business Plan (Subject to Annual Budget and Procurement Policy)<br><br>- Andrew Meddle<br><br>General Managers - $50,000 (or $100,000 when giving effect to a tender/contract signed by the Chief Executive Officer or authorised by resolution of Council)<br><br>- Barbara Cernovskis<br><br>- Nick Serle<br><br>- Judy Nagy<br><br>$ Limit Officer<br><br>20,000 Trevor Stanley Pettingill<br><br>20,000 Brad Patzel<br><br>5,000 Mary Lynne Dowling<br><br>5,000 Jeroen Zwijnenburg<br><br>5,000 Cheryl Ann McCombe<br><br>5,000 Brian Russell Sparrow<br><br>5,000 Natalie (Talie) Teakle<br><br>5,000 Georgina Davison<br><br>2,000 Daryl Stuart Ferguson<br><br>5,000 Chris Habets<br><br>5,000 David Hurley | |

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| | | 1,000 Leanne Little<br>1,000 Narelle Lewis<br>1,000 Lisa McGregor<br>1,000 Kathy Allen<br>1,000 Elisa Solly | |

## Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017

| Fines Enforcement and Debt Recovery Act 2017 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278408 | 1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum<br>1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee. | | CEO, GM-CBS |
| 278409 | 2. Arrangements as to Manner and Time of Payment<br>2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act. | | CEO, GM-CBS |
| 278410 | 2. Arrangements as to Manner and Time of Payment<br>2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed). | | CEO, GM-CBS |
| 278411 | 3. Enforcement Determination<br>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:<br>(a) the alleged offender; and<br>(b) the offence or offences that remain unexpiated; and<br>(c) the amount due under the notice; and<br>(d) compliance by the council with the requirements of the Act and any other Act. | | CEO, GM-CBS |

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| 278412 | 3. Enforcement Determination<br>3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee. | | CEO, GM-CBS |

## Instrument of Delegation to the Chief Executive Officer under the Fire and Emergency Services Act 2005 and the Fire and Emergency Services Regulations 2005

| Fire and Emergency Services Act 2005 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278413 | 1. Areas of Urban Bushfire Risk<br><br>1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.<br><br>(Note: only applies to Councils with areas within a 'fire district') | | CEO |
| 278414 | 2. Use of Facilities - State Bushfire Coordination Committee<br><br>2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council. | | CEO |
| 278415 | 3. Use of Facilities - Bushfire Management Committees<br><br>3.1 The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council. | | CEO |
| 278416 | 4. Bushfire Management Area Plans<br><br>4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area.<br><br>(Note: only relevant where Council's area is wholly or partly within a 'bushfire management area') | | CEO |
| 278417 | 5. Fire Control Officers | | CEO |

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| | 5.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area). | | |
| 278418 | 5. Fire Control Officers<br>5.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment. | | CEO |
| 278419 | 6. Giving of Expiation Notices<br>6.1 The duty pursuant to Section 104 of the Act to not authorise a person (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act unless the person is a fire prevention officer. | | CEO |
| 278420 | 7. Appropriation of Penalties<br>7.1 The duty pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account). | | CEO |
| 278421 | 8. Interpretation<br>8.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999. | | CEO |
| 278422 | 9. Fire Prevention Officers<br>9.1 The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area. | | CEO |
| 278423 | 9. Fire Prevention Officers<br>9.2 The duty pursuant to Section 105B(3) of the Act to -<br>9.2.1 in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and<br>take into account any policy developed by SACFS for the purposes of Section 105B of the Act. | | CEO |

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| 278454 | 9. Fire Prevention Officers<br>9.2 The duty pursuant to Section 105B(3) of the Act to -<br>9.2.2 in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,<br>take into account any policy developed by SACFS for the purposes of Section 105B of the Act. | | CEO |
| 278424 | 9.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.<br>(Note: paragraphs 9.1 - 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area) | | CEO |
| 278425 | 10. Reports<br>10.1 The duty pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit. | | CEO |
| 278426 | 11. Private Land<br>11.1 The duty pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):<br>11.1.1 the nature of the land;<br>11.1.2 whether the land is in a country, metropolitan, township or other setting;<br>11.1.3 the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);<br>11.1.4 other statutory standards or requirements that apply to or in relation to the land. | | CEO |
| 278427 | 11. Private Land<br>11.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds - | | CEO |

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| | 11.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or<br>11.2.2 that measures should be taken in respect of particular private land for the purpose of -<br>11.2.2.1 preventing or inhibiting the outbreak of fire on the land; or<br>11.2.2.2 preventing or inhibiting the spread of fire through the land; or<br>11.2.2.3 protecting property on the land from fire,<br>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. | | |
| 278428 | 11. Private Land<br>11.3 The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -<br>11.3.1 to trim or remove vegetation on the land; or<br>11.3.2 to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or<br>11.3.3 to eliminate a potential ignition source; or<br>11.3.4 to create, establish or maintain fire breaks or fuel breaks. | | CEO |
| 278429 | 11. Private Land<br>11.4 The duty pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette. | | CEO |
| 278430 | 11. Private Land<br>11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -<br>11.5.1 personally; or<br>11.5.2 by post; or<br>11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given - | | CEO |

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| | 11.5.3.1 by publishing the notice in a newspaper circulating in the locality of the land; and<br><br>11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land. | | |
| 278431 | 11. Private Land<br><br>11.6 The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act. | | CEO |
| 278432 | 11. Private Land<br><br>11.7 The duty pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner. | | CEO |
| 278433 | 12. Council Land<br><br>12.1 The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act. | | CEO |
| 278434 | 12. Council Land<br><br>12.2 The duty pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act. | | CEO |
| 278435 | 13. Additional Provision in Relation to Powers of Authorised Officers<br><br>13.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -<br><br>13.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or<br><br>13.1.2 with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land. | | CEO |
| 278436 | 13. Additional Provision in Relation to Powers of Authorised Officers<br><br>13.2 The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -<br><br>13.2.1 either personally or by telephone; and<br><br>13.2.2 in accordance with any procedures prescribed by the regulations. | | CEO |

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| 278437 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -<br>13.3.1 give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;<br>13.3.2 take photographs, films, audio, video or other recordings;<br>13.3.3 give any other directions reasonably required in connection with the exercise of the power. | | CEO |
| 278438 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.4 The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances. | | CEO |
| 278439 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.5 The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements. | | CEO |
| 278440 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.6 The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf. | | CEO |
| 278441 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.7 The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act. | | CEO |
| 278442 | 13. Additional Provision in Relation to Powers of Authorised Officers<br>13.8 The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears. | | CEO |
| 278443 | 14. Power to Provide Sirens<br>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 | | CEO |

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| | threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren. | | |
| **Fire and Emergency Services Regulations 2005** | | | |
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278444 | 15 SACFS Group Committee<br><br>15.1 The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group. | | CEO |
| 278445 | 16. Fires Permitted under Section 79(2) of Act<br><br>16.1 The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations. | | CEO |
| 278446 | 17. Special Provision relating to Gas and Electric Cooking Appliances<br><br>17.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice:<br><br>17.1.1 shall be in the form set out in Schedule 11; and<br><br>17.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and<br><br>17.1.3 will operate subject to the following conditions:<br><br>17.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;<br><br>17.1.3.2 that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and<br><br>17.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;<br><br>17.1.4 will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as | | CEO |

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| | the case may be); and<br><br>17.1.4 may be varied or revoked by further notice in the Gazette. | | |
| 278447 | 17. Special Provision relating to Gas and Electric Cooking Appliances<br><br>17.2 The duty pursuant to Regulation 34(5) of the Regulations, if a notice is published in accordance with Regulation 34 of the Regulations, to immediately send a copy of the notice to the Chief Officer of the SACFS. | | CEO |
| 278448 | 18. Identity cards<br><br>18.1 The duty pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS. | | CEO |
| 278449 | 19. Roadside Fire Protection<br><br>19.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to -<br><br>19.1.1 light a fire on the road, or on the verge of the road; and<br><br>19.1.2 while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;<br><br>subject to Regulation 54(3) of the Regulations. | | CEO |
| 278450 | 19. Roadside Fire Protection<br><br>19.2 The duty pursuant to Regulation 54(3) of the Regulations to obtain a permit to light and maintain a fire under Regulation 54 of the Regulations during the fire danger season.<br><br>(Note: only relevant to Councils with roads in the 'country'). | | CEO |
| 278451 | 20. Special Fire Areas<br><br>20.1 The duty pursuant to Regulation 56(2) of the Regulations to consult with and make submissions to the Chief Officer of the SACFS regarding the inclusion of the area or part of the area of the Council within a special fire area. | | CEO |
| 278452 | 20. Special Fire Areas<br><br>20.2 The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a | | CEO |

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| | committee of management established under Regulation 56(3) of the Regulations. | | |
| 278453 | 21. Coronial Inquests<br><br>The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency. | | CEO |

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

| Fire and Emergency Services Act 2005 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278455 | 1. Permit to Light and Maintain Fire<br><br>The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act. | | FPO |
| 278456 | 2. Removal of Debris from Roads<br><br>2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road. | | FPO |
| 278457 | 2. Removal of Debris from Roads<br><br>2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to -<br><br>2.2.1 burn or remove the flammable debris; and<br><br>2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.<br><br>(Note: only applies in relation to a road in the 'country') | | FPO |
| 278458 | 3. Failure by a Council to Exercise Statutory Powers<br><br>3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn. | | FPO |
| 278459 | 3. Failure by a Council to Exercise Statutory Powers<br><br>3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under | | FPO |

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| | Section 94(2) of the Act to:<br><br>3.2.1 make written submissions to the Minister in relation to the matter; and<br><br>3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council. | | |
| 278460 | 3. Failure by a Council to Exercise Statutory Powers<br><br>3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published. | | FPO |

## Instrument of Delegation under the Food Act 2001

| Food Act 2001 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278461 | 1. Seizure<br><br>1.1 The power pursuant to Section 42(2) of the Food Act 2001 ("the Act") to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act. | | CEO, GM-CW |
| 278462 | 1. Seizure<br><br>1.2 The power pursuant to Section 42(3)(a) of the Act to authorise -<br><br>1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or<br><br>1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council. | | CEO, GM-CW |
| 278463 | 1. Seizure<br><br>1.3 The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated -<br><br>1.3.1 if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and<br><br>1.3.2 not make payment of any compensation in respect of the food or other perishable thing. | | CEO, GM-CW |
| 278464 | 1. Seizure<br><br>1.4 The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs. | | CEO, GM-CW |

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| 278465 | 2. Review of Decision to Refuse Certificate of Clearance<br><br>2.1 The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the decision, to respond to the review body on behalf of the Council. | | CEO, GM-CW |
| 278466 | 3. Review of Order<br><br>3.1 The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable. | | CEO, GM-CW |
| 278467 | 3. Review of Order<br><br>3.2 The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation. | | CEO, GM-CW |
| 278468 | 3. Review of Order<br><br>3.3 The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the determination, to respond to that review body on behalf of the Council. | | CEO, GM-CW |
| 278469 | 4. Auditing and Reporting<br><br>4.1 The duty pursuant to Section 79(1) of the Act to determine:<br><br>4.1.1 the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and<br><br>4.1.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business<br><br>In accordance with Section 79(2) of the Act. | | CEO, GM-CW |
| 278470 | 4. Auditing and Reporting<br><br>4.2 The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -<br><br>4.2.1 the priority classification it has determined for the food business; and | | CEO, GM-CW |

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| | 4.2.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and<br><br>4.2.3 the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business. | | |
| 278471 | 4. Auditing and Reporting<br><br>4.3 The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business. | | CEO, GM-CW |
| 278472 | 4. Auditing and Reporting<br><br>4.4 The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act. | | CEO, GM-CW |
| 278473 | 5. Reporting Requirements<br><br>5.1 The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act. | | AO - GA, CEO, EHO1, EHO2, GM-CW, MCD |
| 278474 | 5. Reporting Requirements<br><br>5.2 The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned. | | AO - GA, CEO, EHO1, EHO2, GM-CW, MCD |
| 278475 | 6. Notification of Food Businesses<br><br>6.1 The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted. | | AO - GA, CEO, EHO1, EHO2, GM-CW, MCD |
| 278476 | 6. Notification of Food Businesses<br><br>6.2 The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council. | | AO - GA, CEO, EHO1, EHO2, GM-CW, MCD |

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| 278477 | 6. Notification of Food Businesses<br><br>6.3 The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act. | | AO - GA, CEO, EHO1, EHO2, GM-CW, MCD |
| 278478 | 7. Appointment of Authorised Officers<br><br>7.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer. | | CEO |
| 278479 | 7. Appointment of Authorised Officers<br><br>7.2 The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act. | | CEO |
| 278480 | 7. Appointment of Authorised Officers<br><br>7.3 The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer. | | CEO |
| 278481 | 7. Appointment of Authorised Officers<br><br>7.4 The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act. | | CEO |
| 278482 | 8. Offences<br><br>8.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences -<br><br>Section Offence<br><br>Section 13(1) | | CEO |

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| | Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.<br><br>Section 13(2) Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.<br><br>Section 14(1) Selling food that the person knows is unsafe.<br><br>Section 14(2) Selling food that the person ought reasonably to know is unsafe<br><br>Section 16(1) Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.<br><br>Section 16(2) Selling food that is unsafe.<br><br>Section 17(1) Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.<br><br>Section 17(2) Selling food that is unsuitable.<br><br>Section 21(1) Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.<br><br>Section 21(2) Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.<br><br>Section 39 Failure, without reasonable excuse, to comply with a requirement of an authorised officer.<br><br>Section 40 Providing information or producing any document that the person knows is false or misleading in a material particular.<br><br>Section 41(1) Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.<br><br>Section 41(2) Impersonating an authorised officer.<br><br>Section 42(2) Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.<br><br>Section 50 Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.<br><br>Section 86(1) Failure to notify of a food business before the business is conducted.<br><br>Section 86(2) Failure to notify of a food business that is being conducted.<br><br>Section 86(3) Failure to notify of a food business that is transferred or which has changed its name or address. | | |
| 278483 | 8. Offences | | CEO |

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| | 8.2 The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence. | | |
| 278484 | 8. Offences<br><br>8.3 The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence. | | CEO |

## Instrument of Delegation under the Freedom of Information Act 1991 and the Freedom of Information (Fees and Charges) Regulations 2003

| Freedom of Information Act 1991 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278485 | 1. Publication of Information Concerning Councils<br>1.1 The duty pursuant to Section 9(1a) of the Freedom of Information Act 1991 ("the Act") and in accordance with Section 9(2), (3) and (4) to cause, at intervals of not more than 12 months, an up to date information statement to be published in the manner prescribed by regulation. | | CEO, GM-CBS, MEA |
| 278486 | 2. Availability of Certain Documents<br>2.1 The duty pursuant to Section 10(1) of the Act to cause copies of the Council's most recent information statement and each of its policy documents to be made available for inspection and purchase by members of the public. | | CEO, GM-CBS, MEA |
| 278487 | 2. Availability of Certain Documents<br>2.2 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act. | | CEO, GM-CBS, MEA |
| 278488 | 2. Availability of Certain Documents<br>2.3 The duty pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:<br>2.3.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and<br>2.3.2 the person could, by knowledge of the policy, have avoided liability to the detriment. | | CEO |
| 278489 | 3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With<br>3.1 The duty, pursuant to Section 14(1) of the Act to ensure that an accredited FOI officer deals with an application for access to | | CEO, GM-CBS, MEA |

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| | Council's documents. | | |
| 278490 | 3. Persons by Whom Applications to be Dealt With and Time Within Which Applications Must be Dealt With<br><br>3.2 The duty pursuant to Section 14(2) of the Act to deal with an application for access to the Council's documents as soon as practicable (and, in any case, within 30 days) after it is received. | | CEO, GM-CBS, MEA |
| 278491 | 4. Incomplete and Wrongly Directed Applications<br><br>4.1 The duty pursuant to Section 15 of the Act not to refuse to accept an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information. | | CEO, GM-CBS, MEA |
| 278492 | 5. Transfer of Application<br><br>5.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:<br><br>5.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or<br><br>5.1.2 is held by the Council but is more closely related to the functions of the other agency. | | CEO, GM-CBS, MEA |
| 278493 | 5. Transfer of Application<br><br>5.2 The duty pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application. | | CEO, GM-CBS, MEA |
| 278494 | 5. Transfer of Application<br><br>5.3 The duty pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency. | | CEO, GM-CBS, MEA |
| 278495 | 5. Transfer of Application<br><br>5.4 The duty pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3), the day on which, and the agency to which, the application was transferred. | | CEO, GM-CBS, MEA |

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| 278496 | 5. Transfer of Application<br><br>5.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document. | | CEO, GM-CBS, MEA |
| 278497 | 6. Council May Require Advance Deposits<br><br>6.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine. | | CEO, GM-CBS, MEA |
| 278498 | 6. Council May Require Advance Deposits<br><br>6.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine. | | CEO, GM-CBS, MEA |
| 278499 | 6. Council May Require Advance Deposits<br><br>6.3 The duty pursuant to Section 17(3) of the Act to ensure that the aggregate of the application fee and the advance deposit(s) do not exceed the Delegate's estimate of the cost of dealing with the application. | | CEO, GM-CBS, MEA |
| 278500 | 6. Council May Require Advance Deposits<br><br>6.4 The duty pursuant to Section 17(4) of the Act, where a request for an advance deposit is made, to ensure that the request is accompanied by a notice that sets out the basis upon which the amount of the deposit has been calculated. | | CEO, GM-CBS, MEA |
| 278501 | 7. Council May Refuse to Deal with Certain Applications<br><br>7.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions. | | CEO, GM-CBS, MEA |
| 278502 | 7. Council May Refuse to Deal with Certain Applications<br><br>7.2 The duty pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and | | CEO, GM-CBS, MEA |

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| | unreasonably divert the Council's resources from their use by the Council in the exercise of its functions. | | |
| 278503 | 7. Council May Refuse to Deal with Certain Applications<br>7.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that an amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information. | | CEO, GM-CBS, MEA |
| 278504 | 7. Council May Refuse to Deal with Certain Applications<br>7.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:<br>7.4.1 the delegate has requested payment of an advance deposit in relation to the application; and<br>7.4.2 payment of the deposit has not been made within the period specified in the request. | | CEO, GM-CBS, MEA |
| 278505 | 7. Council May Refuse to Deal with Certain Applications<br>7.5 The duty pursuant to Section 18(4) of the Act where the Delegate refuses in accordance with Section 18(3) of the Act to continue to deal with an application to refund to the applicant such part of the advance deposits paid in respect of the application as exceeds the costs incurred by the Council in dealing with the application and the power to retain the remainder of those deposits. | | CEO, GM-CBS, MEA |
| 278507 | 7. Council May Refuse to Deal with Certain Applications<br>7.6 The duty pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant. | | CEO, GM-CBS, MEA |
| 278506 | 7. Council May Refuse to Deal with Certain Applications<br>7.7 The duty pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based. | | CEO, GM-CBS, MEA |
| 278508 | 7. Council May Refuse to Deal with Certain Applications<br>7.8 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document. | | CEO, GM-CBS, MEA |

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| 278509 | 8. Determination of Applications<br>8.1 The duty pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:<br>8.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and<br>8.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and<br>8.1.3 any charge payable for dealing with the application. | | CEO, GM-CBS, MEA |
| 278510 | 8. Determination of Applications<br>8.2 The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application. | | CEO, GM-CBS, MEA |
| 278511 | 9. Refusal of Access<br>9.1 The power pursuant to Section 20(1) of the Act to refuse access to a document:<br>9.1.1 if it is an exempt document;<br>9.1.2 if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;<br>9.1.3 if it is a document that is usually and currently available for purchase;<br>9.1.4 if it is a document that:<br>9.1.4.1 was not created or collated by the Council itself; and<br>9.1.4.2 genuinely forms part of library material held by the Council; or<br>9.1.5 subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987. | | CEO, GM-CBS, MEA |
| 278512 | 9. Refusal of Access<br>9.2 The duty pursuant to Section 20(4) not to refuse access to a document if:<br>9.2.1 it is practicable to give access to a copy of a document from which the exempt matter has been deleted; and<br>9.2.2 it appears to the Delegate (either from the terms of the application or after consultation with the applicant) that the applicant | | CEO, GM-CBS, MEA |

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| | would wish to be given access to such a copy<br>to that limited extent. | | |
| 278513 | 10. Deferral of Access<br>10.1 The power pursuant to Section 21(1) of the Act to defer access to a document:<br>10.1.1 if it is a document that is required by law to be published but is yet to be published;<br>10.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or<br>10.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted. | | CEO, GM-CBS, MEA |
| 278514 | 10. Deferral of Access<br>10.2 The duty pursuant to Section 21(2) of the Act not to defer access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published. | | CEO, GM-CBS, MEA |
| 278515 | 10. Deferral of Access<br>10.3 The duty pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation. | | CEO, GM-CBS, MEA |
| 278516 | 11. Forms of Access<br>11.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by -<br>(a) giving the person a reasonable opportunity to inspect the document; or<br>(b) giving the person a copy of the document; or<br>(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<br>(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<br>(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<br>(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 | | CEO, GM-CBS, MEA |

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| | of a written document-by giving the person a written document so reproduced. | | |
| 278517 | 11. Forms of Access<br><br>11.2 The duty pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:<br><br>11.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or<br><br>11.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or<br><br>11.2.3 would involve an infringement of copyright in matter contained in a document,<br><br>in which case access may be given in some other way. | | CEO, GM-CBS, MEA |
| 278518 | 11. Forms of Access<br><br>11.3 The duty pursuant to Section 22(2a) of the Act where a document is in the custody of State Records, to determine that the way in which access is given to the document will be made by or jointly with the Manager of State Records. | | CEO, GM-CBS, MEA |
| 278519 | 11. Forms of Access<br><br>11.4 The duty pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested. | | CEO, GM-CBS, MEA |
| 278520 | 11. Forms of Access<br><br>11.5 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given. | | CEO, GM-CBS, MEA |
| 278521 | 11. Forms of Access<br><br>11.6 The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid. | | CEO, GM-CBS, MEA |
| 278522 | 12. Notices of Determination | | CEO, GM- |

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| | 12.1 The duty pursuant to Section 23(1) of the Act to give written notice to an applicant of the determination of his/her application or, if the application relates to a document that is not held by the Council, of the fact that the Council does not hold such a document. | | CBS, MEA |
| 278523 | 12. Notices of Determination<br>12.2 The duty pursuant to Section 23(2) of the Act to specify in a notice given under Section 23(1) of the Act those matters set out at Section 23(2)(a) - (g) of the Act. | | CEO, GM-CBS, MEA |
| 278524 | 12. Notices of Determination<br>12.3 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form. | | CEO, GM-CBS, MEA |
| 278525 | 12. Notices of Determination<br>12.4 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document. | | CEO, GM-CBS, MEA |
| 278526 | 13. Documents Affecting Inter-Governmental or Local Governmental Relations<br>13.1 The duty pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act. | | CEO, GM-CBS, MEA |
| 278527 | 13. Documents Affecting Inter-Governmental or Local Governmental Relations<br>13.2 The duty pursuant to Section 25(3) of the Act, if:<br>13.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and<br>13.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act, | | CEO, GM-CBS, MEA |

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| | to forthwith give written notice to the Government or council concerned:<br><br>13.2.3 that the Council has determined that access to the document is to be given; and<br><br>13.2.4 of the rights of review conferred by the Act in relation to the determination; and<br><br>13.2.5 of the procedures to be followed for the purpose of exercising those rights; and<br><br>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. | | |
| 278528 | 14. Documents Affecting Personal Affairs<br><br>14.1 The duty pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act. | | CEO, GM-CBS, MEA |
| 278529 | 14. Documents Affecting Personal Affairs<br><br>14.2 The duty pursuant to Section 26(3) of the Act, if:<br><br>14.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and<br><br>14.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or<br><br>14.2.3 after having taking reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,<br><br>to forthwith give written notice to the person concerned:<br><br>14.2.4 that the Delegate has determined that access to the document is to be given; and<br><br>14.2.5 of the rights of review conferred by the Act in relation to the determination; and<br><br>14.2.6 of the procedures to be followed for the purpose of exercising those rights; and<br><br>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. | | CEO, GM-CBS, MEA |

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| 278530 | 14. Documents Affecting Personal Affairs<br>14.3 The power pursuant to Section 26(4) of the Act where:-<br>14.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and<br>14.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and<br>14.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and<br>14.3.4 the Delegate decides that access to the document is to be given,<br>to give access to the document to a registered medical practitioner nominated by the applicant. | | CEO, GM-CBS, MEA |
| 278531 | 15. Documents Affecting Business Affairs<br>15.1 The duty pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:<br>15.1.1 information concerning the trade secrets of any person; or<br>15.1.2 information (other than trade secrets) that has a commercial value to any person; or<br>15.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;<br>except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act. | | CEO, GM-CBS, MEA |
| 278533 | 15. Documents Affecting Business Affairs<br>15.2 The duty pursuant to Section 27(3) of the Act, if:<br>15.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and<br>15.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,<br>to forthwith give written notice to the person concerned:<br>15.2.3 that the Council has determined that access to the document is to be given; and<br>15.2.4 of the rights of review conferred by the Act in relation to the determination; and | | CEO, GM-CBS, MEA |

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| | 15.2.5 of the procedures to be followed for the purpose of exercising those rights; and<br><br>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. | | |
| 278534 | 16. Documents Affecting the Conduct of Research<br><br>16.1 The duty pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act. | | CEO, GM-CBS, MEA |
| 278532 | 16. Documents Affecting the Conduct of Research<br><br>16.2 The duty pursuant to Section 28(3) of the Act, if:<br><br>16.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and<br><br>16.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,<br><br>to forthwith give written notice to the person concerned:<br><br>16.2.3 that the Council has determined that access to the document is to be given; and<br><br>16.2.4 of the rights of review conferred by the Act in relation to the determination; and<br><br>16.2.5 of the procedures to be followed for the purpose of exercising those rights; and<br><br>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. | | CEO, GM-CBS, MEA |
| 278535 | 17. Internal Review<br><br>17.1 The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review. | | CEO, GM-CBS, MEA |
| 278536 | 17. Internal Review<br><br>17.2 The duty pursuant to Section 29(4) of the Act to refund any application fee paid in respect of the review where the delegate | | CEO, GM-CBS, MEA |

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| | varies or reverses a determination so that access to a document is to be given either immediately or subject to deferral. | | |
| 278537 | 18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With<br><br>18.1 The duty pursuant to Section 32(1) of the Act to ensure that an accredited FOI officer deals with an application for amendment of the Council's records. | | CEO, GM-CBS, MEA |
| 278538 | 18. Persons by Whom Applications for Amendment of Records May be Dealt With and Time Within Which Applications Must be Dealt With<br><br>18.2 The duty pursuant to Section 32(2) of the Act to deal with an application for amendment of the Council's records as soon as practicable (and, in any case, within 30 days) after it is received. | | CEO, GM-CBS, MEA |
| 278539 | 19. Incomplete Applications for Amendment of Records<br><br>19.1 The duty pursuant to Section 33 of the Act not to refuse to accept an application merely because the application does not contain sufficient information to enable the Council's document to which the applicant has been given access to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information. | | CEO, GM-CBS, MEA |
| 278540 | 20. Determination of Applications<br><br>20.1 The duty pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records. | | CEO, GM-CBS, MEA |
| 278541 | 21. Refusal to Amend Records<br><br>21.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:<br><br>(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<br><br>(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or<br><br>(c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge. | | CEO, GM-CBS, MEA |

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| 278542 | 22. Notices of Determination<br><br>22.1 The duty pursuant to Section 36(1) of the Act to give written notice to an applicant of the Council's determination of his/her application or, if the application relates to records that are not held by the Council, of the fact that the Council does not hold such records. | | CEO, GM-CBS, MEA |
| 278543 | 22. Notices of Determination<br><br>22.2 The duty pursuant to Section 36(2) of the Act when giving a written notice in accordance with Section 36(1) to specify -<br><br>22.2.1 the day on which the determination was made; and<br><br>22.2.2 if the determination is to the effect that amendment of the Council's records is refused -<br><br>(i) the name and designation of the officer by whom the determination was made; and<br><br>(ii) the reasons for that refusal; and<br><br>(iii) the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based; and<br><br>(iv) the rights of review conferred by the Act in relation to the determination; and<br><br>(v) the procedures to be followed for the purpose of exercising those rights. | | CEO, GM-CBS, MEA |
| 278544 | 22. Notices of Determination<br><br>22.3 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document. | | CEO, GM-CBS, MEA |
| 278545 | 23. Notations to be Added to Records<br><br>23.1 The duty pursuant to Section 37(2) of the Act where the Delegate has refused to amend the Council's records and the applicant has, by notice in writing lodged at the Council offices, requiring the Council to add to those records a notation -<br><br>23.1.1 specifying the respects in which the applicants claims the records to be incomplete, incorrect, out of date or misleading; and<br><br>23.1.2 if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date,<br><br>to cause written notice of the nature of the notation to be given to the applicant. | | CEO, GM-CBS, MEA |

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| 278546 | 23. Notations to be Added to Records<br><br>23.2 The duty pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 relates, to:<br><br>23.2.1ensure that, when the information is disclosed, a statement is given to that person:<br><br>23.2.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and<br><br>23.2.1.2 setting out particulars of the notation added to its records under Section 37; and<br><br>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation. | | CEO, GM-CBS, MEA |
| 278547 | 24. Internal Review<br><br>24.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review. | | CEO, GM-CBS, MEA |
| 278548 | 25. Review by Ombudsman or Police Ombudsman<br><br>25.1 The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation. | | CEO, GM-CBS, MEA |
| 278549 | 25. Review by Ombudsman or Police Ombudsman<br><br>25.2 The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation. | | CEO, GM-CBS, MEA |
| 278550 | 25. Review by Ombudsman or Police Ombudsman<br><br>25.3 The power:<br><br>25.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and<br><br>25.3.2 to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be | | CEO, GM-CBS, MEA |

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| | negotiated. | | |
| 278551 | 25. Review by Ombudsman or Police Ombudsman<br>25.4 The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process. | | CEO, GM-CBS, MEA |
| 278552 | 26. Reviews by SACAT<br>26.1 The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law. | | CEO, GM-CBS, MEA |
| 278553 | 27. Consideration of Restricted Documents<br>27.1 The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the review and, the other party's representative. | | CEO, GM-CBS, MEA |
| 278554 | 28. Deliberately left blank<br>28.1 Deliberately left blank | | CEO |
| 278555 | 29. Fees & Charges<br>29.1 The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations. | | CEO, GM-CBS, MEA |
| 278556 | 29. Fees & Charges<br>29.2 The duty pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it. | | CEO, GM-CBS, MEA |
| 278557 | 29. Fees & Charges<br>29.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council. | | CEO, GM-CBS, MEA |

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| 278558 | 30. Provision of Information to Minister<br>30.1 The duty pursuant to Section 54AA of the Act-<br>30.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette -<br>30.1.1.1 for the purpose of monitoring compliance with the Act; and<br>30.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and<br>30.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act. | | CEO, GM-CBS, MEA |
| 278559 | 31. Documents Containing Confidential Material<br>31.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence. | | CEO, GM-CBS, MEA |
| 278560 | 31. Documents Containing Confidential Material<br>31.2 The duty pursuant to clause 13(6) of Schedule 1 of the Act to notify the Minister administering the Act, in writing, and as soon as practicable, if the Delegate approves a term of a contract in accordance with clause 13(2)(b)(iii) of Schedule 1 of the Act. | | CEO |
| **Freedom of Information (Fees and Charges) Regulations 2003** | | | |
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278561 | 32. Fees & Charges<br>32.1 The duty pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that:<br>(a) he or she is a concession cardholder; or<br>(b) payment of the fee would cause financial hardship to the person. | | CEO, GM-CBS, MEA |
| 278562 | 32. Fees & Charges<br>32.2 The duty pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a | | CEO |

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| | 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. | | |

## Instrument of Delegation under the Graffiti Control Act 2001 [Appendix 9]

| Graffiti Control Act 2001 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 291247 | 1. Council may remove or obliterate graffiti<br>1.1 The power pursuant to Section 12(1) of the Graffiti Act 2001 (“the Act”)<br>to enter private property, in accordance with Section 12(1) of the Act,<br>and take any action necessary to remove or obliterate graffiti on the<br>property that is visible from a public place if:<br>(a) a notice under this section was served on the owner or occupier<br>of the property at least ten days prior to the action being taken;<br>and<br>(b) the owner or occupier on whin the notice was served has not<br>objected, in accordance with the notice, to the action being taken. | | CEO, EHO1, EHO2, ETO, GI, GITL, GM-CBS, GM-CG, GM-CI, GM-CW, MED&C, WM-WDBMP&G, WMI |
| 291248 | 1. Council may remove or obliterate graffiti<br>1.2 The power pursuant to Section 12(2) of the Act to remove or obliterate<br>in accordance with Section 12(2) of the Act, a Council | | CEO |

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| | must:<br>(a) take reasonable steps to consult with the owner or occupier of the<br>property in relation to the manner in which the action is to be<br>taken; and<br>(b) ensure, as far as is practicable, that the work is carried out -<br>(i) expeditiously and in such a way as to avoid unnecessary<br>inconvenience or disruption to the owner or occupier of the<br>property; and<br>(ii) with reasonable care and to a reasonable standard. | | |

## SA Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

| Electricity Act 1996 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278563 | 1. Power to Carry Out Work on Public Land<br>1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of. | | CEO |
| 278564 | 1. Power to Carry Out Work on Public Land<br>1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest. | | CEO |
| 278565 | 1. Power to Carry Out Work on Public Land<br>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister. | | CEO |
| 278566 | 1. Power to Carry Out Work on Public Land<br>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:<br>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and<br>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms. | | CEO |
| 278567 | 2. Duties in Relation to Vegetation Clearance<br>2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured. | | CEO |

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| 278568 | 3. Vegetation Clearance Schemes<br><br>3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area. | | CEO |
| 278569 | 3. Vegetation Clearance Schemes<br><br>3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:<br><br>3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;<br><br>3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;<br><br>3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;<br><br>3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;<br><br>3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;<br><br>3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;<br><br>3.2.7 make provision for other related matters. | | CEO |
| 278570 | 3. Vegetation Clearance Schemes<br><br>3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement. | | CEO |
| 278571 | 4. Vegetation Clearance Scheme Dispute<br><br>4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to | | CEO |

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| | the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act. | | |
| 278572 | 4. Vegetation Clearance Scheme Dispute<br><br>4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined. | | CEO |
| 278573 | 5. Determinations<br><br>5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines. | | CEO |
| 278574 | 6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas<br><br>6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area. | | CEO, MED&C, WM-WDBMP&G, WMI |
| 278575 | 6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas<br><br>6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:<br><br>6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and<br><br>6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and<br><br>6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and<br><br>6.2.4 provision for the variation of the arrangement by the electricity entity and the Council. | | CEO |
| 278576 | 7. Program for Undergrounding of Powerlines<br><br>7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister. | | CEO |
| 278577 | 7. Program for Undergrounding of Powerlines<br><br>7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in | | CEO |

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| | 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. | | |
| 278578 | 7. Program for Undergrounding of Powerlines<br><br>7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program. | | CEO |
| **Electricity (Principles of Vegetation Clearance) Regulations 2010** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278579 | 8. Duty of Electricity Entity or Council<br><br>8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations. | | CEO |
| 278580 | 9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance<br><br>9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations. | | CEO |
| 278581 | 10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity<br><br>10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area. | | CEO |
| 278582 | 10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity<br><br>10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties. | | CEO |
| 278583 | 11. Objections Relating to Vegetation Clearance | | CEO |

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| | 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved. | | |
| 278584 | 11. Objections Relating to Vegetation Clearance<br><br>11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection. | | CEO |
| 278585 | 11. Objections Relating to Vegetation Clearance<br><br>11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations. | | CEO |

## Instrument of Delegation Under the Electronic Conveyancing National Law (South Australia) Act 2013

| Electronic Conveyancing National Law (South Australia) Act 2013 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278586 | 1. Client Authorisation<br>1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:<br>1.1.1 complete a client authorisation:<br>1.1.1.1 that is in the form required by the participation rules; and<br>1.1.1.2 by which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically. | | CEO |

## SA Instrument of Delegation Under the Gas Act 1997

| Gas Act 1997 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278587 | 1. Power to Carry Out Work on Public Land<br>1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of. | | CEO |
| 278588 | 1. Power to Carry Out Work on Public Land<br>1.2 The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest. | | CEO |
| 278589 | 1. Power to Carry Out Work on Public Land<br>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister. | | CEO |
| 278590 | 1. Power to Carry Out Work on Public Land<br>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:<br>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and<br>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms. | | CEO |

| Heavy Vehicle National Law (South Australia) Act 2013 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278591 | 1. Deciding Request for Consent Generally<br><br>1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:<br><br>1.1.1 within:<br><br>1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or<br><br>1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act - 14 days after giving the notice of objection; or<br><br>1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator. | | CEO, GM-CI, MED&C |
| 278592 | 1. Deciding Request for Consent Generally<br><br>1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:<br><br>1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or<br><br>1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or<br><br>1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent. | | CEO, GM-CI, MED&C |
| 278593 | 1. Deciding Request for Consent Generally<br><br>1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should | | CEO, GM-CI, MED&C |

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| | nevertheless be consulted before the road manager decides whether to give or not to give consent. | | |
| 278594 | 1. Deciding Request for Consent Generally<br>1.4 The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:<br>1.4.1 the mass or dimension authority will, or is likely to:<br>1.4.1.1 cause damage to road infrastructure; or<br>1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or<br>1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and<br>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:<br>1.4.2.1 the damage or likely damage; or<br>1.4.2.2 the adverse effects or likely adverse effects; or<br>1.4.2.3 the significant risks or likely significant risks. | | CEO, GM-CI, MED&C |
| 278615 | 1. Deciding Request for Consent Generally<br>1.4A The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass. | | CEO, GM-CI, MED&C |
| 278595 | 1. Deciding Request for Consent Generally<br>1.5 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:<br>1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or<br>1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations. | | CEO, GM-CI, MED&C |
| 278596 | 1. Deciding Request for Consent Generally | | CEO, GM- |

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| | 1.6 The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act. | | CI, MED&C |
| 278597 | 2. Action Pending Consultation with Third Party<br>2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed). | | CEO, GM-CI, MED&C |
| 278614 | 2. Action Pending Consultation with Third Party<br>2.2 The power pursuant to Section 158(4) of the Act, if:<br>2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and<br>2.2.2 the delegate has not yet decided to give or not to give the consent,<br>To -<br>2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or<br>2.2.4 decide to give the consent. | | CEO, GM-CI, MED&C |
| 278598 | 3. Deciding Request for Consent if Route Assessment Required<br>3.1 The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:<br>3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;<br>3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated. | | CEO, GM-CI, MED&C |
| 278599 | 3. Deciding Request for Consent if Route Assessment Required<br>3.2 The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid. | | CEO, GM-CI, MED&C |
| 278600 | 4. Imposition of Road Conditions<br>4.1 The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to: | | CEO, GM-CI, MED&C |

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| | 4.1.1 except in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition is imposed on the authority; or<br><br>4.1.2 in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority. | | |
| 278601 | 4. Imposition of Road Conditions<br><br>4.2 The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act. | | CEO, GM-CI, MED&C |
| 278602 | 5. Imposition of Travel Conditions<br><br>5.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority. | | CEO, GM-CI, MED&C |
| 278603 | 5. Imposition of Travel Conditions<br><br>5.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act | | CEO, GM-CI, MED&C |
| 278604 | 6. Imposition of Vehicle Conditions<br><br>6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority. | | CEO, GM-CI, MED&C |
| 278605 | 7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority<br><br>7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:<br><br>7.1.1 14 days after the request for consent is made; or<br><br>7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days. | | CEO, GM-CI, MED&C |
| 278606 | 8. Granting Limited Consent for Trial Purposes<br><br>8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial | | CEO, GM-CI, MED&C |

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| | period of no more than 3 months specified by the delegate. | | |
| 278607 | 9 Renewal of Limited Consent for Trial Purposes<br><br>9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months. | | CEO, GM-CI, MED&C |
| 278608 | 10. Amendment or Cancellation on Regulator's Initiative<br><br>10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken. | | CEO, GM-CI, MED&C |
| 278609 | 11. Amendment or Cancellation on Request by Relevant Road Manager<br><br>11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:<br><br>11.1.1 has caused, or is likely to cause, damage to road infrastructure; or<br><br>11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or<br><br>11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions. | | CEO, GM-CI, MED&C |
| 278610 | 11. Amendment or Cancellation on Request by Relevant Road Manager<br><br>11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:<br><br>11.2.1 amend the mass or dimension authority by:<br><br>11.2.1.1 amending the category of vehicle to which the authority applies; or<br><br>11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or<br><br>11.2.1.3 amending the areas or routes to which the authority applies; or<br><br>11.2.1.4 amending the days or hours to which the authority applies; or<br><br>11.2.1.5 imposing or amending road conditions or travel conditions; or<br><br>11.2.2 cancel the authority. | | CEO, GM-CI, MED&C |

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| 278611 | 12. Amendment or Cancellation on Application by Permit Holder<br>12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority. | | CEO, GM-CI, MED&C |
| 278612 | 13. Amendment or Cancellation on Request by Relevant Road Manager<br>13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:<br>13.1.1 has caused, or is likely to cause, damage to road infrastructure; or<br>13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or<br>13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions. | | CEO, GM-CI, MED&C |
| 278613 | 13. Amendment or Cancellation on Request by Relevant Road Manager<br>13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:<br>13.2.1 amend the mass or dimension authority, including, for example, by:<br>13.2.1.1 amending the areas or routes to which the authority applies; or<br>13.2.1.2 amending the days or hours to which the authority applies; or<br>13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or<br>13.2.2 cancel the authority. | | CEO, GM-CI, MED&C |

## Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity

| Planning, Development and Infrastructure Act 2016 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278616 | 1. Planning Regions and Greater Adelaide<br><br>1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act. | | CEO |
| 278617 | 2. Subregions<br><br>2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action. | | CEO |
| 278618 | 3. Environment and Food Production Areas – Greater Adelaide<br><br>3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development. | | CEO |
| 283776 | 4. Functions<br><br>4.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations. | | CEO |
| 278619 | 5. Planning Agreements<br><br>5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State. | | CEO |
| 278620 | 5. Planning Agreements | | CEO |

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| | 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:<br>5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and | | |
| 278621 | 5. Planning Agreements<br>5.2.2 the constitution of a joint planning board including, in relation to such a board:<br>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and<br>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and<br>5.2.2.3 the procedures to be followed with respect to the appointment of members; and<br>5.2.2.4 the terms of office of members; and<br>5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and<br>5.2.2.6 the appointment of deputy members; and<br>5.2.2.7 the procedures of the board; and | | CEO |
| 278622 | 5. Planning Agreements<br>5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and | | CEO |
| 278623 | 5. Planning Agreements<br>5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and | | CEO |
| 278624 | 5. Planning Agreements<br>5.2.5 financial and resource issues associated with the operations of the joint planning board, including:<br>5.2.5.1 the formulation and implementation of budgets; and | | CEO |

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| | 5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and | | |
| 278625 | 5. Planning Agreements<br><br>5.2.6 such other matters as the Delegate thinks fit. | | CEO |
| 278626 | 5. Planning Agreements<br><br>5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms). | | CEO |
| 278627 | 5. Planning Agreements<br><br>5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement. | | CEO |
| 283777 | 6. Appointment of Administrator<br><br>6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act. | | CEO |
| 278628 | 7. Community Engagement Charter<br><br>7.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council). | | CEO |
| 283778 | 7. Community Engagement Charter<br><br>7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case. | | CEO |
| 283779 | 7. Community Engagement Charter<br><br>7.3 The power pursuant to Section 44(10) of the PDI Act to:<br><br>7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the Charter; | | CEO |

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| | and<br><br>7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the Charter. | | |
| 278629 | 8. Preparation and Amendment of Charter<br><br>8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA Planning portal) on a proposal to prepare or amend the Charter. | | CEO |
| 278652 | 9. Preparation and Amendment<br><br>9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:<br><br>9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and<br><br>9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission. | | CEO |
| 278653 | 9. Preparation and Amendment<br><br>9.2 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:<br><br>9.2.1 to prepare a draft of the relevant proposal; and<br><br>9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and<br><br>9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and<br><br>9.2.4 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 more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:<br><br>9.2.4.1 an owner or occupier of the land; and<br><br>9.2.4.2 an owner or occupier of each piece of adjacent land,<br><br>a notice in accordance with the regulations; and<br><br>9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and<br><br>9.2.6 to carry out such investigations and obtain such information specified by the Commission; and | | CEO |

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| | 9.2.7 to comply with any requirement prescribed by the regulations. | | |
| 278654 | 9. Preparation and Amendment<br><br>9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister. | | CEO |
| 278655 | 9. Preparation and Amendment<br><br>9.4 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 |
| 283780 | 9. Preparation and Amendment<br><br>9.5 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 |
| 278656 | 10. Parliamentary Scrutiny<br><br>10.1 The power pursuant to Section 74(8) 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 comment and a response within the period of 2 weeks. | | CEO |
| 278657 | 11. Entities Constituting Relevant Authorities<br><br>11.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel. | | CEO |
| 278658 | 12. Panels Established by Joint Planning Boards or Councils<br><br>12.1 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:<br><br>12.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;<br><br>12.1.2 determine: | | CEO |

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| | 12.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and<br><br>12.1.2.2 the procedures to be followed with respect to the appointment of members; and<br><br>12.1.2.3 the terms of office of members; and<br><br>12.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and<br><br>12.1.2.5 the appointment of deputy members; and<br><br>12.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member. | | |
| 278659 | 12. Panels Established by Joint Planning Boards or Councils<br><br>12.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel. | | CEO |
| 278660 | 12. Panels Established by Joint Planning Boards or Councils<br><br>12.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act. | | CEO |
| 278661 | 12. Panels Established by Joint Planning Boards or Councils<br><br>12.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government. | | CEO |
| 278662 | 13. Panels Established by Minister<br><br>13.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils. | | CEO |
| 283781 | 13. Panels Established by Minister<br><br>13.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other councils (or parts of such areas). | | CEO |

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| 278663 | 14. Substitution of Local Panels<br><br>14.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry. | | CEO |
| 283782 | 15. Notification of Acting<br><br>15.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require. | | CEO |
| 283783 | 16. Essential Infrastructure – Alternative Assessment Process<br><br>16.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act. | | CEO |
| 283784 | 16. Essential Infrastructure – Alternative Assessment Process<br><br>16.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition. | | CEO |
| 278630 | 17. Initiation of Scheme<br><br>17.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act. | | CEO |
| 278631 | 17. Initiation of Scheme<br><br>17.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline. | | CEO |
| 278632 | 18. Consideration of Proposed Scheme<br><br>18.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter. | | CEO |
| 278633 | 19. Adoption of Scheme<br><br>19.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme. | | CEO |

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| 278634 | 20. Funding Arrangements<br><br>20.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions. | | CEO |
| 278635 | 20. Funding Arrangements<br><br>20.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council. | | CEO |
| 278637 | 21. Contributions by Constituent Councils<br><br>21.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share. | | CEO |
| 278638 | 21. Contributions by Constituent Councils<br><br>21.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act. | | CEO |
| 278639 | 22. Imposition of Charge by Councils<br><br>22.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act. | | CEO |
| 278640 | 23. Authorised Works<br><br>23.1 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 |
| 278641 | 23. Authorised Works<br><br>23.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:<br><br>23.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any | | CEO |

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| | work; and<br>23.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and<br>23.2.3 ensure that proper consideration is given to the views of the road maintenance authority. | | |
| 278642 | 23. Authorised Works<br>23.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the relevant road maintenance authority in relation to the matter. | | CEO |
| 278643 | 23. Authorised Works<br>23.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances. | | CEO |
| 278644 | 24. Entry onto Land<br>24.1 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:<br>24.1.1 enter and pass over any land; and<br>24.1.2 bring onto any land any vehicles, plant or equipment; and<br>24.1.3 temporarily occupy land; and<br>24.1.4 do anything else reasonably required in connection with the exercise of the power. | | CEO |
| 278645 | 24. Entry onto Land<br>24.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act. | | CEO |
| 278646 | 25. Acquisition of Land<br>25.1 The power pursuant to Section 189(1) of the PDI Act, to:<br>25.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and<br>25.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with | | CEO |

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| | the Land Acquisition Act 1969. | | |
| 283785 | 26. Appointment of Authorised Officers<br>26.1 The power pursuant to Section 210(1) of the PDI Act to:<br>26.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and<br>26.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations. | | CEO |
| 283786 | 26. Appointment of Authorised Officers<br>26.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions. | | CEO |
| 283787 | 26. Appointment of Authorised Officers<br>26.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:<br>26.3.1 containing a photograph of the authorised officer; and<br>26.3.2 stating any conditions of appointment limiting the authorised officer's appointment. | | CEO |
| 283788 | 26. Appointment of Authorised Officers<br>26.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. | | CEO |
| 283789 | 27. Enforcement Notices<br>27.1 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:<br>27.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;<br>27.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate; | | CEO |

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| | 27.1.3 take such urgent action as is required because of any situation resulting from the breach. | | |
| 283790 | 27. Enforcement Notices<br><br>27.2 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 |
| 283791 | 27. Enforcement Notices<br><br>27.3 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 |
| 283792 | 27. Enforcement Notices<br><br>27.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the action. | | CEO |
| 283793 | 27. Enforcement Notices<br><br>27.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | | CEO |
| 283794 | 28. Applications to Court<br><br>28.1 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 (whether or not any right of that person has been or may be infringed by or as a consequence of that breach). | | CEO |
| 283795 | 28. Applications to Court<br><br>28.2 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 |

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| 283796 | 28. Applications to Court<br><br>28.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act. | | CEO |
| 283797 | 28. Applications to Court<br><br>28.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings. | | CEO |
| 283798 | 28. Applications to Court<br><br>28.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application. | | CEO |
| 283799 | 28. Applications to Court<br><br>28.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act. | | CEO |
| 283800 | 28. Applications to Court<br><br>28.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person. | | CEO |
| 283801 | 28. Applications to Court<br><br>28.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent | | CEO |
| 283802 | 28. Applications to Court<br><br>28.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | | CEO |

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| 283803 | 28. Applications to Court<br><br>28.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act. | | CEO |
| 283804 | 29. Proceedings for Offences<br><br>29.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act. | | CEO |
| 283805 | 30. Adverse Publicity Orders<br><br>30.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order. | | CEO |
| 283806 | 30. Adverse Publicity Orders<br><br>30.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:<br><br>30.2.1 take the action or actions specified in the order; and<br><br>30.2.2 authorise a person in writing to take the action or actions specified in the order. | | CEO |
| 283807 | 30. Adverse Publicity Orders<br><br>30.3 The power pursuant to Section 223(5) of the PDI Act, if:<br><br>30.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and<br><br>30.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the action or actions specified in the order in accordance with the order,<br><br>to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the action or actions and to authorise a person in writing to take the action or actions. | | CEO |

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| 283808 | 30. Adverse Publicity Orders<br><br>30.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the action or actions, as a debt, due to the Council. | | CEO |
| 283809 | 31. Civil Penalties<br><br>31.1 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 |
| 283810 | 31. Civil Penalties<br><br>31.2 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 |
| 283811 | 31. Civil Penalties<br><br>31.3 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 |
| 283812 | 31. Civil Penalties<br><br>31.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act. | | CEO |
| 283813 | 31. Civil Penalties<br><br>31.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act. | | CEO |
| 283814 | 32. Make Good Orders<br><br>32.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the | | CEO |

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| | PDI Act. | | |
| 283815 | 33. Recovery of Economic Benefit<br><br>33.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act. | | CEO |
| 283816 | 34. Enforceable Voluntary Undertakings<br><br>34.1 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 |
| 283817 | 34. Enforceable Voluntary Undertakings<br><br>34.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking. | | CEO |
| 283818 | 34. Enforceable Voluntary Undertakings<br><br>34.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:<br><br>34.3.1 vary the undertaking; or<br><br>34.3.2 withdraw the undertaking. | | CEO |
| 283819 | 34. Enforceable Voluntary Undertakings<br><br>34.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised. | | CEO |
| 283820 | 34. Enforceable Voluntary Undertakings<br><br>34.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible. | | CEO |

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| 283821 | 34. Enforceable Voluntary Undertakings<br><br>34.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act. | | CEO |
| 283822 | 35. Charges on Land<br><br>35.1 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 |
| 283823 | 35. Charges on Land<br><br>35.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge. | | CEO |
| 283824 | 36. Registering Authorities to Note Transfer<br><br>36.1 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 |
| 278647 | 37. Review of Performance<br><br>37.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister. | | CEO |
| 278648 | 37. Review of Performance<br><br>37.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based. | | CEO |
| 278649 | 37. Review of Performance<br><br>37.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under | | CEO |

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| | Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister. | | |
| 278650 | 37. Review of Performance<br><br>37.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act. | | CEO |
| 283825 | 38. Planning and Design Code<br><br>38.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act. | | CEO |
| 278651 | 39. General Schemes<br><br>39.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme. | | CEO |

## 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** | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278678 | A. Traffic Control Devices<br><br>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: | | Council |
| 278679 | A.1 Authorisation of other Officers<br><br>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.<br><br>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. | | Council |
| 278680 | A.2 Conformity with the Road Traffic Act<br><br>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. | | Council |
| 278681 | A.3 Conformity with the Australian Standards and the Code<br><br>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.<br><br>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. | | Council |

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| 278682 | A.4 Notification to adjoining Councils<br><br>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.<br><br>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. | | Council |
| 278683 | A.5 Notification to the Commissioner of Highways<br><br>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. | | Council |
| 278684 | A.6 Consultation on traffic signals<br><br>If Council wishes the Commissioner of Highways to maintain Council's:<br><br>(a) traffic signals at intersections;<br><br>(b) emergency services traffic signals;<br><br>(c) mid-block traffic signals (pedestrian actuated crossings);<br><br>(d) signals at Koala crossings; or<br><br>(e) signals at Wombat crossings with flashing lights, .<br><br>then Council must consult with the Commissioner of Highways when proposing install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program. | | Council |
| 278685 | A.7 Traffic impact Statement<br><br>Before any traffic control device is installed, altered or removed, a Traffic lmpact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic engineering practitioner.<br><br>The Traffic lmpact Statement must be endorsed by a person authorised by Council.<br><br>The Traffic lmpact 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 lmpact | | CEO, GM-CI |

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| | Statements.<br><br>A Traffic lmpact 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. | | |
| 278686 | A.8 Traffic control devices requiring separate approval<br><br>General approval does not apply to those traffic control devices:<br><br>(a) specifically listed in the Code requiring separate approval; or<br><br>(b) not contained in or referred to in the Australian Standards or the Code; or<br><br>(c) not complying with clause 8.3.<br><br>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.<br><br>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 lmpact Statement, any plans, and relevant supporting<br><br>documentation. | | Council |
| 278687 | B. Speed Limits at Works on Roads<br><br>For the purpose of section 20i2) 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<br><br>* a work area; or<br><br>* a work site<br><br>where workers are engaged, or works are in progress at the direction of Council, subject to the following conditions: | | Council |
| 278688 | B.1 Authorisation of other Officers<br><br>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.<br><br>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. | | Council |

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| 278689 | B.3 Conformity with the Road Traffic Act<br>The maximum speed to be indicated by signs must be in accordance with section 20 of the Act | | Council |
| 278690 | B.4 Conformity with the SA Standards<br>All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the SA Standards. | | Council |
| 278691 | B.5 Persons who may act on behalf of Council<br>For the purposes of this clause, the following people may act on behalf of Council:<br>(a) an employee of Council; or<br>(b) an employee of a contractor or sub-contractor engaged to cavy out works on a road on behalf of Council. | | Council |
| 278692 | B.6 Training and Accreditation<br>At all times when a worker is present at a work area or work site at least one worker must:<br>* have gained accreditation in the DPTI. Workzone Traffic Management Training Program; and<br>* carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and<br>* have 'undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years, | | Council |
| 278693 | B.7 Record Keeping<br>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. | | Council |
| 278694 | C. Traffic Control Devices at Works on Roads<br>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: | | Council |
| 278695 | C. 1 Authorisation of other Officers | | Council |

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| | 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. | | |
| 278696 | C.2 Conformity with the Road Traffic Act<br><br>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. | | Council |
| 278697 | C.3 Conformity with the Code, and SA Standards<br><br>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. | | Council |
| 278698 | C.4 Persons who may act on behalf of Council<br><br>For the purposes of this clause, the following people may act on behalf of Council:<br><br>(a) an employee of Council; or<br><br>(b) an employee of a, contractor or sub-contractor engaged to carry out works on a road on behalf of Council. | | Council |
| 278699 | C.5 Training and Accreditation<br><br>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:<br><br>*have gained accreditation in the DPTI Workzone Traffic Management Training Program; and<br><br>*carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and<br><br>*have undertaken re-training in the DPTl Workzone Traffic Management Training program within the last 3 years. | | Council |
| 278700 | C.6 Record Keeping<br><br>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. | | Council |

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| 278701 | D. Temporary Parking Controls<br><br>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: | | Council |
| 278702 | D.1 Authorisation of other Officers<br><br>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.<br><br>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. | | GITL |
| 278703 | D.2 Conformity with the Act<br><br>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. | | GITL |
| 278704 | D.3 Conformity with Australian Standards and the Code<br><br>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.<br><br>The Code refers to and invokes the Australian Standards, The Code must be read together with, but takes precedence over, all applicable Australian Standards. | | GITL |
| 278705 | D.4 Information on Signs<br><br>A temporary parking control used in accordance with Clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position. | | GITL |
| 278706 | D.5 Limitation of Temporary Parking Controls<br><br>A temporary parking control used in accordance with Clause D cannot have effect for a period exceeding 35 days. | | GITL |
| 278707 | D.6 Records of Temporary Parking Controls | | GITL |

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| | Council must keep records of any use of temporary parking controls. | | |
| 278708 | E. TRAFFIC CONTROL DEVICES FOR EVENTS<br><br>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: | | Council |
| 278709 | E.1. Conformity with the Road Traffic Act<br><br>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. | | Council |
| 278710 | E.2. Conformity with Plan<br><br>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.<br><br>Council need not comply with Clause A.7 of this Instrument where using a traffic control device for the purpose of an event. | | GM-CI |
| 278711 | E.3. Notification to adjoining Councils<br><br>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. | | Council |
| 278712 | E.4 Notification to the Commissioner of Highways<br><br>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. | | Council |
| 278713 | INSTRUMENT OF DELEGATION,<br><br>I, Tom Koutsantonis, Minister for Transport and Infrastructure in the State of South<br><br>Australia,' pursuant to section 11 of the Road Traffic Act 1967 ("the Act") hereby DELEGATE the powers as detailed to the following clauses - | | Council |

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| 278714 | F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY<br><br>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: | | Council |
| 278715 | F.1 Sub-Delegation and Authorisation to other Officers<br><br>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.<br><br>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. | | Council |
| 278716 | F.2 Conformity with the Road Traffic Act<br><br>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. | | Council |
| 278717 | F.3 Conformity with the Australian Standards and the Code<br><br>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.<br><br>The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards. | | Council |
| 278718 | F.4 Power of approval subject to same Conditions in Clause A<br><br>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. | | Council |
| 278719 | F.5 Record Keeping<br><br>Council must keep accurate records of any approval granted to another road authority pursuant to Cause F of this Instrument. | | Council |

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| 278720 | G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS<br><br>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:<br><br>(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<br><br>(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 | | Council |
| 278721 | G.1 Sub-Delegation to other Officers<br><br>Council may sub-delegate the power delegated to Council pursuant to Clause G of this<br><br>Instrument subject to the following conditions:<br><br>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<br><br>2. Any such sub-delegation must be made by instrument in writing by Council resolution; and<br><br>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<br><br>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<br><br>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<br><br>6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument. | | CEO |
| 278722 | G.2 Roads and Road-Related Areas to which Delegation Applies<br><br>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. | | CEO |
| 278723 | 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. | | CEO |

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| 278724 | G.4 Exemption from Australian Road Rules<br>Council can only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause G.5:<br>1. Rule 221 : Using hazard warning lights;<br>2. Rule 230: Crossing a road - general;<br>3. Rule 231: crossing a road at pedestrian lights;<br>4. Rule 232: Crossing a road at traffic lights;<br>5. Rule 234: Crossing a road on or near a crossing for pedestrians;<br>6. Rule 237: Getting on or into a moving vehicle;<br>7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);<br>8. Rule 250: Riding on a footpath or shared path;<br>9. Rule 264: Wearing of seat belts by drivers;<br>10. Rule 265: Wearing of seat belts by passengers 16 years old or older;<br>11. Rule 266: Wearing of seat belts by passengers under 16 years old;<br>12. Rule 268: How persons must travel in or on a motor vehicle;<br>13. Rule 269: Opening doors and getting out of a vehicle etc;<br>14. Rule 298: Driving with a person in a trailer. | | CEO |
| 278725 | G.5 Conditions on Exemptions from Australian Road Rules<br>Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:<br>1. Rule 237: Getting on or into a moving vehicle - provided the speed of the vehicle does not exceed 5 km/h;<br>2. Rule 264: Wearing of seat belts by drivers - provided the speed of the vehicle does not exceed 25 km/h;<br>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;<br>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;<br>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; | | CEO |

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| | 6. Rule 269: Opening doors and getting out of a vehicle etc - provided the speed of the vehicle does not exceed 5 km/h;<br><br>7. Rule 298: Driving with a person in a trailer - provided the speed of the vehicle does not exceed 25 km/h; | | |
| 278726 | G.6 Notification to Commissioner of Highways<br><br>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. | | CEO |
| 278727 | G.7 Notification to Emergency Services and Public Transport Services Division<br><br>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. | | CEO |
| 278728 | G.8 Notification to Traffic Management Centre, Metropolitan Region<br><br>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. | | CEO |
| 278729 | G-9 Notification to Commissioner of Police<br><br>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. | | CEO |
| 278730 | G.10 Agreement of Commissioner of Police -<br><br>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. | | CEO |
| 278732 | G.11 Use of Advance Warning Signs<br><br>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. | | CEO |

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| 278731 | G.12 Effect on Roadside Furniture<br><br>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. | | CEO |
| 278733 | H. DEFINITION OF TERMS<br><br>For the purposes of this Instrument, unless a contrary intention appears:<br><br>Words defined in section 5 of the Act have the same meaning as in the instrument.<br><br>A reference to a mad includes a reference to a road-related area unless it is otherwise expressly stated.<br><br>Council means a council constituted under the Local Government Act 1999;<br><br>Code means the Cede of Technical Requirements, as amended from time to time (formerly known as the Code of Technical Requirements for<br><br>the Legal Use of Traffic Control Devices);<br><br>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;<br><br>Officer means Council employee<br><br>SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;<br><br>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;<br><br>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.<br><br>I. FUTURE VARIATIONS TO THIS INSTRUMENT<br><br>This Instrument may be revoked or varied by a subsequent Instrument in writing.<br><br>Hon Tom Koutsantonis MP<br><br>MINISTER FOR TRANSPORT AND INFRASTRUCTRE<br><br>Dated this 22 day of August 2013 | | Council |

## Instrument of Delegation under the Land and Business (Sale and Conveyancing) Act 1994

| Land and Business (Sale and Conveyancing) Act 1994 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278734 | 1. The duty pursuant to Section 12(1) of the Land and Business (Sale and Conveyancing) Act 1994 (“the Act”) within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to -<br><br>1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or<br><br>1.2 insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area. | | CEO, GM-CBS, GM-CG, GM-CW |

## Instrument of Delegation under the Liquor Licensing Act 1997

| Liquor Licensing Act 1997 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278741 | 0. Application for Review of Commissioner's Decision<br><br>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 |
| 278735 | 1. Extension of Trading Area<br><br>1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278736 | 2. Rights of Intervention<br><br>2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway. | | CEO, GM-CG, MBSP, PO1, PO2, S-PO |
| 278737 | 3. Noise<br><br>3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1). | | CEO, GM-CG, MBSP |
| 278738 | 3. Noise<br><br>3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner. | | CEO, GM-CG, MBSP |

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| 278739 | 3. Noise<br><br>3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4). | | CEO, GM-CG, MBSP |
| 278740 | 4. Disciplinary Action Before the Court<br><br>4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person. | | CEO, GM-CG, MBSP |
| 278742 | 5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action<br><br>5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner. | | CEO |
| 278746 | 5A Preparation of Draft Local Liquor Accords<br><br>5A.1 The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval. | | CEO |
| 278747 | 5A Preparation of Draft Local Liquor Accords<br><br>5A.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:<br><br>5A.2.1 the name of each party to the draft;<br><br>5A.2.2 the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);<br><br>5A.2.3 the proposed accord area;<br><br>5A.2.4 any other details prescribed by the regulations. | | CEO |
| 278748 | 5B Terms of Local Liquor Accords<br><br>5B.1 The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to | | CEO |

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| | authorising or requiring any licensees who are parties to it to do one or more of the following:<br>5B.1.1 to cease or restrict either or both of the following on their licensed premises:<br>5B.1.1.1 the sale of liquor on those premises (including the sale of liquor for consumption off premises);<br>5B.1.1.2 allowing the consumption of liquor on those premises;<br>5B.1.2 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;<br>5B.1.3 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence. | | |
| 278749 | 5C Approval of Local Liquor Accords<br>5C.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area). | | CEO |
| 278750 | 5C Approval of Local Liquor Accords<br>5C.2 The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord. | | CEO |
| 278751 | 5C Approval of Local Liquor Accords<br>5C.3 The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator. | | CEO |
| 278752 | 5C Approval of Local Liquor Accords<br>5C.4 The power pursuant to Section 128H(7) of the Act to:<br>5C.4.1 only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or<br>5C.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act. | | CEO |

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| 278743 | 6. Control of consumption etc of liquor in public places<br><br>6.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice. | | CEO |
| 278744 | 6. Control of consumption etc of liquor in public places<br><br>6.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police. | | CEO |
| 278745 | 6. Control of consumption etc of liquor in public places<br><br>6.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette. | | CEO |

| Local Government Act 1999 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278753 | 1. Composition and Wards<br><br>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,<br><br>1.1.1 alter the composition of the Council;<br><br>1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards. | | CEO |
| 278754 | 1. Composition and Wards<br><br>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to<br><br>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;<br><br>1.2.2 alter the name of:<br><br>1.2.2.1 the Council;<br><br>1.2.2.2 the area of the Council;<br><br>1.2.3 give a name to, or alter the name of, a ward,<br><br>(without the need to comply with Section 13 of the Act). | | CEO |
| 278755 | 1. Composition and Wards<br><br>1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of | | CEO |

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| | determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure. | | |
| 278756 | 1. Composition and Wards<br><br>1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations. | | CEO |
| 278757 | 1. Composition and Wards<br><br>1.5 Deliberately left blank. | | CEO |
| 278758 | 1. Composition and Wards<br><br>1.6 Deliberately left blank. | | CEO |
| 278759 | 1. Composition and Wards<br><br>1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review. | | CEO |
| 278760 | 1. Composition and Wards<br><br>1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks. | | CEO |
| 278761 | 1. Composition and Wards<br><br>1.9 The duty pursuant to Section 12(8) of the Act to make copies of the | | CEO |

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| | representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii). | | |
| 278762 | 1. Composition and Wards<br><br>1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:<br><br>1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and<br><br>1.10.2 sets out:<br><br>1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and<br><br>1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and<br><br>1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process. | | CEO |
| 278763 | 1. Composition and Wards<br><br>1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks. | | CEO |
| 278764 | 1. Composition and Wards<br><br>1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an | | CEO |

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| | opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions. | | |
| 278765 | 1. Composition and Wards<br><br>1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit. | | CEO |
| 278766 | 1. Composition and Wards<br><br>1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:<br><br>1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and<br><br>1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time. | | CEO |
| 278767 | 1. Composition and Wards<br><br>1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:<br><br>1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and<br><br>1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and<br><br>1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner. | | CEO |
| 278768 | 1. Composition and Wards | | CEO |

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| | 1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner. | | |
| 278769 | 1. Composition and Wards<br><br>1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal. | | CEO |
| 278770 | 1. Composition and Wards<br><br>1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner. | | CEO |
| 278771 | 1. Composition and Wards<br><br>1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner. | | CEO |
| 278772 | 1. Composition and Wards<br><br>1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only. | | CEO |
| 278773 | 1. Composition and Wards<br><br>1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward | | CEO |

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| | quota by more than 20%. | | |
| 278774 | 2. Status of a Council or Change of Various Names<br><br>2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:<br><br>2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;<br><br>2.1.2 alter the name of:<br><br>2.1.2.1 the Council;<br><br>2.1.2.2 the area of the Council;<br><br>2.1.3 alter the name of a ward. | | CEO |
| 278775 | 2. Status of a Council or Change of Various Names<br><br>2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:<br><br>2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;<br><br>2.2.2 publish the notice in a newspaper circulating within the area; and<br><br>2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions. | | CEO |
| 278776 | 3. Deliberately left blank | | CEO |
| 278777 | 4. Deliberately left blank | | CEO |

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| 278778 | 5. Council Initiated Proposal<br>5.1 Deliberately left blank | | CEO |
| 278779 | 5. Council Initiated Proposal<br>5.2 Deliberately left blank<br>5.2.1 Deliberately left blank<br>5.2.2 Deliberately left blank<br>5.2.3 Deliberately left blank<br>5.2.4 Deliberately left blank | | CEO |
| 278780 | 5. Council Initiated Proposal<br>5.3 Deliberately left blank<br>5.3.1 Deliberately left blank<br>5.3.2 Deliberately left blank | | CEO |
| 278781 | 6. Commission to Receive Proposals<br>6.1 The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission. | | CEO |
| 278782 | 6. Commission to Receive Proposals<br>6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:<br>6.2.1 set out in general terms the nature of the proposal; and<br>6.2.2 comply with any requirements of the proposal guidelines. | | CEO |

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| 279206 | 6A Inquiries – General Proposals<br><br>6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act. | | CEO |
| 279207 | 6A Inquiries – General Proposals<br><br>6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter. | | CEO |
| 278783 | 7. General Powers and Capacities<br><br>7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 278784 | 7. General Powers and Capacities<br><br>7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 278785 | 7. General Powers and Capacities<br><br>7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area:<br><br>7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or<br><br>7.3.2 in order to provide services to an unincorporated area of the State. | | CEO |
| 278786 | 7. General Powers and Capacities<br><br>7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs. | | CEO |

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| 278787 | 8. Provision Relating to Contract and Transactions<br><br>8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required. | | CEO |
| 278788 | 9. Committees<br><br>9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees. | | CEO |
| 278789 | 9. Committees<br><br>9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee. | | CEO |
| 278790 | 9. Committees<br><br>9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member. | | CEO |
| 278791 | 9. Committees<br><br>9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee. | | CEO |
| 278792 | 9. Committees<br><br>9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee. | | CEO |
| 278793 | 10. Delegations<br><br>10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act. | | CEO, GM-CBS, MEA |

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| 278794 | 10. Delegations<br><br>10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, MEA |
| 278795 | 11. Principal Office<br><br>11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act. | | CEO |
| 278796 | 11. Principal Office<br><br>11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council. | | CEO |
| 278797 | 11. Principal Office<br><br>11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements. | | CEO |
| 278798 | 12. Commercial Activities<br><br>12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project'). | | CEO |
| 278799 | 12. Commercial Activities<br><br>12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:<br><br>12.2.1 establish a business; | | CEO |

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| | 12.2.2 participate in a joint venture, trust, partnership or other similar body. | | |
| 278800 | 13. Interests in Companies<br><br>13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest. | | CEO |
| 278801 | 14. Prudential Requirements for Certain Activities<br><br>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -<br><br>14.00.1 acts with due care, diligence and foresight; and<br><br>14.00.2 identifies and manages risks associated with a project; and<br><br>14.00.3 makes informed decisions; and<br><br>14.00.4 is accountable for the use of Council and other public resources. | | CEO |
| 278802 | 14. Prudential Requirements for Certain Activities<br><br>14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act. | | CEO |
| 278803 | 14. Prudential Requirements for Certain Activities<br><br>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:<br><br>14.1.1 Deliberately left blank.<br><br>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | similar body) -<br><br>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or<br><br>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed $4,000,000.00 (indexed); or<br><br>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate. | | |
| 278805 | 14. Prudential Requirements for Certain Activities<br><br>14.2 Deliberately left blank. | | CEO |
| 278804 | 14. Prudential Requirements for Certain Activities<br><br>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time). | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 278806 | 15. Contracts and Tenders Policies<br><br>15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:<br><br>15.0.1 obtaining value in the expenditure of public money; and<br><br>15.0.2 providing for ethical and fair treatment of participants; and<br><br>15.0.3 ensuring probity, accountability and transparency in procurement operations. | | CEO |
| 278807 | 15. Contracts and Tenders Policies<br><br>15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders | | CEO |

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| | including policies on the following:<br>15.1.1 the contracting out of services; and<br>15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and<br>15.1.3 the use of local goods and services; and<br>15.1.4 the sale or disposal of land or other assets. | | |
| 278808 | 15. Contracts and Tenders Policies<br>15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:<br>15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and<br>15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and<br>15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and<br>15.2.4 are consistent with any requirement prescribed by the regulations. | | CEO |
| 278809 | 15. Contracts and Tenders Policies<br>15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced). | | CEO |
| 278810 | 15. Contracts and Tenders Policies<br>15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours. | | CEO, GM-CBS |
| 278811 | 16. Public Consultation Policies | | CEO |

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| | 16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:<br><br>16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and<br><br>16.1.2 in other cases involving Council decision making, if relevant. | | |
| 278812 | 16. Public Consultation Policies<br><br>16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy. | | CEO |
| 278813 | 16. Public Consultation Policies<br><br>16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:<br><br>16.3.1 the publication of a notice:<br><br>16.3.1.1 in a newspaper circulating within the area of the Council; and<br><br>16.3.1.2 on a website determined by the Chief Executive Officer,<br><br>describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and<br><br>16.3.2 the consideration of any submissions made in response to that invitation. | | CEO |
| 278814 | 16. Public Consultation Policies<br><br>16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy. | | CEO |

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| 278815 | 16. Public Consultation Policies<br><br>16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:<br><br>16.5.1 prepare a document that sets out its proposal in relation to the matter; and<br><br>16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;<br><br>16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act. | | CEO |
| 278816 | 16. Public Consultation Policies<br><br>16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest. | | CEO |
| 278817 | 16. Public Consultation Policies<br><br>16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours. | | CEO, GM-CBS |
| 278818 | 17. Deliberately left blank<br><br>17.1 Deliberately left blank | | CEO |
| 278819 | 17. Deliberately left blank<br><br>17.2 Deliberately left blank | | CEO |
| 278820 | 17. Deliberately left blank<br><br>17.3 Deliberately left blank | | CEO |

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| 278821 | 17. Deliberately left blank<br><br>17.4 Deliberately left blank | | CEO |
| 278822 | 17. Deliberately left blank<br><br>17.5 Deliberately left blank | | CEO |
| 278823 | 18. Inspection of Register<br><br>18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, MEA |
| 278824 | 19. Reimbursement of Expenses<br><br>19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties. | | CEO, GM-CBS, MEA, MF&CS |
| 278825 | 19. Reimbursement of Expenses<br><br>19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS |
| 278826 | 20. Register of Allowances and Benefits<br><br>20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, MEA, MF&CS |
| 278827 | 21. Insurance of members<br><br>21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or | | CEO, GM-CBS |

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| | 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. | | |
| 278828 | 22. Training and Development<br><br>22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members. | | CEO |
| 278829 | 22. Training and Development<br><br>22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties. | | CEO |
| 278830 | 22. Training and Development<br><br>22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy. | | CEO |
| 278831 | 22. Training and Development<br><br>22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council). | | CEO, GM-CBS |
| 278832 | 23. Committee Meetings<br><br>23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees. | | CEO |
| 278833 | 23. Committee Meetings<br><br>23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account: | | CEO |

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| | 23.2.1 the availability and convenience of members of the committee; and<br><br>23.2.2 the nature and purpose of the committee. | | |
| 278834 | 24. Meetings To Be Held in Public Except in Special Circumstances<br><br>24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279158 | 24. Meetings To Be Held in Public Except in Special Circumstances<br><br>24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act. | | CEO |
| 279159 | 24. Meetings To Be Held in Public Except in Special Circumstances<br><br>24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy. | | CEO |
| 278835 | 25. Minutes and Release of Documents<br><br>25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting. | | CEO, GM-CBS |
| 278836 | 25. Minutes and Release of Documents<br><br>25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month. | | CEO, GM-CBS |
| 278837 | 25. Minutes and Release of Documents<br><br>25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the | | CEO, GM-CBS |

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| | principal office of the Council: | | |
| 279202 | 25. Minutes and Release of Documents<br>25.3.1 minutes of the Council and Council committee meetings; and | | CEO, GM-CBS |
| 279203 | 25. Minutes and Release of Documents<br>25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and | | CEO, GM-CBS |
| 279204 | 25. Minutes and Release of Documents<br>25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and | | CEO, GM-CBS |
| 279205 | 25. Minutes and Release of Documents<br>25.3.4 budgetary or other financial statements adopted by the Council. | | CEO, GM-CBS |
| 278839 | 26. Access to Meetings and Documents - Code of Practice<br>26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act. | | CEO |
| 278838 | 26. Access to Meetings and Documents - Code of Practice<br>26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election. | | CEO |
| 278840 | 26. Access to Meetings and Documents - Code of Practice<br>26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the | | CEO |

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| | Council's code of practice or substitute a new code of practice. | | |
| 278841 | 26. Access to Meetings and Documents - Code of Practice<br><br>26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:<br><br>26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and<br><br>26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed. | | CEO, GM-CBS |
| 278842 | 26. Access to Meetings and Documents - Code of Practice<br><br>26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours. | | CEO |
| 278843 | 27. Meetings of Electors<br><br>27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council. | | CEO |
| 278844 | 27. Meetings of Electors<br><br>27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting. | | CEO |
| 278845 | 27. Meetings of Electors<br><br>27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii). | | CEO |

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| 278846 | 28. Obstructing of Meetings<br><br>28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors. | | CEO, GM-CBS |
| 278847 | 29. Register of Remuneration Salaries and Benefits<br><br>29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, MF&CS |
| 278848 | 30. Certain Periods Of Service To Be Regarded As Continuous<br><br>30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits. | | CEO, GM-CBS |
| 278849 | 30. Certain Periods Of Service To Be Regarded As Continuous<br><br>30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council. | | CEO, GM-CBS, TLF1, TLF2 |
| 278850 | 30. Certain Periods Of Service To Be Regarded As Continuous<br><br>30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations. | | CEO, GM-CBS |
| 278851 | 31. Deliberately left blank<br><br>31.1 Deliberately left blank | | CEO |
| 278852 | 31. Deliberately left blank<br><br>31.2 Deliberately left blank | | CEO |

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| 278853 | 31. Deliberately left blank<br>31.3 Deliberately left blank | | CEO |
| 278854 | 31. Deliberately left blank<br>31.4 Deliberately left blank | | CEO |
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| 278856 | 31. Deliberately left blank<br>31.6 Deliberately left blank | | CEO |
| 278857 | 32. Application of Division<br>32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act. | | CEO |
| 278858 | 33. Certain Aspects of Strategic Management Plans<br>33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans. | | CEO, GM-CBS, MBSP |
| 278859 | 33. Certain Aspects of Strategic Management Plans<br>33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. | | CEO, GM-CBS |
| 278860 | 34. Annual Business Plans and Budgets<br>34.1 Before the Council adopts an annual business plan, the duty pursuant to | | CEO, GM-CBS |

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| | Section 123(3) of the Act to, -<br><br>34.1.1 prepare a draft annual business plan; and<br><br>34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act. | | |
| 278861 | 34. Annual Business Plans and Budgets<br><br>34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting. | | CEO, GM-CBS, MF&CS |
| 278862 | 34. Annual Business Plans and Budgets<br><br>34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:<br><br>34.3.1 a facility for asking and answering questions; and<br><br>34.3.2 the receipt of submissions,<br><br>on the Council's website during the public consultation period. | | CEO, GM-CBS |
| 278863 | 34. Annual Business Plans and Budgets<br><br>34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:<br><br>34.4.1 ensure:<br><br>34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and<br><br>34.4.1.2 that a copy of the summary of the annual business plan accompanies | | CEO, GM-CBS |

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| | the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and<br><br>34.4.2 ensure:<br><br>34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and<br><br>34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge),<br><br>at the principal office of the Council. | | |
| 279160 | 34. Annual Business Plans and Budgets<br><br>34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer. | | CEO, GM-CBS |
| 278864 | 35. Accounting Records to be Kept<br><br>35.1 The duty pursuant to Section 124(1) of the Act to:<br><br>35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;<br><br>35.1.2 keep the Councils accounting records in such manner as will enable:<br><br>35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and<br><br>35.1.2.2 the financial statements of the Council to be conveniently and properly audited. | | CEO, GM-CBS, MF&CS |
| 278865 | 35. Accounting Records to be Kept<br><br>35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council. | | CEO, GM-CBS, MF&CS |

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| 278866 | 36. Internal Control Policies<br><br>36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records. | | CEO, MA |
| 278867 | 37. Audit Committee<br><br>37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act. | | CEO |
| 278868 | 37. Audit Committee<br><br>37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act. | | CEO |
| 278869 | 38. Financial Statements<br><br>38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:<br><br>38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and<br><br>38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations. | | CEO, GM-CBS, MF&CS |
| 278870 | 38. Financial Statements<br><br>38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:<br><br>38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and | | CEO, GM-CBS, MF&CS |

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| | 38.2.2 comply with standards and principles prescribed by the Regulations; and<br><br>38.2.3 include the information required by the Regulations. | | |
| 278871 | 38. Financial Statements<br><br>38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year. | | CEO, GM-CBS, MF&CS |
| 278872 | 38. Financial Statements<br><br>38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations. | | CEO, GM-CBS, MF&CS |
| 278873 | 38. Financial Statements<br><br>38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. | | CEO, GM-CBS, MF&CS |
| 278874 | 39. The Auditor<br><br>39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee. | | CEO, GM-CBS |
| 278875 | 39. The Auditor<br><br>39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor. | | CEO, GM-CBS |
| 278876 | 39. The Auditor<br><br>39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report: | | CEO, GM-CBS, MF&CS |

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| | 39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:<br><br>39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and<br><br>39.3.1.2 other remuneration;<br><br>39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end. | | |
| 278877 | 40. Conduct of Audit<br><br>40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council. | | CEO, GM-CBS |
| 278878 | 41. Other Investigations<br><br>41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section. | | CEO, MA |
| 278879 | 41. Other Investigations<br><br>41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:<br><br>41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary | | CEO, MA |

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| | meeting of the Council in accordance with Section 130A(6)(a), of the Act;<br><br>41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act. | | |
| 278880 | 42. Annual Report to be Prepared and Adopted<br><br>42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June. | | CEO, M&CC |
| 278881 | 42. Annual Report to be Prepared and Adopted<br><br>42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 278882 | 42. Annual Report to be Prepared and Adopted<br><br>42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council. | | CEO, M&CC |
| 278883 | 42. Annual Report to be Prepared and Adopted<br><br>42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:<br><br>42.4.1 the Presiding Member of both Houses of Parliament; and<br><br>42.4.2 to the persons or body prescribed by the Regulations, | | CEO, M&CC |

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| | on or before the date determined under the Regulations. | | |
| 278884 | 42. Annual Report to be Prepared and Adopted<br><br>42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report. | | CEO, M&CC |
| 278885 | 42. Annual Report to be Prepared and Adopted<br><br>42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. | | CEO, M&CC |
| 278886 | 43. Access to Documents<br><br>43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:<br><br>43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and<br><br>43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council. | | CEO, GM-CBS |
| 278887 | 43. Access to Documents<br><br>43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a). | | C&MES, CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MBSP, MEA, MF&CS, TLA |
| 278888 | 43. Access to Documents<br><br>43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:<br><br>43.3.1 agendas for meetings of the Council or Council committees; | | C&MES, CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MBSP, MEA, MF&CS, TLA |

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| | 43.3.2 minutes of meetings of the Council or Council committees;<br><br>43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;<br><br>43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;<br><br>43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;<br><br>43.3.6 the Council's budget (as adopted by the Council for a particular year);<br><br>43.3.7 a list of fees and charges imposed by the Council under this Act;<br><br>43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;<br><br>43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;<br><br>43.3.10 the audited financial statements of the Council;<br><br>43.3.11 the annual report of the Council;<br><br>43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council. | | |
| 278889 | 44. Related Administrative Standards<br><br>44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:<br><br>44.1.2 to ensure compliance with any statutory requirements; and<br><br>44.1.2 to achieve and maintain standards of good public administration. | | C&MES, CEO, GD-MACD, GM-CBS, GM-CG, GM-CI, GM-CW, LM, MBSP, MEA, MED&C, MF&CS, TLA |
| 278890 | 45. Sources of Funds<br><br>45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be | | CEO, GD-MACD, GM-CBS, GM-CG, GM-CI, GM-CW, LM, MBSP, MEA, MF&CS |

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| | appropriate in order to carry out the Council's functions under the Act or another Act. | | |
| 278891 | 46. Ability of a Council to Give Security<br><br>46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:<br><br>46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);<br><br>46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the<br><br>Act);<br><br>46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act. | | CEO |
| 278892 | 46. Ability of a Council to Give Security<br><br>46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:<br><br>46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and<br><br>46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders. | | CEO |
| 278893 | 47. Expenditure of Funds<br><br>47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts. | | CEO |
| 278894 | 48. Investment Powers | | CEO, GM-CBS, MF&CS |

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| | 48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control. | | |
| 278895 | 48. Investment Powers<br><br>48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:<br><br>48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and<br><br>48.2.2 avoid investments that are speculative or hazardous in nature. | | CEO, GM-CBS, MF&CS |
| 278896 | 48. Investment Powers<br><br>48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:<br><br>48.3.1 the purposes of the investment;<br><br>48.3.2 the desirability of diversifying Council investments;<br><br>48.3.3 the nature of and risk associated with existing Council investments;<br><br>48.3.4 the desirability of maintaining the real value of the capital and income of the investment;<br><br>48.3.5 the risk of capital or income loss or depreciation;<br><br>48.3.6 the potential for capital appreciation;<br><br>48.3.7 the likely income return and the timing of income return;<br><br>48.3.8 the length of the term of a proposed investment;<br><br>48.3.9 the period for which the investment is likely to be required;<br><br>48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;<br><br>48.3.11 the aggregate value of the assets of the Council; | | CEO, GM-CBS, MF&CS |

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| | 48.3.12 the likelihood of inflation affecting the value of a proposed investment;<br>48.3.13 the costs of making a proposed investment;<br>48.3.14 the results of any review of existing Council investments. | | |
| 278897 | 48. Investment Powers<br>48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:<br>48.4.1 the anticipated community benefit from an investment; and<br>48.4.2 the desirability of attracting additional resources into the local community. | | CEO, GM-CBS, MF&CS |
| 278898 | 48. Investment Powers<br>48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice. | | CEO, GM-CBS, MF&CS |
| 278899 | 49. Review of Investment<br>49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year. | | CEO, GM-CBS, MA, MF&CS |
| 278900 | 50. Gifts to a Council<br>50.1 Within the confines of Section 44(3) of the Act:<br>50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;<br>50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;<br>50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme | | CEO, GD-MACD, GM-CBS, GM-CG, GM-CI, GM-CW, LM |

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| | Court for an order varying the terms of a trust for<br><br>which the Council has been constituted a trustee;<br><br>50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and<br><br>50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made. | | |
| 278901 | 51. Duty to Insure Against Liability<br><br>51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations. | | CEO, GM-CBS |
| 278902 | 52. Writing off Bad Debts<br><br>52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:<br><br>52.1.1 if the Council has no reasonable prospect of recovering the debts; or<br><br>52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered,<br><br>up to and including an amount of $5,000.00 in respect of any one debt. | | CEO |
| 278903 | 52. Writing off Bad Debts<br><br>52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:<br><br>52.2.1 reasonable attempts have been made to recover the debt; or<br><br>52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered. | | CEO |

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| 278904 | 53. Recovery of Amounts due to Council<br><br>53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act. | | CEO |
| 278905 | 53. Recovery of Amounts due to Council<br><br>53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property. | | CEO, GM-CBS |
| 278906 | 54. Land Against Which Rates May be Assessed<br><br>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council. | | CEO, GM-CBS, MF&CS, SRO |
| 278907 | 55. Basis of Rating<br><br>55.1 Before the Council:<br><br>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or<br><br>55.1.2 changes the basis on which land is valued for the purposes of rating; or<br><br>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on<br><br>any land;<br><br>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:<br><br>55.1.4 prepare a report on the proposed change in accordance with Section | | CEO, GM-CBS |

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| | 151(6) of the Act; and<br><br>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act. | | |
| 278908 | 55. Basis of Rating<br><br>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation. | | CEO, GM-CBS |
| 278909 | 56. General Rates<br><br>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise. | | CEO, GM-CBS |
| 278910 | 57. Service Rates and Service Charges<br><br>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service. | | CEO |
| 278911 | 57. Service Rates and Service Charges<br><br>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied. | | CEO |

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| 278912 | 58. Basis of Differential Rates<br><br>58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions. | | CEO, GM-CBS |
| 278913 | 58. Basis of Differential Rates<br><br>58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -<br><br>58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and<br><br>58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act. | | CEO, GM-CBS |
| 278914 | 58. Basis of Differential Rates<br><br>58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation. | | CEO, GM-CBS |
| 278915 | 59. Notice of Differentiating Factors<br><br>59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates. | | CEO, GM-CBS |
| 278916 | 60. Preliminary<br><br>60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a | | CEO, GM-CBS |

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| | person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates. | | |
| 278917 | 60. Preliminary<br><br>60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative). | | CEO, GM-CBS |
| 278918 | 60. Preliminary<br><br>60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%. | | CEO, GM-CBS |
| 278919 | 60. Preliminary<br><br>60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies. | | CEO, GM-CBS |
| 278920 | 61. Rebate of Rates - Community Services<br><br>61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:<br><br>61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and<br><br>61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and<br><br>61.1.3 does not restrict its services to persons who are members of the body. | | CEO |
| 278921 | 62. Rebate of Rates - Educational Purposes<br><br>62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land: | | CEO |

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| | 62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or<br><br>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or<br><br>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis. | | |
| 278922 | 63. Discretionary Rebates of Rates<br><br>63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):<br><br>63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and<br><br>63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and<br><br>63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged<br><br>persons;<br><br>63.1.4 any other matter considered relevant by the Council or the Delegate. | | CEO |
| 278923 | 63. Discretionary Rebates of Rates<br><br>63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:<br><br>63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area; | | CEO |

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| | 63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;<br><br>63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;<br><br>63.2.4 where the land is being used for educational purposes;<br><br>63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;<br><br>63.2.6 where the land is being used for a hospital or health centre;<br><br>63.2.7 where the land is being used to provide facilities or services for children or young persons;<br><br>63.2.8 where the land is being used to provide accommodation for the aged or disabled;<br><br>63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;<br><br>63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;<br><br>63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;<br><br>63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:<br><br>63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or<br><br>63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.<br><br>63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:<br><br>63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities | | |

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| | that were anticipated by the Council in its annual business plan; or<br><br>63.2.13.2 liability that is unfair or unreasonable;<br><br>63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or<br><br>63.2.15 where the rebate is contemplated under another provision of the Act. | | |
| 278924 | 63. Discretionary Rebates of Rates<br><br>63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not<br><br>exceeding 10 years in the following cases:<br><br>63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or<br><br>63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or<br><br>63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment. | | CEO |
| 278925 | 63. Discretionary Rebates of Rates<br><br>63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years. | | CEO |
| 278926 | 64. Valuation of Land for the Purposes of Rating<br><br>64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year. | | CEO |
| 278927 | 64. Valuation of Land for the Purposes of Rating<br><br>64.2 For the purpose of adopting a valuation of land for rating, the duty | | CEO |

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| | pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:<br><br>64.2.1 valuations made, or caused to be made, by the Valuer-General; or<br><br>64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;<br><br>or a combination of both. | | |
| 278928 | 64. Valuation of Land for the Purposes of Rating<br><br>64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption. | | CEO, GM-CBS |
| 278929 | 65. Valuation of Land<br><br>65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated). | | CEO, GM-CBS, MF&CS, SRO |
| 278930 | 65. Valuation of Land<br><br>65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council. | | CEO, GM-CBS, MF&CS, SRO |
| 278931 | 65. Valuation of Land<br><br>65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations. | | CEO, GM-CBS, MF&CS, SRO |
| 278932 | 66. Objections to Valuations Made by Council<br><br>66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to | | CEO, GM-CBS, MF&CS, SRO |

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| | request the valuer to reconsider the valuation, where:<br><br>66.1.1 the objection does not involve a question of law; and<br><br>66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and<br><br>66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection). | | |
| 278933 | 66. Objections to Valuations Made by Council<br><br>66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land. | | CEO |
| 278934 | 66. Objections to Valuations Made by Council<br><br>66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection. | | CEO, GM-CBS, MF&CS, SRO |
| 278935 | 66. Objections to Valuations Made by Council<br><br>66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:<br><br>66.4.1 in the prescribed manner and form;<br><br>66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and<br><br>66.4.3 accompanied by the prescribed fee. | | CEO, GM-CBS, MF&CS, SRO |
| 279155 | 66. Objections to Valuations Made by Council<br><br>66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act. | | CEO |

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| 278936 | 67. Notice of Declaration of Rates<br><br>67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration. | | CEO, GM-CBS |
| 278937 | 68. Alterations to Assessment Record<br><br>68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record. | | CEO, GM-CBS |
| 278938 | 68. Alterations to Assessment Record<br><br>68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record. | | CEO, GM-CBS |
| 278939 | 69. Inspection of Assessment Record<br><br>69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS |
| 278940 | 70. Liability for Rates<br><br>70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:<br><br>70.1.1 the principal ratepayer; or<br><br>70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or<br><br>70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land. | | CEO, GM-CBS, MF&CS, SRO |

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| 278941 | 70. Liability for Rates<br><br>70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates. | | CEO, GM-CBS, MF&CS, SRO |
| 278942 | 70. Liability for Rates<br><br>70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates. | | CEO, GM-CBS, MF&CS, SRO |
| 278943 | 70. Liability for Rates<br><br>70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part. | | CEO, GM-CBS, MF&CS, SRO |
| 278944 | 71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year<br><br>71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year. | | CEO, GM-CBS, MF&CS, SRO |
| 278945 | 71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year<br><br>71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid. | | CEO, GM-CBS, MF&CS, SRO |
| 278946 | 72. Service of Rate Notice<br><br>72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as | | CEO, GM-CBS |

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| | soon as practicable after:<br>72.1.1 the declaration of a rate; or<br>72.1.2 the imposition of a service charge; or<br>72.1.3 a change in the rates liability of land. | | |
| 278947 | 73. Payment of Rates - General Principles<br>73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared. | | CEO, GM-CBS |
| 278948 | 73. Payment of Rates - General Principles<br>73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances). | | CEO, GM-CBS |
| 278949 | 73. Payment of Rates - General Principles<br>73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly. | | CEO, GM-CBS, MF&CS, SRO |
| 278950 | 73. Payment of Rates - General Principles<br>73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:<br>73.4.1 the amount of the instalment; and<br>73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information | | CEO, GM-CBS |

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| | prescribed by the Regulations. | | |
| 278951 | 73. Payment of Rates - General Principles<br><br>73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act. | | CEO, GM-CBS |
| 278952 | 73. Payment of Rates - General Principles<br><br>73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part. | | CEO, GM-CBS, MF&CS, SRO |
| 278953 | 73. Payment of Rates - General Principles<br><br>73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:<br><br>73.7.1 the payment of instalments of rates in advance; or<br><br>73.7.2 prompt payment of rates. | | CEO |
| 278954 | 73. Payment of Rates - General Principles<br><br>73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act. | | CEO |
| 278955 | 73. Payment of Rates - General Principles<br><br>73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act. | | CEO |

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| 278956 | 73. Payment of Rates - General Principles<br><br>73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:<br><br>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and<br><br>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due. | | CEO |
| 278957 | 74. Remission and Postponement of Payment<br><br>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:<br><br>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or<br><br>74.1.2 remit the rates in whole or in part. | | CEO, GM-CBS, MF&CS |
| 278958 | 74. Remission and Postponement of Payment<br><br>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:<br><br>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);<br><br>74.2.2 to grant the postponement on other conditions determined by the Delegate; and<br><br>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement). | | CEO, GM-CBS, MF&CS |
| 278959 | 74. Remission and Postponement of Payment | | CEO, GM-CBS |

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| | 74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:<br><br>74.3.1 to assist or support a business in the Council's area; or<br><br>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act. | | |
| 278960 | 74. Remission and Postponement of Payment<br><br>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act). | | CEO |
| 278961 | 74. Remission and Postponement of Payment<br><br>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement. | | CEO, GM-CBS, MF&CS, SRO |
| 278962 | 74. Remission and Postponement of Payment<br><br>74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect). | | CEO |
| 278963 | 75. Postponement of Rates - Seniors<br><br>75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require. | | CEO, GM-CBS, MF&CS, SRO |
| 278964 | 75. Postponement of Rates - Seniors<br><br>75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the | | CEO |

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| | current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:<br>75.2.1 reject an application for the postponement of rates; or<br>75.2.2 impose conditions on the postponement of rates<br>but only in accordance with the Regulations. | | |
| 278965 | 76. Application of money in respect of rates<br>76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act. | | CEO, GM-CBS, MF&CS, SRO |
| 278966 | 77. Sale of Land for Non-Payment of Rates<br>77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more. | | CEO |
| 278967 | 77. Sale of Land for Non-Payment of Rates<br>77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:<br>77.2.1 stating the period for which the rates have been in arrears; and<br>77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and<br>77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates. | | CEO, GM-CBS, MF&CS, SRO |
| 278968 | 77. Sale of Land for Non-Payment of Rates<br>77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:<br>77.3.1 to any owner of the land who is not the principal ratepayer; and | | CEO, GM-CBS, MF&CS, SRO |

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| | 77.3.2 to any registered mortgagee of the land; and<br><br>77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929. | | |
| 278969 | 77. Sale of Land for Non-Payment of Rates<br><br>77.4 If:<br><br>77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or<br><br>77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,<br><br>the power pursuant to Section 184(4) of the Act to effect service of the notice by:<br><br>77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and<br><br>77.4.4 leaving a copy of the notice in a conspicuous place on the land. | | CEO, GM-CBS, MF&CS, SRO |
| 278970 | 77. Sale of Land for Non-Payment of Rates<br><br>77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act. | | CEO |
| 278971 | 77. Sale of Land for Non-Payment of Rates<br><br>77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction. | | CEO |

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| 278972 | 77. Sale of Land for Non-Payment of Rates<br><br>77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State. | | CEO |
| 278973 | 77. Sale of Land for Non-Payment of Rates<br><br>77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council. | | CEO |
| 278974 | 77. Sale of Land for Non-Payment of Rates<br><br>77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase. | | CEO |
| 278975 | 77. Sale of Land for Non-Payment of Rates<br><br>77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act. | | CEO, GM-CBS, MF&CS, SRO |
| 278976 | 77. Sale of Land for Non-Payment of Rates<br><br>77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981. | | CEO, GM-CBS |
| 278977 | 78. Objection, Review or Appeal<br><br>78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of | | CEO, GM-CBS, MF&CS, SRO |

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| | the Act and subject to Section 186(3), (4) and (5) of the Act:<br><br>78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or<br><br>78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal. | | |
| 278978 | 79. Certificate of Liabilities<br><br>79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:<br><br>79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and<br><br>79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land. | | CEO, GM-CBS, MF&CS, RO, SRO |
| 278979 | 80. Investigation by Ombudsman<br><br>80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:<br><br>80.1.1 the Ombudsman; and<br><br>80.1.2 if relevant, the person who made the complaint. | | CEO, GM-CBS |
| 278980 | 80. Investigation by Ombudsman | | CEO, GM-CBS |

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| | 80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer. | | |
| 278981 | 81. Fees and Charges<br>81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:<br>81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;<br>81.1.2 for services supplied to a person at his or her request;<br>81.1.3 for carrying out work at a person's request; | | CEO, GD-MACD, GM-CBS, GM-CG, GM-CI, GM-CW, LM, MBSP, MCC, MEA, MF&CS |
| 278982 | 81. Fees and Charges<br>81.2 The power pursuant to Section 188(3) of the Act to provide for:<br>81.2.1 specific fees and charges;<br>81.2.2 maximum fees and charges and minimum fees and charges;<br>81.2.3 annual fees and charges;<br>81.2.4 the imposition of fees or charges according to specified factors; | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279157 | 81. Fees and Charges<br>81.2 The power pursuant to Section 188(3) of the Act to provide for:<br>81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279156 | 81. Fees and Charges<br>81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| 278983 | 81. Fees and Charges<br><br>81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act. | | CEO |
| 278984 | 81. Fees and Charges<br><br>81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council. | | CEO, GM-CBS |
| 278985 | 81. Fees and Charges<br><br>81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 278986 | 82. Acquisition of Land by Agreement<br><br>82.1 The power pursuant to Section 190 of the Act to acquire land by agreement. | | CEO |
| 278987 | 83. Compulsory Acquisition of Land<br><br>83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval. | | CEO |
| 278988 | 83. Compulsory Acquisition of Land<br><br>83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose. | | CEO |
| 278989 | 84. Assumption of Care, Control and Management of Land<br><br>84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for | | CEO |

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| | 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. | | |
| 278990 | 84. Assumption of Care, Control and Management of Land<br><br>84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette. | | CEO |
| 278991 | 85. Classification<br><br>85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:<br><br>85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or<br><br>85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act. | | CEO, GM-CBS |
| 278992 | 86. Revocation of Classification of Land as Community Land<br><br>86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:<br><br>86.1.1 prepare and make publicly available a report on the proposal containing:<br><br>86.1.1.1 a summary of reasons for the proposal; and<br><br>86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and<br><br>86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and<br><br>86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and<br><br>86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the | | CEO, GM-CBS, MEA |

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| | proposed revocation of the classification; and<br><br>86.1.2 follow the relevant steps set out in the Council's public consultation policy. | | |
| 278993 | 86. Revocation of Classification of Land as Community Land<br><br>86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process. | | CEO, GM-CBS, MEA |
| 278994 | 86. Revocation of Classification of Land as Community Land<br><br>86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land. | | CEO |
| 278995 | 87. Effect of Revocation of Classification<br><br>87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General. | | CEO, GM-CBS |
| 278996 | 88. Management Plans<br><br>88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:<br><br>88.1.1 identifies the land to which it applies; and<br><br>88.1.2 states the purpose for which the land is held by the Council; and<br><br>88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and<br><br>88.1.4 states performance targets and how the Council proposes to measure its | | CEO, GM-CBS, GM-CI |

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| | performance against its objectives and performance targets. | | |
| 278997 | 88. Management Plans<br><br>88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:<br><br>88.2.1 identify the owner of the land; and<br><br>88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and<br><br>88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner. | | CEO, GM-CBS, GM-CI |
| 278998 | 88. Management Plans<br><br>88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations. | | CEO, GM-CBS, GM-CI |
| 278999 | 89. Public Consultation on Proposed Management Plan<br><br>89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:<br><br>89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and<br><br>89.1.2 follow the relevant steps set out in Council's public consultation policy. | | CEO, GM-CBS, GM-CI |
| 279000 | 89. Public Consultation on Proposed Management Plan<br><br>89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan. | | CEO, GM-CBS, GM-CI |

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| 279001 | 90. Amendment or Revocation of Management Plan<br><br>90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation. | | CEO |
| 279002 | 90. Amendment or Revocation of Management Plan<br><br>90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community. | | CEO, GM-CBS, GM-CI |
| 279003 | 90. Amendment or Revocation of Management Plan<br><br>90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan. | | CEO, GM-CBS, GM-CI |
| 279004 | 91. Effect of Management Plan<br><br>91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279005 | 92. Use of Community Land for Business Purposes<br><br>92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MEA |
| 279006 | 93. Sale or Disposal of Local Government Land<br><br>93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:<br><br>93.1.1 vested in the Council in fee simple; or | | CEO |

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| | 93.1.2 vested in the Council as lessee. | | |
| 279007 | 93. Sale or Disposal of Local Government Land<br>93.2 The power pursuant to Section 201(2) of the Act to:<br>93.2.1 grant an easement (including a right of way) over community land; and<br>93.2.2 grant an easement (excluding a right of way) over a road or part of a road. | | CEO |
| 279008 | 94. Alienation of Community Land by Lease or Licence<br>94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for:<br>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;<br>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);<br>94.1.3 any other matter relevant to the use or maintenance of the land. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MEA |
| 279009 | 94. Alienation of Community Land by Lease or Licence<br>94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:<br>94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or<br>94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MEA |

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| 279010 | 94. Alienation of Community Land by Lease or Licence<br><br>94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MEA |
| 279011 | 94. Alienation of Community Land by Lease or Licence<br><br>94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW, MEA |
| 279012 | 95. Register<br><br>95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area. | | CEO, GM-CBS, GM-CI |
| 279013 | 95. Register<br><br>95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:<br><br>95.2.1 contains the information required by the Regulations; and<br><br>95.2.2 contains copies of current management plans. | | CEO, GM-CBS, GM-CI |
| 279014 | 95. Register<br><br>95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information. | | CEO, GM-CBS, GM-CI |
| 279015 | 95. Register<br><br>95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, GM-CI |

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| 279016 | 96. Ownership of Public Roads<br><br>96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette. | | CEO, GM-CBS, GM-CI |
| 279017 | 97. Ownership of Fixtures and Equipment Installed on Public Roads<br><br>97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council. | | CEO |
| 279018 | 98. Conversion of Private Road to Public Road<br><br>98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road. | | CEO, GM-CBS |
| 279019 | 98. Conversion of Private Road to Public Road<br><br>98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:<br><br>98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and<br><br>98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and<br><br>98.2.3 give public notice of the proposed declaration. | | CEO, GM-CBS |
| 279020 | 98. Conversion of Private Road to Public Road<br><br>98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act. | | CEO, GM-CBS |

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| 279021 | 98. Conversion of Private Road to Public Road<br><br>98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made. | | CEO, GM-CBS |
| 279022 | 99. Highways<br><br>99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway. | | CEO |
| 279023 | 100. Power to Carry Out Roadwork<br><br>100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council. | | CEO, GM-CI, MED&C, WM-WDBMP&G, WMI |
| 279024 | 100. Power to Carry Out Roadwork<br><br>100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:<br><br>100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and<br><br>100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and<br><br>100.2.3 the roadwork in relation to a private road is only carried out if:<br><br>100.2.3.1 the owner agrees; or<br><br>100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or<br><br>100.2.3.3 the identity or whereabouts of the owner is unknown; and | | CEO, GM-CI, MED&C, WM-WDBMP&G, WMI |

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| | 100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act). | | |
| 279025 | 101. Recovery of Cost of Roadwork<br><br>101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.<br><br>101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:<br><br>101.2.1 the person who caused the damage; or<br><br>101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure.<br><br>101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road. | | CEO, GM-CBS, GM-CI |
| 279026 | 102. Contribution Between Councils where Road is on Boundary Between Council Areas<br><br>102.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought. | | CEO |
| 279027 | 103. Special Provisions for Certain Kinds of Roadwork<br><br>103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:<br><br>103.1.1 ensure that adjoining properties have adequate access to the road; and | | CEO, GM-CI, MED&C, WM-WDBMP&G, WMI |

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| | 103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level. | | |
| 279028 | 103. Special Provisions for Certain Kinds of Roadwork<br>103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:<br>103.2.1 there is no significant risk of damage to the adjoining property; or<br>103.2.2 the road work does not significantly increase the risk of damage to adjoining property. | | CEO, GM-CI, MED&C |
| 279029 | 103. Special Provisions for Certain Kinds of Roadwork<br>103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency. | | CEO, GM-CI, MED&C |
| 279030 | 104. Power to Order Owner of Private Road to Carry out Specific Roadwork<br>104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road. | | CEO, GM-CI |
| 279031 | 104. Power to Order Owner of Private Road to Carry out Specific Roadwork<br>104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:<br>104.2.1 any proposal to make an order; and<br>104.2.2 if an order is made, any order,<br>under Section 216(1) of the Act. | | CEO, GM-CI |
| 279032 | 105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work. | | CEO, GM-CI |

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| | 105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:<br><br>105.1.1 to carry out specified work by way of maintenance or repair; or<br><br>105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork. | | |
| 279033 | 105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.<br><br>105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner. | | CEO, GM-CI |
| 279034 | 106. Power to Require Owner of Adjoining Land to Carry Out Specific Work<br><br>106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land. | | CEO, GM-CI |
| 279035 | 106. Power to Require Owner of Adjoining Land to Carry Out Specific Work<br><br>106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:<br><br>106.2.1 any proposal to make an order; and<br><br>106.2.2 if an order is made, any order<br><br>under Section 218(1) of the Act. | | CEO, GM-CI |
| 279036 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br><br>107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or | | CEO, GM-CBS, GM-CG, GM-CI |

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| | private road, or of a public place. | | |
| 279037 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br>107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279038 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br>107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:<br>107.3.1 give the adjoining council at least 2 months notice of the proposed change; and<br>107.3.2 consider any representations made by the adjoining council in response to that notice. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279039 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br>107.4 The duty pursuant to Section 219(3) of the Act to:<br>107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and<br>107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279040 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br>107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279041 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br>107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a | | CEO |

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| | policy relating to the assigning of names under Section 219 of the Act. | | |
| 279042 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br><br>107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy. | | CEO |
| 279043 | 107. Power to Assign a Name, or Change the Name, of a Road or Public Place<br><br>107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:<br><br>107.8.1 in the Gazette; and<br><br>107.8.2 in a newspaper circulating in the area of the council; and<br><br>107.8.3 on a website determined by the Chief Executive Officer. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279044 | 108. Numbering of Premises and Allotments<br><br>108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road. | | CEO, GM-CBS |
| 279045 | 108. Numbering of Premises and Allotments<br><br>108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division. | | CEO, GM-CBS |
| 279046 | 108. Numbering of Premises and Allotments<br><br>108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act. | | CEO, GM-CBS |

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| 279047 | 108. Numbering of Premises and Allotments<br><br>108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act. | | CEO, GM-CBS |
| 279048 | 108. Numbering of Premises and Allotments<br><br>108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road. | | CEO, GM-CBS |
| 279049 | 108. Numbering of Premises and Allotments<br><br>108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system. | | CEO, GM-CBS |
| 279050 | 108. Numbering of Premises and Allotments<br><br>108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate. | | CEO, GM-CBS |
| 279051 | 109. Alteration of Road<br><br>109.1 The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:<br><br>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or<br><br>109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or<br><br>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or<br><br>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or<br><br>109.1.5 planting a tree or other vegetation on the road, interfering with | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | vegetation on the road or removing vegetation from the road. | | |
| 279052 | 109. Alteration of Road<br><br>109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:<br><br>109.2.1 unduly obstruct the use of the road; or<br><br>109.2.2 unduly interfere with the construction of the road; or<br><br>109.2.3 have an adverse effect on road safety. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279053 | 109. Alteration of Road<br><br>109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:<br><br>109.3.1 for a particular act or occasion; or<br><br>109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279054 | 110. Permits for Business Purposes<br><br>110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279055 | 110. Permits for Business Purposes<br><br>110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279056 | 110. Permits for Business Purposes<br><br>110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use | | CEO, GM-CBS, GM-CG, GM-CI |

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| | a public road for a particular occasion or for a term stated in the permit. | | |
| 279057 | 111. Public Consultation<br><br>111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:<br><br>111.1.1 that confers a right of exclusive occupation; or<br><br>111.1.2 that would have the effect of restricting access to a road; or<br><br>111.1.3 in relation to a use or activity for which public consultation is required under the Regulations. | | CEO, GM-CBS, GM-CI |
| 279058 | 111. Public Consultation<br><br>111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279059 | 112. Conditions of Authorisation or Permit<br><br>112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279060 | 113. Cancellation of Authorisation or Permit<br><br>113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:<br><br>113.1.1. in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or<br><br>113.1.2 in the any other case - cancel the authorisation or permit for | | CEO, GM-CBS, GM-CG, GM-CI |

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| | breach of a condition. | | |
| 279061 | 113. Cancellation of Authorisation or Permit<br><br>113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:<br><br>113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and<br><br>113.2.2 consider any representations made in response to the notice. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279198 | 113. Cancellation of Authorisation or Permit<br><br>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279199 | 113. Cancellation of Authorisation or Permit<br><br>113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit. | | CEO |
| 279200 | 113A Location Rules – General<br><br>113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate. | | CEO |

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| 279201 | 113A Location Rules – General<br>113A.2 The power pursuant to Section 225A(4) of the Act to:<br>113A.2.1 from time to time amend the Council's location rules;<br>113A.2.2 amend its location rules in order that the rules comply with:<br>113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or<br>113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act. | | CEO |
| 279062 | 114. Register<br>114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:<br>114.1.1 includes the information required by regulation; and<br>114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279063 | 114. Register<br>114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279064 | 115. Trees<br>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):<br>115.1 giving consideration to whether the vegetation is, on balance, appropriate | | CEO, ETO, GM-CI, MED&C |

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| | to the proposed site taking into account -<br><br>115.1.1 environmental and aesthetic issues; and<br><br>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and<br><br>115.1.3 road safety matters; and<br><br>115.1.4 other matters (if any) considered relevant by the Delegate; and<br><br>115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy. | | |
| 279065 | 116. Damage<br><br>116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279066 | 117. Council's Power to Remove Objects etc from Roads<br><br>117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:<br><br>117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or<br><br>117.1.2 an authorisation or permit has been granted but has later expired or been cancelled. | | CEO, GI, GITL, GM-CBS, GM-CG, GM-CI, MBSP, MED&C, WM-WDBMP&G, WMI |
| 279067 | 117. Council's Power to Remove Objects etc from Roads<br><br>117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, | | CEO, GI, GITL, GM-CBS, GM-CG, GM-CI, MBSP, MED&C, WM-WDBMP&G, WMI |

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| | placed or deposited the structure, object or substance on the road. | | |
| 279068 | 117. Council's Power to Remove Objects etc from Roads<br><br>117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles. | | CEO, GI, GITL, GM-CBS, GM-CG, GM-CI, MBSP, MED&C, WM-WDBMP&G, WMI |
| 279069 | 119. Abandonment of Vehicles and Farm Implements<br><br>119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place. | | CEO, GM-CG, GM-CI |
| 279070 | 120. Removal of Vehicles<br><br>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:<br><br>120.1.1 by written notice in the prescribed form:<br><br>120.1.1.1 served on the owner personally; or<br><br>120.1.1.2 served on the owner by the use of person-to-person registered post,<br><br>as soon as practicable after the removal of the vehicle; or<br><br>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle. | | CEO, GI, GITL, GM-CG, GM-CI, MBSP |
| 279071 | 120. Removal of Vehicles<br><br>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to | | CEO, GI, GITL, GM-CG, GM-CI, MBSP |

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| | 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. | | |
| 279072 | 120. Removal of Vehicles<br><br>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:<br><br>120.3.1 the vehicle is offered for sale but not sold; or<br><br>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined. | | CEO, GI, GITL, GM-CG, GM-CI, MBSP |
| 279073 | 120. Removal of Vehicles<br><br>120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:<br><br>120.4.1 firstly, in payment of the costs of and incidental to the sale;<br><br>120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;<br><br>120.4.3 thirdly, in payment of the balance to the owner of the vehicle. | | CEO, GM-CBS |
| 279074 | 120. Removal of Vehicles<br><br>120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council. | | CEO, GM-CBS |
| 279075 | 120. Removal of Vehicles<br><br>120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the | | CEO, GM-CBS, GM-CG, GM-CI |

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| | Unclaimed Goods Act 1987 as if the Council were the bailee of those goods. | | |
| 279076 | 121. Time Limits for Dealing with Certain Applications<br><br>121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279077 | 121. Time Limits for Dealing with Certain Applications<br><br>121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279078 | 122. Registrar-General to Issue Certificate of Title<br><br>122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act. | | CEO, GM-CBS |
| 279079 | 122. Registrar-General to Issue Certificate of Title<br><br>122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:<br><br>122.2.1 in a manner and form approved by the Registrar-General; and<br><br>122.2.2 accompanied by:<br><br>122.2.2.1 Deliberately left blank.<br><br>122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and<br><br>122.2.2.3 a fee fixed by the Registrar-General. | | CEO, GM-CBS |
| 279080 | 123. Liability for Injury, Damage or Loss Caused by Certain Trees | | CEO, GM-CG, GM-CI, |

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| | 123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not). | | MED&C |
| 279081 | 124. Council May Require Bond or Other Security in Certain Circumstances<br>124.1 Subject to Section 245A of the Act, if,<br>124.1.1 a person has approval to carry out development under the Development Act 1993; and<br>124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,<br>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. | | CEO, GM-CG, GM-CI, MED&C |
| 279082 | 124. Council May Require Bond or Other Security in Certain Circumstances<br>124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused. | | CEO, GM-CBS, GM-CG, GM-CI |
| 279083 | 125. Power to Make By-Laws<br>125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council. | | CEO |

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| 279084 | 126. Passing By-Laws<br><br>126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:<br><br>126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and<br><br>126.1.2 by notice in a newspaper circulating in the area of the Council:<br><br>126.1.2.1 inform the public of the availability of the proposed by law; and<br><br>126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect. | | CEO, GM-CBS |
| 279085 | 126. Passing By-Laws<br><br>126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:<br><br>126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and<br><br>126.2.2 the by-law is not in conflict with the Act. | | CEO, GM-CBS |
| 279086 | 126. Passing By-Laws<br><br>126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette. | | CEO, GM-CBS |
| 279087 | 126. Passing By-Laws<br><br>126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council. | | CEO, GM-CBS |

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| 279088 | 127. Model By-Laws<br><br>127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette. | | CEO, GM-CBS |
| 279089 | 127. Model By-Laws<br><br>127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council. | | CEO, GM-CBS |
| 279090 | 128. Register of By-Laws and Certified Copies<br><br>128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law. | | CEO, GM-CBS |
| 279091 | 128. Register of By-Laws and Certified Copies<br><br>128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS |
| 279092 | 128. Register of By-Laws and Certified Copies<br><br>128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time. | | CEO, GM-CBS |
| 279093 | 129. Power to Make Orders<br><br>129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column | | CEO, GITL, GM-CG, MBSP |

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| | 3 of the Table. | | |
| 279094 | 130. Procedures to be Followed<br><br>130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:<br><br>130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and<br><br>130.1.2 stating the reasons for the proposed action; and<br><br>130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate). | | CEO, GITL, GM-CG, MBSP |
| 279095 | 130. Procedures to be Followed<br><br>130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner. | | CEO, GITL, GM-CG, MBSP |
| 279096 | 130. Procedures to be Followed<br><br>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:<br><br>130.3.1 to make an order in accordance with the terms of the original proposal; or<br><br>130.3.2 to make an order with modifications from the terms of the original proposal; or<br><br>130.3.3 to determine not to proceed with an order. | | CEO, GITL, GM-CG, MBSP |
| 279097 | 130. Procedures to be Followed<br><br>130.4 The power pursuant to Section 255(5) of the Act to:<br><br>130.4.1 include two or more orders in the same instrument; | | CEO, GITL, GM-CG, MBSP |

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| | 130.4.2 direct two or more persons to do something specified in the order jointly. | | |
| 279098 | 130. Procedures to be Followed<br>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:<br>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and<br>130.5.2 states the reasons for the order. | | CEO, GITL, GM-CG, MBSP |
| 279099 | 130. Procedures to be Followed<br>130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed. | | CEO, GITL, GM-CG, MBSP |
| 279100 | 130. Procedures to be Followed<br>130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner. | | CEO, GITL, GM-CG, MBSP |
| 279101 | 130. Procedures to be Followed<br>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so. | | CEO, GITL, GM-CG, MBSP |
| 279102 | 130. Procedures to be Followed<br>130.9 If the Delegate, in the circumstances of a particular case, considers:<br>130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or<br>130.9.2 that an emergency situation otherwise exists, | | CEO, GITL, GM-CG, MBSP |

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| | the Delegate has the power pursuant to Section 255(12) of the Act to:<br><br>130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and<br><br>130.9.4 require immediate compliance with an order despite Section 255(6)(a). | | |
| 279103 | 131. Rights of Review<br><br>131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek review of the order under the Act, and to include the information specified by the Regulations to the Act. | | CEO, GITL, GM-CG, MBSP |
| 279104 | 132. Action on Non-Compliance<br><br>132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order. | | CEO, GM-CG |
| 279105 | 132. Action on Non-Compliance<br><br>132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act. | | CEO, GM-CG |
| 279106 | 132. Action on Non-Compliance<br><br>132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order. | | CEO, GM-CBS, GM-CG |
| 279107 | 132. Action on Non-Compliance<br><br>132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if | | CEO, GM-CBS, GM-CG |

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| | the amount is not paid by the person within that period:<br><br>132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and<br><br>132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest. | | |
| 279108 | 133. Councils to Develop Policies<br><br>133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act. | | CEO, GM-CG |
| 279109 | 133. Councils to Develop Policies<br><br>133.2 The power and duty pursuant to Section 259(2) of the Act to:<br><br>132.2.1 prepare a draft of a Policy; and<br><br>133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks). | | CEO, GM-CG |
| 279110 | 133. Councils to Develop Policies<br><br>133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act. | | CEO, GM-CG |
| 279111 | 133. Councils to Develop Policies<br><br>133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time. | | CEO |

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| 279112 | 133. Councils to Develop Policies<br><br>133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance. | | CEO, GM-CG |
| 279113 | 133. Councils to Develop Policies<br><br>133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours. | | CEO, GM-CBS, GM-CG |
| 279114 | 133. Councils to Develop Policies<br><br>133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act. | | CEO, GITL, GM-CG, MBSP |
| 279115 | 134. Appointment of Authorised Persons<br><br>134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person. | | CEO |
| 279116 | 134. Appointment of Authorised Persons<br><br>134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment. | | CEO |
| 279117 | 134. Appointment of Authorised Persons<br><br>134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:<br><br>134.3.1 containing a photograph of the authorised person; and | | CEO, HRMO |

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| | 134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act. | | |
| 279118 | 134. Appointment of Authorised Persons<br><br>134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279119 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:<br><br>135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and<br><br>135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council. | | CEO |
| 279120 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:<br><br>135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and<br><br>135.0.2 using information gained from the Council's community to improve its services and operations. | | CEO |
| 279121 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:<br><br>135.1.1 the Council; | | CEO |

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| | 135.1.2 employees of the Council;<br><br>135.1.3 other persons acting on behalf of the Council, | | |
| 279122 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):<br><br>135.2.1 the manner in which an application for review may be made;<br><br>135.2.2 the assignment of a suitable person to reconsider a decision under review;<br><br>135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;<br><br>135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;<br><br>135.2.4 the notification of the progress and outcome of an application for review;<br><br>135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed. | | CEO |
| 279123 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:<br><br>135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or<br><br>135.3.2 it appears that the application is frivolous or vexatious; or<br><br>135.3.3 the applicant does not have a sufficient interest in the matter. | | CEO |

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| 279124 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council. | | CEO, GM-CBS |
| 279125 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act. | | CEO |
| 279126 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:<br><br>135.6.1 the number of applications for review made under Section 270; and<br><br>135.6.2 the kinds of matters to which the applications relate; and<br><br>135.6.3 the outcome of applications under this Section; and<br><br>135.6.4 such other matters as may be prescribed by the Regulations. | | CEO |
| 279127 | 135. Procedures for Review of Decisions and Requests for Services<br><br>135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid. | | CEO |
| 279128 | 136. Mediation, Conciliation and Neutral Evaluation<br><br>136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation. | | CEO |

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| 279129 | 136. Mediation, Conciliation and Neutral Evaluation<br><br>136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act. | | CEO |
| 279130 | 136A. Provision of Information to Minister<br><br>136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279131 | 136A. Provision of Information to Minister<br><br>136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:<br><br>136AA.2.1 the information was given to the Council in confidence; or<br><br>136AA.2.2 is held on a confidential basis under Chapter 6 Part 4. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279132 | 136B. Minister May Refer Investigation of Council to Ombudsman<br><br>136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister. | | CEO |
| 279133 | 136B. Minister May Refer Investigation of Council to Ombudsman<br><br>136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter. | | CEO |
| 279134 | 136C. Action on a Report | | CEO |

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| | 136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based. | | |
| 279135 | 136D. Deliberately left blank<br><br>136D. Deliberately left blank | | CEO |
| 279136 | 136E. Action on a Report<br><br>136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister. | | CEO |
| 279137 | 137. Special Jurisdiction<br><br>137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:<br><br>137.1.1 proceedings to try the title of a member to an office;<br><br>137.1.2 proceedings to try the right of a person to be admitted or restored to an office;<br><br>137.1.3 proceedings to compel restoration or admission;<br><br>137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;<br><br>137.1.5 proceedings to try the validity of a rate or service charge;<br><br>137.1.6 proceedings to try the validity of a by-law;<br><br>137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act. | | CEO |
| 279153 | 138. Service of Documents by Councils etc<br><br>138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| 279138 | 139. Service of Documents on Councils<br><br>139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf. | | CEO, GM-CBS |
| 279139 | 140. Recovery of Amounts from Lessees or Licensees<br><br>140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council. | | CEO |
| 279140 | 141. Ability of Occupiers to Carry out Works<br><br>141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out. | | CEO |
| 279141 | 142. Power to Enter and Occupy Land in Connection with an Activity<br><br>142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act. | | CEO, GM-CI |
| 279142 | 142. Power to Enter and Occupy Land in Connection with an Activity<br><br>142.2 The duty pursuant to Section 294(3) of the Act:<br><br>142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and<br><br>142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops | | CEO, GM-CBS, GM-CI |

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| | on the land; and<br><br>142.2.3 within 6 months of ceasing to occupy the land:<br><br>142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and<br><br>142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land; | | |
| 279143 | 142. Power to Enter and Occupy Land in Connection with an Activity<br><br>142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land. | | CEO, GM-CBS, GM-CI |
| 279154 | 143. Reclamation of Land<br><br>143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land. | | CEO |
| 279144 | 143. Reclamation of Land<br><br>143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act. | | CEO |
| 279145 | 143. Reclamation of Land<br><br>143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act. | | CEO |
| 279146 | 143. Reclamation of Land<br><br>143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or | | CEO |

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| | review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act. | | |
| 279147 | 144. Property in Rubbish<br><br>144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate. | | CEO, GM-CG, GM-CI, WM-WDBMP&G, WMI |
| 279148 | 145. Power of Council to Act in Emergency<br><br>145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger. | | CEO, GITL, GM-CBS, GM-CG, GM-CI, GM-CW, MBSP, MED&C, WM-WDBMP&G, WMI |
| 279149 | 146. Deliberately left blank<br><br>146.1 Deliberately left blank. | | CEO |
| 279150 | 146. Deliberately left blank<br><br>146.2 Deliberately left blank. | | CEO |
| 279151 | 147. Costs of Advertisements<br><br>147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279152 | 148. Deliberately left blank | | CEO |
| 279161 | 148A Use of Facilities<br><br>148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange | | CEO |

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| | with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council. | | |
| 279170 | 149. Deliberately left blank | | CEO |
| 279172 | 150. Deliberately left blank | | CEO |
| 279171 | 151. Deliberately left blank<br>151.1 Deliberately left blank | | CEO |
| 279178 | 151. Deliberately left blank<br>151.2 Deliberately left blank | | CEO |
| 279179 | 151. Deliberately left blank<br>151.3 Deliberately left blank | | CEO |
| 279162 | 151A Preparation of Stormwater Management Plans by Councils<br>151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:<br>(a) complies with the guidelines issued by the Authority; and<br>(b) is prepared in consultation with the relevant regional NRM board or boards; and<br>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations. | | CEO |
| 279163 | 151B Authority May Issue Order<br>151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter. | | CEO |

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| 279164 | 151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority). | | CEO |
| 279173 | 152.1 Deliberately left blank | | CEO |
| 279174 | 152. Deliberately left blank<br>152.2 Deliberately left blank | | CEO |
| 279175 | 153.1 Deliberately left blank | | CEO |
| 279176 | 153. Deliberately left blank<br>153.2 Deliberately left blank | | CEO |
| 279177 | 153. Deliberately left blank<br>153.3 Deliberately left blank | | CEO |
| 279165 | 154. Special Powers in Relation to Land<br>154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:<br>(a) enter and occupy any land; and<br>(b) construct, maintain or remove any infrastructure; and<br>(c) excavate any land; and<br>(d) inspect, examine or survey any land and for that purpose: | | CEO |

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| | (i) fix posts, stakes or other markers on the land; and<br><br>(ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and<br><br>(iii) remove samples for analysis.<br><br>(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<br><br>(f) hold any water in a watercourse or lake or by any other means; and<br><br>(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<br><br>(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<br><br>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and<br><br>(j) undertake any testing, monitoring or evaluation; and<br><br>(k) undertake any other activity of a prescribed kind. | | |
| 279166 | 154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws. | | CEO |
| 279167 | 155. Entry and Occupation of Land Other Than Council Land<br><br>155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land. | | CEO |
| 279168 | 155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances. | | CEO |

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| 279169 | 156. Vesting of Infrastructure, etc<br><br>156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice. | | CEO |
| 279180 | 157. Building Upgrade Agreement (May only be delegated to CEO)<br><br>157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:<br><br>157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and<br><br>157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and<br><br>157.1.3 the Council agrees:<br><br>157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and<br><br>157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain). | The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | CEO |
| 279181 | 157. Building Upgrade Agreement (May only be delegated to CEO)<br><br>157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement. | The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | CEO |

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| 279182 | 157. Building Upgrade Agreement (May only be delegated to CEO)<br><br>157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement. | The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | CEO |
| 279183 | 158. Variation or Termination of Agreement (May only be delegated to CEO)<br><br>158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties. | The power to enter into, or to vary or terminate, a building upgrade 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. | CEO |
| 279184 | 159. Contents of Agreement (May only be delegated to CEO)<br><br>159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:<br><br>159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and<br><br>159.1.2 the amount of money to be advanced by the finance provider under the agreement; and<br><br>159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and<br><br>159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and<br><br>159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and<br><br>159.1.6 any prescribed matters. | 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. | CEO |
| 279185 | 159. Contents of Agreement (May only be delegated to CEO)<br><br>159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:<br><br>159.2.1 provide for the early repayment of any amount payable under the agreement; and | 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. | CEO |

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| | 159.2.2 include and agree to other provisions. | | |
| 279186 | 160. Declaration of Building Upgrade Charge (May only be delegated to CEO)<br><br>160.1 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). | The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | CEO |
| 279187 | 160. Declaration of Building Upgrade Charge (May only be delegated to CEO)<br><br>160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:<br><br>160.2.1 the name and address of the building owner; and<br><br>160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and<br><br>160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and<br><br>160.2.4 the amount for which the building owner is liable; and<br><br>160.2.5 the manner of payment of the amount; and<br><br>160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and<br><br>160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and<br><br>160.2.8 any prescribed matters. | The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | CEO |
| 279188 | 160. Declaration of Building Upgrade Charge (May only be delegated to CEO) | The power to declare and levy a building upgrade charge under a building upgrade agreement may | CEO |

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| | 160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building 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. | not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer. | |
| 279189 | 161. Payment of Building Upgrade Charge<br><br>161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement. | | CEO |
| 279190 | 161. Payment of Building Upgrade Charge<br><br>161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,<br><br>161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and<br><br>161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied. | | CEO |
| 279191 | 162. Sale of Land for Non-payment of Building Upgrade Charge<br><br>162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations. | | CEO |
| 279192 | 162. Sale of Land for Non-payment of Building Upgrade Charge<br><br>162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:<br><br>162.2.1 firstly – in paying the costs of the sale and any other costs incurred in | | CEO |

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| | proceeding under Clause 9 of Schedule 1B of the Act;<br><br>162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);<br><br>162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;<br><br>162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;<br><br>162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;<br><br>162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;<br><br>162.2.7 seventhly – in payment to the owner of the land. | | |
| 279193 | 162. Sale of Land for Non-payment of Building Upgrade Charge<br><br>162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891. | | CEO |
| 279194 | 163. Repayment of Advances to Finance Provider<br><br>163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:<br><br>163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and<br><br>163.1.2 give the building owner written notice of the adjustment. | | CEO |
| 279195 | 163. Repayment of Advances to Finance Provider<br><br>163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause | | CEO |

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| | 10 of Schedule 1B of the Act:<br><br>163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and<br><br>163.2.2 the excess amount has been paid by the Council to the finance provider,<br><br>to refund the building owner the excess amount paid. | | |
| 279196 | 164. Register of Building Upgrade Agreements<br><br>164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act. | | CEO |
| 279197 | 164. Register of Building Upgrade Agreements<br><br>164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge). | | CEO |

## Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017

| Local Nuisance and Litter Control Act 2016 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279208 | 1. Authorised Officers<br>1.1 The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:<br>1.1.1 specified officers or employees of the Council; or<br>1.1.2 a specified class of officers or employees of the Council,<br>to be authorised officers for the purposes of the Act. | | CEO |
| 279209 | 1. Authorised Officers<br>1.2 The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment. | | CEO |
| 279210 | 1. Authorised Officers<br>1.3 The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition. | | CEO |
| 279211 | 2. Identity Cards<br>2.1 The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:<br>2.1.1 containing the person's name and a recent photograph of the person; and<br>2.1.2 stating that the person is an authorised officer for the purposes of the Act; and | | CEO |

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| | 2.1.3 specifying the name of the Council. | | |
| 279212 | 2. Identity Cards<br><br>2.2 The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made. | | CEO |
| 279213 | 3. Limit of Area of Authorised Officers Appointed by Councils<br><br>3.1 The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area. | | CEO |
| 279214 | 4. Provisions Relating to Seizure<br><br>4.1 The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act. | | CEO, GM-CG, GM-CW |
| 279215 | 4. Provisions Relating to Seizure<br><br>4.2 The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit. | | CEO, GM-CG, GM-CW |
| 279216 | 4. Provisions Relating to Seizure<br><br>4.3 The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so. | | CEO, GM-CG, GM-CW |
| 279217 | 4. Provisions Relating to Seizure<br><br>4.4 The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of. | | CEO, GM-CG, GM-CW |
| 279218 | 5. Exemptions from Application of Section 18<br><br>5.1 The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified | | CEO, GM-CG, GM-CW |

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| | activity to be carried on in the Council's area. | | |
| 279219 | 5. Exemptions from Application of Section 18<br><br>5.2 The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require. | | CEO, GM-CG, GM-CW |
| 279220 | 5. Exemptions from Application of Section 18<br><br>5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:<br><br>5.3.1 there are exceptional circumstances that justify the making of the declaration; and | | CEO, GM-CG, GM-CW |
| 279301 | 5. Exemptions from Application of Section 18<br><br>5.3 The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:<br><br>5.3.2 the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned. | | CEO, GM-CG, GM-CW |
| 279221 | 5. Exemptions from Application of Section 18<br><br>5.4 The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:<br><br>5.4.1 the permitted times or periods of time for carrying on the activity; or<br><br>5.4.2 the manner of carrying on the activity. | | CEO, GM-CG, GM-CW |
| 279222 | 5. Exemptions from Application of Section 18<br><br>5.5 The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act. | | CEO, GM-CG, GM-CW |

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| 279223 | 5.6 The:<br>5.6.1 power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and | | CEO, GM-CG, GM-CW |
| 279281 | 5.6 The:<br>5.6.2 duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate. | | CEO, GM-CG, GM-CW |
| 279224 | 6. Disposing of Litter<br>6.1 The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter. | | CEO, GM-CG, GM-CI, MED&C, WM-WDBMP&G, WMI |
| 279225 | 6. Disposing of Litter<br>6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area. | | CEO, GM-CG, GM-CI |
| 279226 | 7. Liability of Vehicle Owners<br>7.1 The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:<br>7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or<br>7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee). | | CEO, GITL, GM-CBS, GM-CG |
| 279227 | 7. Liability of Vehicle Owners<br>7.2 The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of | | CEO |

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| | the Act against one of the owners or against some or all of the owners jointly as co-defendants. | | |
| 279228 | 7. Liability of Vehicle Owners<br>7.3 The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:<br>7.3.1 setting out particulars of the alleged principal offence; and<br>7.3.2 inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)( and (b). | | CEO |
| 279229 | 7. Liability of Vehicle Owners<br>7.4 The duty pursuant to Section 26(9) of the Act, if:<br>7.4.1 an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or<br>7.4.2 proceedings are commenced against such a person,<br>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. | | CEO |
| 279230 | 7. Liability of Vehicle Owners<br>7.5 The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration. | | CEO |
| 279231 | 8. Notification of EPA of Serious or Material Environmental Harm<br>8.1 The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief. | | CEO, GM-CG, GM-CI, GM-CW, MBSP |
| 279232 | 9. Nuisance and Litter Abatement Notices<br>9.1 The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, |

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| | connection with securing compliance with Part 4 Division 1 of the Act. | | MBSP, PO1, PO2, S-PO, SBO |
| 279233 | 9. Nuisance and Litter Abatement Notices<br>9.2 The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act. | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279234 | 9. Nuisance and Litter Abatement Notices<br>9.3 The<br>9.3.1 duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:<br>9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and<br>9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and<br>specifies the purpose for which it is issued; and<br>9.3.2 power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:<br>9.3.2.1 direct two or more persons to do something specified in the notice jointly; and<br>9.3.2.2 impose a requirement that the person do one or more of the following: | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279270 | 9. Nuisance and Litter Abatement Notices<br>9.3.2.2 (a) discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, PO1, PO2, S-PO, SBO |
| 279271 | 9. Nuisance and Litter Abatement Notices<br>9.3.2.2 (b) not carry on a specified activity except at specified times or subject to specified conditions; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279272 | 9. Nuisance and Litter Abatement Notices<br>9.3.2.2 (c) take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |

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| 279273 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (d) furnish to the Council specified results or reports within a specified period; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279274 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (e) clean up litter that the Council or delegate considers to have been caused by a contravention of this Act; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279275 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (f) make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279276 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (g) prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act; | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279277 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279278 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (i) in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:<br><br>A. preventing the escape of litter from business premises; or<br><br>B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279279 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (j) impose any other requirement prescribed by regulation; and | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |

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| 279280 | 9. Nuisance and Litter Abatement Notices<br><br>9.3.2.2 (k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court. | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279235 | 9. Nuisance and Litter Abatement Notices<br><br>9.4 The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas. | | CEO |
| 279236 | 9. Nuisance and Litter Abatement Notices<br><br>9.5 The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:<br><br>9.5.1 the owner or occupier of the premises; or<br><br>9.5.2 a person who has the management or control of the premises; or<br><br>9.5.3 a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis. | | CEO, GM-CG, GM-CW |
| 279237 | 9. Nuisance and Litter Abatement Notices<br><br>9.6 The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court. | | AO - GA, BO, CEO, EHO1, EHO2, GITL, GM-CG, GM-CW, MBSP, PO1, PO2, S-PO, SBO |
| 279238 | 9. Nuisance and Litter Abatement Notices<br><br>9.7 The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice. | | CEO, GM-CG, GM-CW, MBSP |
| 279239 | 10. Action on Non-compliance with Notice<br><br>10.1 The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice. | | CEO, GM-CG, GM-CW |
| 279240 | 10. Action on Non-compliance with Notice | | CEO, GM-CG, GM-CW |

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| | 10.2 The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council. | | |
| 279241 | 10. Action on Non-compliance with Notice<br><br>10.3 The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority. | | CEO, GM-CG, GM-CW |
| 279242 | 10. Action on Non-compliance with Notice<br><br>10.4 The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice. | | CEO, GM-CBS |
| 279243 | 10. Action on Non-compliance with Notice<br><br>10.5 The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid. | | CEO, GM-CBS |
| 279244 | 11. Civil Remedies<br><br>11.1 The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:<br><br>11.1.1 if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;<br><br>11.1.2 if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;<br><br>11.1.3 if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;<br><br>11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed | | CEO |

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| | the contravention for payment of the reasonable costs and expenses incurred in taking that action;<br><br>11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;<br><br>11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council. | | |
| 279245 | 11. Civil Remedies<br><br>11.2 The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act. | | CEO |
| 279246 | 11. Civil Remedies<br><br>11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court. | | CEO |
| 279247 | 11. Civil Remedies<br><br>11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings. | | CEO |
| 279248 | 11. Civil Remedies<br><br>11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained). | | CEO |
| 279249 | 11. Civil Remedies<br><br>11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person. | | CEO |
| 279250 | 11. Civil Remedies<br><br>11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person. | | CEO |

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| 279251 | 11. Civil Remedies<br><br>11.8 The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act. | | CEO |
| 279252 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.1 The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention. | | CEO |
| 279253 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.2 The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors. | | CEO |
| 279254 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.3 The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:<br><br>12.3.1 unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or<br><br>12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention. | | CEO |
| 279255 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.4 The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention. | | CEO |

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| 279256 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.5 The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention). | | CEO |
| 279257 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.6 The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct). | | CEO |
| 279258 | 12. Minister or Council May Recover Civil Penalty in Respect of Contravention<br><br>12.7 The power pursuant to Section 34(13) of the Act to apply to the Attorney General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention. | | CEO |
| 279259 | 13. Statutory Declaration<br><br>13.1 The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified. | | CEO, GM-CG, GM-CW, MBSP |
| 279260 | 14. Orders in Respect of Contraventions<br><br>14.1 The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:<br><br>14.1.1 an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;<br><br>14.1.2 an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;<br><br>14.1.3 an order the person pay to the Council if the Council has incurred costs or expenses in taking action to | | CEO |

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| | 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);<br><br>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. | | |
| 279261 | 14. Orders in Respect of Contraventions<br><br>14.2 The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention. | | CEO |
| 279262 | 14. Orders in Respect of Contraventions<br><br>14.3 The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order. | | CEO |
| 279263 | 15. Recovery of Administrative and Technical Costs Associated with Contraventions<br><br>15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:<br><br>15.1.1 has taken action to<br><br>15.1.1.1 investigate the contravention; or<br><br>15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or<br><br>15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or<br><br>15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,<br><br>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. | | CEO, GM-CBS |
| 279264 | 15. Recovery of Administrative and Technical Costs Associated with Contraventions<br><br>15.2 The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount | | CEO, GM-CBS |

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| | payable to the Council in accordance with a notice under Section 48 of the Act must be paid. | | |
| 279265 | 15. Recovery of Administrative and Technical Costs Associated with Contraventions<br><br>15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:<br><br>15.3.1 extend the time for payment of an amount payable in accordance with the notice; or | | CEO, GM-CBS |
| 279282 | 15. Recovery of Administrative and Technical Costs Associated with Contraventions<br><br>15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:<br><br>15.3.2 waive payment of such an amount or reduce the amount payable. | | CEO, GM-CBS |
| 279266 | 15. Recovery of Administrative and Technical Costs Associated with Contraventions<br><br>15.4 The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt. | | CEO, GM-CBS |
| 279267 | 16. Assessment of Reasonable Costs and Expenses<br><br>16.1 The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose. | | CEO, GM-CG, GM-CW |
| 279268 | 17. Evidentiary Provisions<br><br>17.1 The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:<br><br>17.1.1 the appointment or non-appointment of a person as an authorised officer under the Act; or<br><br>17.1.2 a delegation or authority under the Act; or<br><br>17.1.3 a notice, requirement or direction of the Council or an authorised officer under the Act; or<br><br>17.1.4 the receipt or non-receipt by the Council or an authorised officer of a notification, report or information | | CEO, GM-CG, GM-CW |

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| | given or required to be given or furnished to the Council or authorised officer under the Act. | | |
| 279269 | 17. Evidentiary Provisions<br>17.2 The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred. | | CEO, GM-CG, GM-CW |
| **Local Nuisance and Litter Control Regulations 2017** | | | |
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279283 | 18. Annual Reports by Councils<br>18.1 The duty pursuant to Regulation 5 of the Local Nuisance and Litter Control Regulations 2017 (the Regulations), to, for the purposes of Section 8 of the Act, include in the Council's annual report details of:<br>18.1.1 the number of complaints of local nuisance or littering received by the Council; and<br>18.1.2 the number and nature of:<br>18.1.2.1 offences under the Act that were expiated; and<br>18.1.2.2 offences under the Act that were prosecuted; and<br>18.1.2.3 nuisance abatement notices or litter abatement notices issued; and<br>18.1.2.4 civil penalties negotiated under Section 34 of the Act; and<br>18.1.2.5 applications by the Council to the Court for orders for civil penalties under Section 34 of the Act and the number of orders made by the Court on those applications; and<br>18.1.3 any other functions performed by the Council under the Act. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279284 | 19. Exemptions from Application of Section 18<br>19.1 The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:<br>19.1.1 to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and | | CEO, GM-CG, GM-CW |

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| | 19.1.2 to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer. | | |
| 279285 | 19. Exemptions from Application of Section 18<br><br>19.2 The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application. | | CEO, GM-CG, GM-CW |
| 279286 | 19. Exemptions from Application of Section 18<br><br>19.3 The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be contained in a site nuisance management plan to the extent relevant to the activity:<br><br>19.3.1 an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons); | | CEO, GM-CG, GM-CW |
| 279287 | 19. Exemptions from Application of Section 18<br><br>19.3.2 a map showing:<br><br>19.3.2.1 the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and<br><br>19.3.2.2 the location of premises occupied by potentially affected persons and the distance of the premises from those sources; | | CEO, GM-CG, GM-CW |
| 279288 | 19. Exemptions from Application of Section 18<br><br>19.3.3 the name and contact details of the responsible person in relation to the activity; | | CEO, GM-CG, GM-CW |
| 279289 | 19. Exemptions from Application of Section 18<br><br>19.3.4 the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons; | | CEO, GM-CG, GM-CW |
| 279290 | 19. Exemptions from Application of Section 18<br><br>19.3.5 a copy of the notice (forming part of the communication strategy) proposed to be given to those | | CEO, GM-CG, GM-CW |

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| | persons to notify them of the activity, which must include the following details:<br>19.3.5.1 the nature of the proposed activity;<br>19.3.5.2 the start and finish dates for the activity;<br>19.3.5.3 the daily start and finish times for the activity;<br>19.3.5.4 the anticipated sources of local nuisance generated by the activity;<br>19.3.5.5 the proposed measures to be implemented to minimise the local nuisance;<br>19.3.5.6 the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;<br>19.3.5.7 such other details as the delegate may require; | | |
| 279291 | 19. Exemptions from Application of Section 18<br>19.3.6 the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents; | | CEO, GM-CG, GM-CW |
| 279292 | 19. Exemptions from Application of Section 18<br>19.3.7 the proposed process for recording details about complaints, including:<br>19.3.7.1 contact details for each complainant; and<br>19.3.7.2 the date and time of the complaint; and<br>19.3.7.3 a description of the complaint; and<br>19.3.7.4 the nature of the activity giving rise to the complaint; and<br>19.3.7.5 any action taken to address the complaint. | | CEO, GM-CG, GM-CW |
| 279293 | 20. Notification to EPA of Serious or Material Environmental Harm<br>20.1 The duty pursuant to Regulation 12 of the Regulations, to, for the purposes of Section 29 of the Act, include in notifications to the Environment Protection Authority:<br>20.1.1 as many of the following details as may be in the possession of the Council: | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | 20.1.1.1 any investigation statements from authorised officers, witnesses or suspects;<br><br>20.1.1.2 copies of relevant evidence (for example, images, photographs, video or audio recordings or transcripts, maps, reports of analyses, tests or samples, file notes, exhibit management records and any certificates under Section 50 of the Act or other relevant documents, orders, notes or information); and<br><br>20.1.2 details as to any limitation of time for prosecution or expiation of offences under the Act; and<br><br>20.1.3 details of the application of any relevant prescribed period within the meaning of Section 16 of the Act in relation to a substance, material or thing seized under Part 3 Division 3 of the Act. | | |
| 279294 | 21. Action on Non-compliance with Notice<br><br>21.1 The power pursuant to Regulation 13(2)(a) of the Regulations, to:<br><br>21.1.1 for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General,<br><br>21.1.1.1 setting out the amount recoverable under Section 31 of the Act; and<br><br>21.1.1.2 setting out the land in relation to which the relevant action was taken; and<br><br>21.1.1.3 requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land. | | CEO |
| 279295 | 21. Action on Non-compliance with Notice<br><br>21.2 The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act. | | CEO |
| 279296 | 21. Action on Non-compliance with Notice<br><br>21.3 The duty pursuant to Regulation 13(2)(g) of the Regulations, if the amount to which the charge relates is paid, to, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge. | | CEO |
| 279297 | 21. Action on Non-compliance with Notice<br><br>21.4 The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by | | CEO |

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| | the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999. | | |
| 279298 | 22. Payment of Fees by Instalments<br><br>22.1 The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be). | | CEO, GM-CBS |
| 279299 | 23. Waiver or Refund of Fees<br><br>23.1 The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular case. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279300 | 24. Recovery of Fees<br><br>24.1 The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction. | | CEO |

## Instrument of Delegation under the Natural Resources Management Act 2004 the Natural Resources Mgt. (General) Regulations 2005 & the Natural Resources Mgt. (Transitional Provisions-Levies) Reg. 2005

| **Natural Resources Management Act 2004** | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279302 | 1. Collaboration with NRM board<br><br>1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 ("the Act") to work collaboratively with a regional NRM board in the performance of its functions. | | CEO |
| 279303 | 2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to -<br><br>a) performing the functions of the NRM group under the Act or any other Act; or<br><br>b) assisting in the administration of the Act; or<br><br>c) furthering the objects of the Act | | CEO |
| 279304 | 3. Special Vesting of Infrastructure<br><br>3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act. | | CEO |
| 279305 | 4. Approval of Delegation by NRM board to Council Officers<br><br>4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer. | | CEO |
| 279306 | 5. Use of Facilities<br><br>5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council. | | CEO |

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| 279307 | 6. Boards Power to Provide Financial Assistance etc<br><br>6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out -<br><br>6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and<br><br>6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and<br><br>6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified. | | CEO |
| 279308 | 7. Assignment of Responsibility for Infrastructure<br><br>7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act. | | CEO |
| 279309 | 7. Assignment of Responsibility for Infrastructure<br><br>7.2 The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act. | | CEO |
| 279310 | 8. Appointment of Body to act as a Board<br><br>8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council. | | CEO |
| 279311 | 9. Establishment of Areas<br><br>9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice. | | CEO |
| 279312 | 9. Establishment of Areas<br><br>9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act. | | CEO |

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| 279313 | 10. Composition of NRM groups<br><br>10.1 The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act. | | CEO |
| 279314 | 11. Functions of Groups<br><br>11.1 The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act. | | CEO |
| 279315 | 12. Acting in Conjunction with NRM Group<br><br>12.1 The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:<br><br>a) performing its functions under the Act or any other Act<br><br>b) assisting in the administration of the Act or<br><br>c) furthering the objects of the Act<br><br>pursuant to Section 53(1) of the Act. | | CEO |
| 279316 | 13. Power of Delegation<br><br>13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act. | | CEO |
| 279317 | 14. Use of Facilities<br><br>14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council. | | CEO |
| 279318 | 15. Appointment of Body to Act as Group<br><br>15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council. | | CEO |

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| 279319 | 16. Regional Authorised Officers<br><br>16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board | | CEO |
| 279320 | 17. State NRM Plan<br><br>17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act. | | CEO |
| 279321 | 18. Regional NRM Plans<br><br>18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change. | | CEO |
| 279322 | 19. Deliberately left blank<br><br>19.1 Deliberately left blank | | CEO |
| 279323 | 20. Preparation of Plans and Consultation<br><br>20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan. | | CEO |
| 279324 | 20. Preparation of Plans and Consultation<br><br>20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act. | | CEO |
| 279325 | 21. Submission of Plan to Minister<br><br>21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan - a copy of that | | CEO |

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| | part or those parts as amended. | | |
| 279326 | 22. Review and Amendment of Plans<br><br>22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act. | | CEO |
| 279327 | 23. Time for Implementation of Plans<br><br>23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister. | | CEO |
| 279328 | 24. Contributions by Constituent Councils<br><br>24.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year. | | CEO |
| 279329 | 24. Contributions by Constituent Councils<br><br>24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination. | | CEO |
| 279330 | 25. Payment of Contributions by Councils<br><br>25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation. | | CEO |
| 279331 | 25. Payment of Contributions by Councils<br><br>25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year. | | CEO |

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| 279332 | 26. Deliberately left blank<br>26.1 Deliberately left blank<br>26.2 Deliberately left blank<br>26.3 Deliberately left blank<br>26.4 Deliberately left blank | | CEO |
| 279333 | 27. Cost of Councils<br>27.1 The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act. | | CEO |
| 279334 | 28. Declaration of Prescribed Water Resources<br>28.1 The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area. | | CEO |
| 279335 | 29. Requirement for notice of certain applications<br>29.1 The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit. | | CEO |
| 279336 | 29. Requirement for notice of certain applications<br>29.2 The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation. | | CEO |
| 279337 | 29. Requirement for notice of certain applications<br>29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court. | | CEO |
| 279338 | 30. By-Laws<br>30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM | | CEO |

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| | board under Section 171 of the Act that directly affects the area of the Council. | | |
| 279339 | 30. By-Laws<br><br>30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act. | | CEO |
| 279340 | 31. Orders made by ERD Court<br><br>31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act. | | CEO |
| 279341 | 31. Orders made by ERD Court<br><br>31.2 The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court. | | CEO |
| 279342 | 32. Management Agreements<br><br>32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement. | | CEO |
| 279343 | 33. Service of notices or other documents<br><br>33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by -<br><br>33.1.1 giving the notice or document to the person or an agent of the person; or<br><br>33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or<br><br>33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or<br><br>33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or<br><br>33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or<br><br>expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or | | CEO |

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| | document to the attention of the person to be served; or<br><br>33.1.6 send the notice or document to the person by facsimile transmission; or<br><br>33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations. | | |
| 279344 | 33. Service of notices or other documents<br><br>33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner. | | CEO |
| 279345 | 34. Vesting of Property<br><br>34.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation. | | CEO |
| 279346 | 35. Special Provisions relating to the repeal of the Water Resources Act 1997<br><br>35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide than an amount be paid to a regional NRM board rather than a catchment water management board). | | CEO |
| **Natural Resources Management (General) Regulations 2005** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279349 | DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005<br><br>37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations (“the Regulations”), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations. | | CEO |

## Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017

| Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 281921 | 40. Adoption of DPAs<br><br>40.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister. | | CEO |

## Instrument of Delegation under the Public Assemblies Act 1972

| Public Assemblies Act 1972 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 291249 | The power pursuant to Section 4(6) of the Public Assemblies Act 1972 (“the Act”) to lodge an objection, in accordance with Section 4(6) of the Act, on the ground that it would, if effectuated, unduly prejudice any public interest to any notice of assembly lodged under this section. | | CEO |

## Instrument of Delegation under the Real Property Act 1886

| Real Property Act 1886 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 277654 | 1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act<br><br>1.1 The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:<br><br>1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;<br><br>1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect. | | CEO |
| 277655 | 1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act<br><br>1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act. | | CEO |
| 277656 | 1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act<br><br>1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land | | CEO |

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| | included in any land grant, to consent to an application to bring the said land under the provisions of the Act. | | |
| 277657 | 2. Undivided shares and mortgaged land may not be brought under Act except upon conditions<br><br>2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,<br><br>2.1.1 the Council appears to be entitled to an undivided share of the land; or<br><br>2.1.2 the Council is the mortgagee of the land. | | CEO |
| 277658 | 3. Caveat against bringing land under Act<br><br>The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act. | | CEO |
| 277659 | 4. Applicant may withdraw his application<br><br>4.1 The power pursuant to Section 41 of the Act, to:<br><br>4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;<br><br>4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application. | | CEO |
| 277660 | 5. Proceedings under Caveat<br><br>The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in | | CEO |

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| | case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause. | | |
| 277661 | 6. Priority of instruments<br>6.1 Deliberately left blank | | CEO |
| 277662 | 6. Priority of instruments<br>6.2 Deliberately left blank | | CEO |
| 277747 | 6A. Priority of instruments<br>6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances. | | CEO |
| 277748 | 6A. Priority of instruments<br>6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied. | | CEO |
| 277749 | 6A. Priority of instruments<br>6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed. | | CEO |
| 277663 | 7. Certificates in lieu of surrendered certificates<br>The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land. | | CEO |

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| 277664 | 8. Substituted Certificate etc<br><br>8.1 Deliberately left blank | | CEO |
| 277665 | 9. Application for Certificate based on possession<br><br>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 |
| 277666 | 10. Caveats<br><br>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 |
| 277667 | 11. Variation and Extinguishment of Easements<br><br>11.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:<br><br>11.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or<br><br>11.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or<br><br>11.1.3 extinguish an easement. | | CEO |
| 277668 | 11. Variation and Extinguishment of Easements<br><br>11.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act. | | CEO |

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| 277669 | 12. Easement subject to existing mortgage etc<br><br>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 |
| 277670 | 13. Person now holding under lease or agreement may surrender<br><br>13.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender. | | CEO |
| 277671 | 13. Person now holding under lease or agreement may surrender<br><br>13.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender. | | CEO |
| 277672 | 14. Execution and registration of Crown Lease<br><br>14.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee. | | CEO |
| 277731 | 14. Execution and registration of Crown Lease<br><br>14.2 The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of | | CEO |

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| | Crown Leases). | | |
| 277673 | 15. Transfers<br><br>15.1 15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office. | | CEO |
| 277674 | 15. Transfers<br><br>15.2 Deliberately left blank. | | CEO |
| 277675 | 16. Creation of easements by reservation<br><br>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 |
| 277676 | 17. Acceptance of transfer<br><br>17.1 Deliberately left blank | | CEO |
| 277677 | 18. New certificate to purchaser and balance certificate to registered proprietor<br><br>18.1 Deliberately left blank | | CEO |
| 277678 | 19. Sale under Writ of fiery facias or Decree, Warrant or Order of Court<br><br>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 |

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| 277679 | 20. Issue of certificate where land is vested by operation of law<br><br>20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:<br><br>20.1.1 in the case of land under the provisions of the Act - register the Council as the proprietor of that estate or interest in the land; or<br><br>20.1.2 in the case of land not under the provisions of the Act - bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land. | | CEO |
| 277680 | 21. Lands, now leased<br><br>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 |
| 277681 | 22. Leases not to bind non-consenting mortgagees or encumbrancees<br><br>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 |
| 277682 | 23. Standard terms and conditions of lease<br><br>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 |
| 277683 | 24. Lease may be surrendered by separate instrument<br><br>The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor. | | CEO |
| 277684 | 25. Registrar-General may record surrender<br><br>The power pursuant to Section 121 of the Act, where the lessee has given written | | CEO |

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| | notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book. | | |
| 277685 | 26. Surrender where lease subject to mortgage or under lease<br><br>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 |
| 277686 | 27. Registrar-General to note particulars of re-entry in Register Book<br><br>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 |
| 277687 | 28. Mortgage of land<br><br>28.1 The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage.<br><br>28.1.1 Deliberately left blank.<br><br>28.1.2 Deliberately left blank. | The delegation of the power contained in Section 128 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation. | CEO |
| 277750 | 28. Mortgage of land<br><br>28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form. | The delegation of the power contained in Section 128 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation. | CEO |
| 277751 | 28. Mortgage of land<br><br>28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act. | The delegation of the power contained in Section 128 of the Act is subject to Section 44(3)(c) of the Local Government Act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation. | CEO |
| 277752 | 28A Encumbrance of land | | CEO |

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| | The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form. | | |
| 277688 | 29. Standard terms and conditions of Mortgage or Encumbrance<br><br>The power pursuant to Section 129A(1) of the Act to deposit for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act. | | CEO |
| 277689 | 30. Nature of Mortgage and Encumbrance and procedure in case of default<br><br>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 |
| 277690 | 31. Power of sale<br><br>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 |
| 277691 | 32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land | | CEO |

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| | 32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:<br><br>32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or<br><br>32.1.2 distrain upon the occupier or tenant of the land; or<br><br>32.1.3 from time to time let the said land for any term not exceeding one year; or<br><br>32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress. | | |
| 277692 | 33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due<br><br>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 |
| 277693 | 34. Application to Mortgagee to Registrar-General for foreclosure<br><br>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 |
| 277694 | 35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default<br><br>35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same | | CEO |

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| | 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:<br><br>35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;<br><br>35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto. | | |
| 277695 | 36. Discharge of Mortgages and Encumbrances<br><br>The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council. | | CEO |
| 277696 | 37. Partial discharge of Mortgage or Encumbrance on Grant of Easement<br><br>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 |
| 277697 | 38. Deliberately left blank. | | CEO |
| 277730 | 39. Transfer of Mortgage Lease and Encumbrance<br><br>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 |
| 277698 | 40. Renewal or extension of Mortgage etc<br><br>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 | | CEO |

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| | registration of an instrument in the appropriate form. | | |
| 277753 | 40AA Requirements for renewal or extension of mortgage<br><br>The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act. | | CEO |
| 277732 | 40A Person who intends to lodge instrument may lodge priority notice<br><br>40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed free, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction. | | CEO |
| 277733 | 40A Person who intends to lodge instrument may lodge priority notice<br><br>40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land. | | CEO |
| 277734 | 40B Effect of priority notice<br><br>40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land. | | CEO |
| 277735 | 40B Effect of priority notice<br><br>40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land. | | CEO |
| 277754 | 40B Effect of priority notice<br><br>40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the | | CEO |

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| | Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book. | | |
| 277736 | 40C Withdrawal of priority notice<br><br>40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form. | | CEO |
| 277737 | 40D Cancellation of priority notice by Registrar-General<br><br>40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged. | | CEO |
| 277738 | 40D Cancellation of priority notice by Registrar-General<br><br>40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period. | | CEO |
| 277739 | 40E Cessation of priority notice<br><br>40E.1 The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar General to extend the duration of the notice for 30 days. | | CEO |
| 277699 | 41. Disclaimers<br><br>41.1 The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent. | | CEO |
| 277700 | 41. Disclaimers<br><br>41.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar- | | CEO |

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| | General a notice of objection to the registration of the instrument of disclaimer. | | |
| 277701 | 41. Disclaimers<br><br>41.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer. | | CEO |
| 277702 | 42. Bankruptcy or assignment of lessee<br><br>42.1 The power pursuant to Section 173(a) of the Act where the registered proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal. | | CEO |
| 277703 | 42. Bankruptcy or assignment of lessee<br><br>42.2 The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or 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:<br><br>42.2.1 apply to the Registrar General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.<br><br>42.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect. | | CEO |
| 277704 | 42. Bankruptcy or assignment of lessee<br><br>42.3 The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has | | CEO |

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| | 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. | | |
| 277705 | 42. Bankruptcy or assignment of lessee<br><br>42.4 The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease. | | CEO |
| 277706 | 42. Bankruptcy or assignment of lessee<br><br>42.5 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:<br><br>42.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;<br><br>42.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained. | | CEO |
| 277707 | 42. Bankruptcy or assignment of lessee<br><br>42.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to | | CEO |

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| | enter in the Register Book a note of such neglect or refusal. | | |
| 277708 | 43. Application to be made in such case<br><br>The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor. | | CEO |
| 277709 | 44. Proceedings when executor etc refuse to transfer<br><br>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 |
| 277710 | 45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession<br><br>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 |
| 277711 | 46. Caveats<br><br>46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office. | | CEO |
| 277712 | 46. Caveats<br><br>46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by | | CEO |

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| | summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed. | | |
| 277713 | 46. Caveats<br><br>46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat. | | CEO |
| 277714 | 46. Caveats<br><br>46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based. | | CEO |
| 277715 | 46. Caveats<br><br>46.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period. | | CEO |
| 277716 | 46. Caveats<br><br>46.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time. | | CEO |
| 277717 | 46. Caveats<br><br>46.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter. | | CEO |
| 277718 | 47. Ejectment<br><br>47.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:<br><br>47.1.1 the registered proprietor of a freehold estate in possession;<br><br>47.1.2 the registered mortgagee or encumbrancee where the person in possession of | | CEO |

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| | land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;<br><br>47.1.3 the lessor with power to re-enter where rent is in arrears for three months; or<br><br>47.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,<br><br>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. | | |
| 277719 | 48. Persons claiming may, before taking proceedings, apply to the Registrar General for compensation<br><br>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 |
| 277740 | 48A Reviews<br><br>48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:<br><br>48A.1.1 to have an instrument registered or recorded; or<br><br>48A.1.2 to have a foreclosure order issued; or<br><br>48A.1.3 to have the Registrar-General do or perform an act or duty under the Act,<br><br>to seek a review of the decision by the Tribunal. | | CEO |
| 277755 | 48A Reviews<br><br>48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal. | | CEO |

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| 277741 | 48A Reviews<br><br>48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal. | | CEO |
| 277742 | 48A Reviews<br><br>48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice. | | CEO |
| 277743 | 48A Reviews<br><br>48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice. | | CEO |
| 277744 | 48A Reviews<br><br>48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the decision to cancel the notice. | | CEO |
| 277745 | 48A Reviews<br><br>48A.6 The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing. | | CEO |
| 277746 | 48A Reviews<br><br>48A.7 The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:<br><br>48A.7.1 an order prohibiting a person from lodging a priority notice in the Lands Titles | | CEO |

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| | Registration Office;<br><br>48A.7.2 an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order;<br><br>48A.7.3 an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application. | | |
| 277720 | 49. Applications for amendment<br><br>49.1 The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:<br><br>49.1.1 the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or<br><br>49.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it. | | CEO |
| 277721 | 49. Applications for amendment<br><br>49.2 The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor. | | CEO |
| 277722 | 50. Caveats<br><br>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 |

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| 277723 | 51. Rectification by consent<br><br>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 |
| 277724 | 52. Application for Division of Land<br><br>52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General.<br><br>52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.<br><br>52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act. | | CEO |
| 277725 | 53. Application may deal with statutory encumbrances<br><br>53.1 The power pursuant to Section 223LDA of the Act to:<br><br>53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and<br><br>53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with. | | CEO |
| 277726 | 54. Consent to plans of division<br><br>54.1 The power pursuant to Section 223LH(1) of the Act:<br><br>54.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan; | | CEO |

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| | 54.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;<br><br>54.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan. | | |
| 277727 | 54. Consent to plans of division<br><br>54.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan. | | CEO |
| 277728 | 55. Amalgamation<br><br>55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment. | | CEO |
| 277729 | 55. Amalgamation<br><br>55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation. | | CEO |

## 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

| **Road Traffic Act 1961** | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279369 | 1. Installation etc of traffic control devices – general provision<br><br>1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road. | | CEO |
| 279370 | 1. Installation etc of traffic control devices – general provision<br><br>1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed. | | CEO |
| 279371 | Installation etc of traffic control devices – general provision<br><br>1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:<br><br>1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or<br><br>1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or<br><br>1.3.3 for any temporary purposes. | | CEO |
| 279372 | 1. Installation etc of traffic control devices – general provision<br><br>1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations. | | CEO |

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| 279351 | 2. Direction as to installation etc of traffic control devices<br><br>2.1 The duty pursuant to Section 18(5) of the the Act to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction. | | CEO |
| 279352 | 2. Direction as to installation etc of traffic control devices<br><br>2.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act. | | CEO |
| 279373 | 3. Work areas and work sites<br><br>3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate. | | CEO |
| 279374 | 3. Work areas and work sites<br><br>3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:<br><br>3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or<br><br>3.2.2 if:<br><br>3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and<br><br>3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and<br><br>3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and<br><br>3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or<br><br>3.2.3 if:<br><br>3.2.3.1 the signs will not relate to any prescribed roads; and | | CEO |

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| | 3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act. | | |
| 279375 | 3. Work areas and work sites<br><br>3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations. | | CEO |
| 279376 | 3. Work areas and work sites<br><br>3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:<br><br>3.4.1 by telephone or any other manner prescribed by the regulations; and<br><br>3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application). | | CEO |
| 279377 | 4. Appeal to District Court<br><br>4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision. | | CEO |
| 279353 | 5. Action to deal with false devices or hazards to traffic<br><br>5.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic. | | CEO, GITL, GM-CG, GM-CI, MED&C |
| 279368 | 6. Road Closing and Exemptions for Certain Events<br><br>6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area. | | CEO |

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| 279354 | 7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed<br><br>7.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction. | | CEO |
| 279355 | 7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed<br><br>7.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit. | | CEO |
| 279356 | 7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed<br><br>7.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:<br><br>7.3.1 firstly, in payment of the costs of and incidental to the sale;<br><br>7.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and<br><br>7.3.3 thirdly, in payment of the balance to the owner of the vehicle. | | CEO |
| 279357 | 7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed<br><br>7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council. | | CEO |
| 279367 | 8. Council May Determine That Ticket for Parking be Obtained Without Fee<br><br>8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):<br><br>8.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or<br><br>8.1.2 vary or revoke a determination made under Section 86 of the Act. | | CEO |

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| 279358 | 9. Compensation Orders for Damage to Road Infrastructure<br><br>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. | | CEO |
| 279359 | 10. Assessment of Compensation<br><br>10.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:<br><br>10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and<br><br>10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and<br><br>10.1.3 any other certificate of the Council as the road authority, such as a certificate:<br><br>10.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or<br><br>10.1.3.2 estimating the cost of remedying the damage; or<br><br>10.1.3.3 estimating the extent of the offender's contribution to the damage. | | CEO, GM-CG, GM-CI |
| 279360 | 11. Service of Certificates<br><br>11.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing. | | CEO, GM-CG, GM-CI |
| 279361 | 12. Exemptions<br><br>12.1 The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption. | | CEO, GM-CI |

| Road Traffic (Miscellaneous) Regulations 2014 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279362 | 13. Event Management Plan<br>13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act. | | CEO, GM-CG, GM-CI |
| 279363 | 13. Event Management Plan<br>13.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act. | | CEO |
| **Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014** | | | |
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279364 | 14. Permit Zones<br>14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –<br>14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;<br>14.1.2 the persons entitled to such permits;<br>14.1.3 any fees to be paid for such permits;<br>14.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles).<br>and to vary any such determination. | | CEO, GM-CG, GM-CI |
| 279365 | 14. Permit Zones | | CEO, GM-CG, |

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| | 14.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate. | | GM-CI |
| 279366 | 15. Parking and Parking Ticket-Vending Machines or Parking Meters<br><br>15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of road or area, and the power to vary such fees. | | CEO |

## Instrument of Delegation under the Roads (Opening and Closing) Act 1991

| Roads (Opening and Closing) Act 1991 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279378 | 1. Commencement Of Road Process<br><br>1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council. | | CEO |
| 279379 | 2. Deposit of Preliminary Plan and Statement of Persons Affected<br><br>2.1 The duty pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared:<br><br>2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and<br><br>2.1.2 a statement in a form approved by the Surveyor-General containing -<br><br>2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and<br><br>2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General. | | CEO |
| 279380 | 2. Deposit of Preliminary Plan and Statement of Persons Affected<br><br>2.2 The duty pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee. | | CEO |
| 279381 | 3. Notification of Proposed Road Process<br><br>3.1 The duty pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to -<br><br>3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and | | CEO, GM-CBS |

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| | 3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry. | | |
| 279382 | 3. Notification of Proposed Road Process<br><br>3.2 The duty pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General. | | CEO, GM-CBS |
| 279383 | 4. Dealings in Land after Commencement of Road Process<br><br>4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council. | | CEO, GM-CBS |
| 279384 | 4. Dealings in Land after Commencement of Road Process<br><br>4.2 The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land. | | CEO, GM-CBS |
| 279385 | 5. Power to make Preliminary Agreements<br><br>5.1 The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land. | | CEO |
| 279386 | 5. Power to make Preliminary Agreements<br><br>5.2 The duty pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act -<br><br>5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person;<br><br>5.2.2 in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure. | | CEO |

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| 279387 | 6. Meeting to Consider Objection or Application<br><br>6.1 The duty pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications. | | CEO, GM-CBS |
| 279388 | 7. Making of Road Process Order<br><br>7.1 The duty pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process -<br><br>7.1.1 make a road process order in relation to all or part of the land to which the proposed road process relates; or<br><br>7.1.2 determine that no road process order is to be made. | | CEO |
| 279389 | 7. Making of Road Process Order<br><br>7.2 The duty pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;<br><br>7.2.1 to the Surveyor General; and<br><br>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and<br><br>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened. | | CEO, GM-CBS |
| 279390 | 7. Making of Road Process Order<br><br>7.3 The duty pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to -<br><br>7.3.1 any objections made by any person pursuant to the Act; and<br><br>7.3.2 the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and<br><br>7.3.3 whether the land subject to the road process is reasonably required as a road for public use in view of present and likely | | CEO |

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| | future needs in the area; and<br><br>7.3.4 alternative uses of the land subject to the road process that would benefit the public or a section of the public; and<br><br>7.3.5 any other matter that the Delegate considers relevant. | | |
| 279391 | 7. Making of Road Process Order<br><br>7.4 The duty pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:<br><br>7.4.1 if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;<br><br>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;<br><br>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;<br><br>7.4.4 if land subject to the road closure is required by the Council for some purpose - in order that the land be retained by the Council and the Certificate of Title be issued to the Council;<br><br>7.4.5 an order that land subject to the road closure -<br><br>7.4.5.1 be added to adjoining land that is dedicated under the Crown Lands Act 1929; or<br><br>7.4.5.2 be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or<br><br>7.4.5.3 be vested in the Crown. | | CEO |
| 279392 | 7. Making of Road Process Order<br><br>7.5 The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure. | | CEO |
| 279393 | 7. Making of Road Process Order<br><br>7.6 The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the | | CEO |

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| | granting of the easement in favour of that person. | | |
| 279394 | 7. Making of Road Process Order<br><br>7.7 The duty pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;<br><br>7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and<br><br>7.7.2 In addition, in the case of an order for a road opening -<br><br>7.7.2.1 give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be<br><br>opened; and<br><br>7.7.2.2 if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 - give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and<br><br>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council. | | CEO, GM-CBS |
| 279395 | 7. Making of Road Process Order<br><br>7.8 The duty pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General -<br><br>7.8.1 2 copies of the order; and<br><br>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and<br><br>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp duty payable in respect of the agreement; and<br><br>7.8.4 in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and<br><br>7.8.5 any other document required by the Surveyor-General; and<br><br>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister. | | CEO, GM-CBS |

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| 279396 | 7. Making of Road Process Order<br><br>7.9 The duty pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact -<br><br>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and<br><br>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened. | | CEO, GM-CBS |
| 279397 | 8. Review and Confirmation of Road Process Order<br><br>8.1 The duty pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act. | | CEO, GM-CBS |
| 279398 | 8. Review and Confirmation of Road Process Order<br><br>8.2 The duty pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -<br><br>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and<br><br>8.2.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened. | | CEO, GM-CBS |
| 279399 | 9. Compensation<br><br>9.1 The duty pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -<br><br>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and<br><br>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components. | | CEO, GM-CBS |

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| 279400 | 10. Acquisition of Additional Land under Land Acquisition Act<br><br>10.1 The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -<br><br>10.1.1 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and<br><br>10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road. | | CEO |
| 279401 | 10. Acquisition of Additional Land under Land Acquisition Act<br><br>10.2 The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening. | | CEO |
| 279402 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.1 The power pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act. | | CEO |
| 279403 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by -<br><br>10A.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor General; and<br><br>10A.2.2 such other information as may be required by the Regulations. | | CEO |
| 279404 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, - | | CEO |

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| | 10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and<br><br>10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and<br><br>10A.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter). | | |
| 279405 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act -<br><br>10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and<br><br>10A.4.2 any response that the Council wishes to make in relation to those representations. | | CEO |
| 279406 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister. | | CEO |
| 279407 | 10A. Roads Associated with Adelaide Park Lands<br><br>10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General. | | CEO |
| 279408 | 11. Duty to Fence<br><br>11.1 The duty pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land. | | CEO, GM-CBS |

## Instrument of Delegation under the Safe Drinking Water Act 2011

| Safe Drinking Water Act 2011 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279409 | 5. Drinking water providers to be registered<br><br>(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister. | | CEO |
| 279410 | 8. Conditions of registration<br><br>(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject. | | CEO |
| 279411 | 9. Suspension of registration<br><br>(5) The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).<br><br>(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.<br><br>(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension. | | CEO |
| 279412 | 10. Appeals<br><br>(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of:<br><br>(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;<br><br>(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or<br><br>(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or | | CEO |

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| | (d) a decision of the Minister to suspend a registration under Part 2 of the Act. | | |
| 279413 | 12. Drinking water providers to prepare, implement and review risk management plans<br>(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:<br>(a) prepare a risk management plan in relation to the supply of drinking water to the public; and<br>(b) keep the plan under continuous review with a view to updating and improving it; and<br>(c) revise any aspect of the plan that is found, on review, to need revision.<br>(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act. | | CEO |
| 279414 | 14. Related matters<br>(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol. | | CEO |
| 279424 | 14. Related matters<br>(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act. | | CEO |
| 279425 | 14. Related matters<br>(4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013. | | CEO |
| 279415 | 34. Appointment of authorised officers<br>(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of | | CEO |

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| | an authorised officer.<br><br>(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council. | | |
| 279416 | 35. Certificates of authority<br><br>(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.<br><br>(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority. | | CEO |
| 279417 | 37. Seizure orders<br><br>(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:<br><br>(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or<br><br>(ii) order that the thing seized be forfeited to the Council;<br><br>(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs. | | CEO |
| 279423 | 38. Notices<br><br>(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:<br><br>(a) securing compliance with a requirement imposed by or under the Act; or<br><br>(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.<br><br>(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279418 | 39. Action or non-compliance with a notice<br><br>(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not | | CEO |

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| | complied with, to take any action required by the notice.<br><br>(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.<br><br>(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.<br><br>(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | | |
| 279419 | 40. Action in emergency situations<br><br>(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction. | | CEO |
| 279420 | 41. Specific power to require information<br><br>(1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279421 | 42. Appeals<br><br>(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act. | | CEO |
| 279422 | 52. Annual reports by enforcement agencies<br><br>(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June. | | CEO |

## Instrument of Delegation under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General)

| South Australian Public Health (Fees) Regulations 2018 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279518 | 35. Refund and Recovery of Fees<br><br>35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances. | | CEO |
| 279519 | 35. Refund and Recovery of Fees<br><br>35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council. | | CEO |
| **South Australian Public Health Act 2011** | | | |
| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279426 | 1. Power to Require Reports<br><br>1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act. | | CEO |
| 279427 | 1. Power to Require Reports<br><br>1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils. | | CEO |

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| 279428 | 1. Power to Require Reports<br>1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister. | | CEO |
| 279429 | 2. Risk of Avoidable Mortality or Morbidity<br>2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time. | | CEO |
| 279430 | 2. Risk of Avoidable Mortality or Morbidity<br>2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:<br>2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and<br>2.2.2 any plans that the Council may have that may be relevant in the circumstances; and<br>2.3 any steps that the Council is willing to take in the circumstances; and<br>2.4 any other matter relating to the Council that appears to be relevant. | | CEO |
| 279431 | 3. Cooperation Between Councils<br>3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils | | CEO |
| 279432 | 3. Cooperation Between Councils<br>3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils. | | CEO |
| 279433 | 3. Cooperation Between Councils<br>3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request. | | CEO |

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| 279434 | 4. Power of Chief Public Health Officer to Act<br><br>4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer. | | CEO |
| 279435 | 5. Council Failing to Perform a Function Under Act<br><br>5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act. | | CEO |
| 279436 | 5. Council Failing to Perform a Function Under Act<br><br>5.2 The power pursuant to Section 41(6) of the Act to:<br><br>5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and<br><br>5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and<br><br>5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister. | | CEO |
| 279437 | 6. Transfer of Function of Council at Request of Council<br><br>6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer. | | CEO |
| 279438 | 6. Transfer of Function of Council at Request of Council<br><br>6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act. | | CEO |
| 279439 | 6. Transfer of Function of Council at Request of Council<br><br>6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act. | | CEO |
| 279445 | 6. Transfer of Function of Council at Request of Council<br><br>6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or | | CEO |

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| | revoking a notice under Section 42 of the Act. | | |
| 279446 | 7. Local Authorised Officers<br>7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer. | | CEO |
| 279447 | 7. Local Authorised Officers<br>7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit. | | CEO |
| 279448 | 7. Local Authorised Officers<br>7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer. | | CEO |
| 279449 | 7. Local Authorised Officers<br>7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time. | | CEO |
| 279450 | 7. Local Authorised Officers<br>7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:<br>7.5.1 makes an appointment under Section 44 of the Act; or<br>7.5.2 revokes an appointment under Section 44 of the Act. | | CEO |
| 279451 | 7. Local Authorised Officers<br>7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act. | | CEO |
| 279452 | 8. Identity Cards<br>8.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised | | CEO |

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| | officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:<br>8.1.1 containing the person's name and a photograph of the person; and<br>8.1.2 stating that the person is an authorised officer for the purposes of the Act; and<br>8.1.3 setting out the name or office of the issuing authority. | | |
| 279440 | 9. Specific Power to Require Information<br>9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act. | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279453 | 10. Regional Public Health Plans<br>10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan). | | CEO |
| 279454 | 10. Regional Public Health Plans<br>10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time. | | CEO |
| 279455 | 10. Regional Public Health Plans<br>10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:<br>10.3.1 prepare a draft of the proposal; and<br>10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:<br>10.3.2.1 give a copy of it to:<br>(a) the Minister; and<br>(b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and<br>(c) any relevant public health partner authority under Section 51(23); and | | CEO |

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| | (d) any other body or group prescribed by the regulations; and<br>10.3.2.2 take steps to consult with the public. | | |
| 279456 | 10. Regional Public Health Plans<br>10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11). | | CEO |
| 279457 | 10. Regional Public Health Plans<br>10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation. | | CEO |
| 279458 | 10. Regional Public Health Plans<br>10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14). | | CEO |
| 279459 | 10. Regional Public Health Plans<br>10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration. | | CEO |
| 279460 | 10. Regional Public Health Plans<br>10.8 The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act). | | CEO |
| 279461 | 10. Regional Public Health Plans<br>10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan. | | CEO |
| 279462 | 10. Regional Public Health Plans | | CEO |

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| | 10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years. | | |
| 279463 | 10. Regional Public Health Plans<br><br>10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan. | | CEO |
| 279464 | 10. Regional Public Health Plans<br><br>10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change. | | CEO |
| 279465 | 11. Reporting on Regional Public Health Plans<br><br>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act. | | CEO |
| 279441 | 12. Action to Prevent Spread of Infection<br><br>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action. | | CEO |
| 279442 | 12. Action to Prevent Spread of Infection<br><br>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease. | | CEO |
| 279466 | 13. Notices<br><br>13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue | | AO - GA, CEO, EHO1, EHO2, GM- |

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| | a notice for the purpose of:<br><br>13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or<br><br>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health. | | CG, GM-CW |
| 279467 | 13. Notices<br><br>13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:<br><br>13.2.1 have regard to:<br><br>13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;<br><br>13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;<br><br>13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,<br><br>and such other matters as the Delegate thinks fit; and<br><br>13.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:<br><br>13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and<br><br>13.2.2.2 stating the reasons for the proposed action; and<br><br>13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council). | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279468 | 13. Notices<br><br>13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council. | | CEO |
| 279469 | 13. Notices<br><br>13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act: | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |

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| | 13.4.1 issue a notice in accordance with the terms of the original proposal; or<br>13.4.2 issue a notice with modifications from the terms of the original proposal; or<br>13.4.3 determine not to proceed further under Section 92. | | |
| 279470 | 13. Notices<br>13.5 The power pursuant to Section 92(4) of the Act to:<br>13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and<br>13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act. | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279471 | 13. Notices<br>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:<br>13.6.1 in the form of a written notice served on the person to whom it is issued; and<br>13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and<br>13.6.3 directing 2 or more persons to do something specified in the notice jointly; and<br>13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:<br>13.6.4.1 is the owner or occupier of the premises; or<br>13.6.4.2 has the management or control of the premises; or<br>13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and<br>13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and<br>13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following: | | CEO |

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| | 13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;<br><br>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;<br><br>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;<br><br>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;<br><br>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;<br><br>13.6.6.6 a requirement that the person undertake specified tests or monitoring;<br><br>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;<br><br>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;<br><br>13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and<br><br>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act. | | |
| 279472 | 13. Notices<br><br>13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice. | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279473 | 13. Notices<br><br>13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act. | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279474 | 14. Action on Non-compliance with Notice<br><br>14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice. | | CEO |

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| 279475 | 14. Action on Non-compliance with Notice<br><br>14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act. | | CEO |
| 279476 | 14. Action on Non-compliance with Notice<br><br>14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice. | | CEO |
| 279477 | 14. Action on Non-compliance with Notice<br><br>14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person. | | CEO |
| 279478 | 15. Action in Emergency Situations<br><br>15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt. | | CEO |
| 279443 | 16. Reviews - Notices Relating to General Duty<br><br>16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council. | | CEO, GM-CG, GM-CW |
| 279444 | 16. Reviews - Notices Relating to General Duty<br><br>16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:<br><br>16.2.1 dismiss or determine any proceedings that appear:<br><br>16.2.1.1 to be frivolous or vexatious; or<br><br>16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;<br><br>16.2.2 bring any proceedings to an end that appear: | | CEO, GM-CG, GM-CW |

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| | 16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or<br><br>16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or<br><br>16.2.3 bring any proceedings to an end for any other reasonable cause. | | |
| 279479 | 17. Appeals<br><br>17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act. | | CEO |
| **South Australian Public Health (Legionella) Regulations 2013** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279480 | 18. Duty to Register High Risk Manufactured Water System<br><br>18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279481 | 18. Duty to Register High Risk Manufactured Water System<br><br>18.2 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279482 | 19. Register of High Risk Manufactured Water Systems<br><br>19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council. | | CEO, GM-CW |
| 279483 | 19. Register of High Risk Manufactured Water Systems<br><br>19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk | | AO - GA, CEO, EHO1, EHO2, GM- |

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| | manufactured water system on the register:<br>19.2.1 the type of water system; and<br>19.2.2 the address of the premises on which the water system is installed; and<br>19.2.3 the location of the water system on the premises; and<br>19.2.4 the full name and residential and business addresses of the owner of the premises; and<br>19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,<br>and such other information as the Delegate thinks fit. | | CW |
| 279484 | 19. Register of High Risk Manufactured Water Systems<br>19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:<br>19.3.1 requiring the owner, within the period specified in the notice:<br>19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and<br>19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:<br>(a) of at least 1 sample of water taken from a cooling water system; and<br>(b) of at least 2 samples of water taken from a warm water system,<br>to determine the presence and number of colony forming units of Legionella in the water; and | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279485 | 19. Register of High Risk Manufactured Water Systems<br>19.4 requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports. | | CEO |
| 279486 | 20. Power of Council to Require Microbiological Testing in Other Circumstances<br>20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:<br>20.1.1 the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk | | AO - GA, CEO, EHO1, EHO2, GM-CW |

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| | manufactured water system is installed; or<br><br>20.1.2 the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,<br><br>to give the owner of the premises written notice:<br><br>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and<br><br>20.1.4 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report. | | |
| 279487 | 21. Fees<br><br>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279512 | 21. Fees<br><br>21.2 Deliberately left blank. | | CEO |
| 279513 | 21. Fees<br><br>21.3 Deliberately left blank. | | CEO |
| **South Australian Public Health (Wastewater) Regulations 2013** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279488 | 22. Relevant Authority<br><br>22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other | | CEO |

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| | council. | | |
| 279489 | 23. Public Notification of Proposed Community Wastewater Management System<br><br>23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice. | | CEO |
| 279490 | 24. Connection to Community Wastewater Management System<br><br>24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:<br><br>24.1.1 to connect the system to the community wastewater management system; and<br><br>24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:<br><br>24.1.2.1 the connection; and<br><br>24.1.2.2 if necessary, consequential alterations to the on-site wastewater system. | | CEO |
| 279491 | 24. Connection to Community Wastewater Management System<br><br>24.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made. | | CEO, GM-CG, GM-CW |
| 279492 | 24. Connection to Community Wastewater Management System<br><br>24.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work). | | CEO |

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| 279493 | 24. Connection to Community Wastewater Management System<br><br>24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work. | | CEO |
| 279494 | 24. Connection to Community Wastewater Management System<br><br>24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice. | | CEO |
| 279495 | 25. Exemptions<br><br>25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice. | | CEO, GM-CG, GM-CW |
| 279496 | 25. Exemptions<br><br>25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption. | | CEO, GM-CG, GM-CW |
| 279497 | 26. Exemptions From Prescribed Codes<br><br>26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice. | | CEO, GM-CG, GM-CW |
| 279498 | 26. Exemptions From Prescribed Codes<br><br>26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption. | | CEO, GM-CG, GM-CW |
| 279499 | 27. Application<br><br>27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |

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| | the technical specifications submitted for approval. | | |
| 279500 | 28. Determination of Application<br><br>28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:<br><br>28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following:<br><br>28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;<br><br>28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or<br><br>28.1.2 for any other sufficient reason. | | AO - GA, CEO, EHO1, EHO2, GM-CG, GM-CW |
| 279501 | 28. Determination of Application<br><br>28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made. | | CEO |
| 279502 | 29. Conditions of Approval<br><br>29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:<br><br>29.1.1 any 1 or more of the following prescribed expiable conditions:<br><br>29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;<br><br>29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;<br><br>29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;<br><br>29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, | | AO - GA, CEO, EHO1, EHO2, GM-CW |

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| | or from, the wastewater system;<br><br>29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;<br><br>29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or<br><br>29.1.2 any other conditions including any 1 or more of the following:<br><br>29.1.2.1 a condition that requires decommissioning of the wastewater system:<br><br>(a) after a specified trial period; or<br><br>(b) in specified circumstances; or<br><br>(c) on written notice to the operator of the system;<br><br>29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;<br><br>29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;<br><br>29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);<br><br>29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;<br><br>29.1.2.6 a condition that otherwise specifies requirements relating to:<br><br>(a) the installation of the waste watersystem; or<br><br>(b) the decommissioning of the wastewater system; or<br><br>(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or<br><br>(d) the operation, servicing and maintenance of the wastewater system; or<br><br>(e) the reuse or disposal of wastewater from the wastewater system. | | |
| 279503 | 29. Conditions of Approval | | AO - GA, CEO, EHO1, EHO2, GM- |

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| | 29.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:<br><br>29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and<br><br>29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and<br><br>29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time. | | CW |
| 279504 | 29. Conditions of Approval<br><br>29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval. | | CEO, GM-CW |
| 279505 | 29. Conditions of Approval<br><br>29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:<br><br>29.4.1 the operator consents; or<br><br>29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm. | | CEO, GM-CW |
| 279506 | 30. Expiry of Approval<br><br>30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period. | | CEO, GM-CW |
| 279507 | 31. Registers of Wastewater Works Approvals<br><br>31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations. | | CEO, GM-CW |
| 279508 | 31. Registers of Wastewater Works Approvals<br><br>31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate. | | CEO, GM-CW |

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| 279509 | 32. Requirement to Obtain Expert Report<br><br>32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters. | | CEO, GM-CG, GM-CW |
| 279514 | 32. Requirement to Obtain Expert Report<br><br>32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt. | | CEO, GM-CG, GM-CW |
| 279510 | 32. Requirement to Obtain Expert Report<br><br>32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report. | | CEO |
| 279515 | 33. Fees<br><br>33.1 Deliberately left blank | | CEO |
| 279511 | 33. Fees<br><br>33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council. | | CEO |
| **South Australian Public Health (General) Regulations 2013** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279516 | 34. Non-compliance with Notices (Section 93(6) of Act)<br><br>34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the | | CEO |

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| | Registrar General:<br><br>34.1.1 setting out the amount recoverable under Section 93 of the Act; and<br><br>34.1.2 setting out the land in relation to which the relevant action was taken; and<br><br>34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land. | | |
| 279517 | 34. Non-compliance with Notices (Section 93(6) of Act)<br><br>34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar General) cancel the charge. | | CEO |

## SA Instrument of Delegation under the State Records Act 1997

| State Records Act 1997 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 278664 | 1. Surveys of Official Records and Record Management<br><br>1.1 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 |
| 278665 | 2. Voluntary Transfer to State Records' Custody<br><br>2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, deliver any of the Council's records into the custody of State Records. | | CEO |
| 278666 | 3. Mandatory Transfer to State Records' Custody<br><br>3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):<br><br>3.1.1 when the Council ceases to require access to the record for current administrative purposes; or<br><br>3.1.2 during the year occurring 15 years after the record came into existence,<br><br>whichever first occurs. | | CEO |
| 278667 | 3. Mandatory Transfer to State Records' Custody<br><br>3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:<br><br>3.2.1 in accordance with record management standards issued by the Manager; or<br><br>3.2.2 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. | | CEO |

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| 278668 | 3. Mandatory Transfer to State Records' Custody<br><br>3.3 The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed. | | CEO |
| 278669 | 3. Mandatory Transfer to State Records' Custody<br><br>3.4 The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked. | | CEO |
| 278670 | 4. Keeping of Official Records in Premises Other than State Records' Premises<br><br>4.1 The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require. | | CEO |
| 278671 | 5. Disposal of Official Records by Agency<br><br>5.1 The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council. | | CEO |
| 278672 | 5. Disposal of Official Records by Agency<br><br>5.2 The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records. | | CEO |
| 278673 | 5. Disposal of Official Records by Agency<br><br>5.3 The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter. | | CEO |
| 278674 | 6. Disposal of Official Records by Manager<br><br>6.1 The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act. | | CEO |
| 278675 | 7. Agency's Access to Records in Custody of State Records<br><br>7.1 The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate | | CEO |

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| | requires, official records in the custody of State Records for which the Council is responsible. | | |
| 278676 | 7. Agency's Access to Records in Custody of State Records<br><br>7.2 The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter. | | CEO |
| 278677 | 8. Public Access to Records in Custody of State Records<br><br>8.1 The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:<br><br>8.1.1 determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or<br><br>8.1.2 determine conditions excluding or restricting access to the record. | | CEO |

## Instrument of Delegation under the Strata Titles Act 1988

| Strata Titles Act 1988 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279520 | 1. Application for Amendment<br><br>1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment. | | CEO |
| 279521 | 1. Application for Amendment<br><br>1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment. | | CEO |
| 279522 | 1. Application for Amendment<br><br>1.3 The power pursuant to Section 12(3a) of the Act, where:<br><br>1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and<br><br>1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building,<br><br>to consent to the encroachment. | | CEO |
| 279523 | 1. Application for Amendment<br><br>1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation. | | CEO |
| 279524 | 2. Application May Deal with Statutory Encumbrances<br><br>2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or | | CEO |

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| | termination of the statutory encumbrance (if any) have been complied with. | | |
| 279531 | 2A. Amendment by Order of ERD Court<br>2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter. | | CEO |
| 279530 | 2A. Amendment by Order of ERD Court<br>2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court. | | CEO |
| 279525 | 3. Amalgamation of Adjacent Sites<br>3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation. | | CEO |
| 279558 | 3. Amalgamation of Adjacent Sites<br>The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units. | | CEO |
| 279526 | 4. Cancellation<br>4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation. | | CEO |
| 279527 | 4. Cancellation<br>4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property. | | CEO |
| 279532 | 4. Cancellation<br>4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan. | | CEO |
| 279533 | 4. Cancellation<br>4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter. | | CEO |

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| 279528 | 5. Application for Division<br><br>5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application. | | CEO |
| 279529 | 5. Application for Division<br><br>5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886. | | CEO |
| 279534 | 6. Articles of Strata Corporation<br><br>6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice. | | CEO |
| 279535 | 7. Certain Articles May be Struck Out by Court<br><br>7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act. | | CEO |
| 279536 | 8. Offences<br><br>8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money. | | CEO |
| 279537 | 8. Offences<br><br>8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:<br><br>8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and<br><br>8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee. | | CEO |
| 279538 | 9. Power to Enforce Duties of Maintenance and Repair | | CEO |

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| | 9.1 The power pursuant to Section 28(5) of the Act, where:<br>9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and<br>9.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,<br>to recover those costs from that other person as a debt. | | |
| 279539 | 10. Right of Unit Holders etc to Satisfy Themselves as to Insurance<br>10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation. | | CEO |
| 279540 | 11. Holding of General Meetings<br>11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting. | | CEO |
| 279541 | 11. Holding of General Meetings.<br>11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened. | | CEO |
| 279542 | 12. Voting at General Meetings<br>12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf. | | CEO |
| 279543 | 12. Voting at General Meetings.<br>12.2 The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting. | | CEO |
| 279544 | 13. Administrator of Strata Corporation's Affairs<br>13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata | | CEO |

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| | corporation, or remove or replace an administrator previously appointed. | | |
| 279545 | 14. Information to be Furnished<br>14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:<br>14.1.1 furnish:<br>14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);<br>14.1.1.2 particulars of the assets and liabilities of the corporation;<br>14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;<br>14.1.1.4 particulars in relation to any prescribed matter;<br>14.1.2 provide copies of:<br>14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;<br>14.1.2.2 the statement of accounts of the corporation last prepared by the corporation;<br>14.1.2.3 the articles for the time being in force;<br>14.1.2.4 current policies of insurance taken out by the corporation;<br>14.1.3 make available for inspection:<br>14.1.3.1 a copy of the accounting records of the corporation;<br>14.1.3.2 the minute books of the corporation;<br>14.1.3.3 any other prescribed documentary material;<br>14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;<br>14.1.5 make available for inspection the register maintained under Section 39A of the Act. | | CEO |
| 279546 | 14. Information to be Furnished<br>14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata | | CEO |

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| | corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation. | | |
| 279547 | 15. Persons Who May Apply for Relief<br>15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act. | | CEO |
| 279548 | 16. Resolution of Disputes, etc<br>16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court. | | CEO |
| 279549 | 16. Resolution of Disputes, etc<br>16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court. | | CEO |
| 279550 | 16. Resolution of Disputes, etc<br>16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court. | | CEO |
| 279551 | 16. Resolution of Disputes, etc<br>16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to:<br>16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or<br>16.4.2 state a question of law for the opinion of the Supreme Court. | | CEO |
| 279552 | 16. Resolution of Disputes, etc<br>16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter. | | CEO |
| 279553 | 17. Unit Holder’s Power of Entry<br>17.1 Where the Council is the unit holder of a unit (Unit A) and:<br>17.1.1 - | | CEO |

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| | 17.1.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or<br>17.1.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and<br>17.1.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,<br>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. | | |
| 279554 | 17. Unit Holder's Power of Entry<br>17.2 Where the Council is the unit holder of a unit (Unit A) and<br>17.2.1 -<br>17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or<br>17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and<br>17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,<br>the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose. | | CEO |
| 279555 | 18. Dealing with Part of Unit<br>18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:<br>18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or<br>18.1.2 where Section 44(2)(a) does not apply:<br>18.1.2.1 if the lease or licence is granted to another unit holder; or<br>18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation. | | CEO |
| 279556 | 19. Body Corporate May Act as Officer, etc<br>19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment. | | CEO |

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| 279557 | 20. Relief Where Unanimous Resolution Required<br><br>20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed. | | CEO |

## Subdelegation to the Chief Executive Officer under the Road Traffic Act 1961

| **Road Traffic Act 1961** | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279559 | POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS<br><br>2. The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:<br><br>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<br><br>2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument. | | CEO |

## Instrument of Delegation under the Supported Residential Facilities Act 1992

| Supported Residential Facilities Act 1992 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279560 | 1. Appointment of Authorised Officers<br>1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act; | | CEO |
| 279561 | 1. Appointment of Authorised Officers<br>1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and | | CEO |
| 279562 | 1. Appointment of Authorised Officers<br>1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer. | | CEO |
| 279563 | 2. Application for a Licence<br>2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information; | | CEO |
| 279564 | 2. Application for a Licence<br>2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration; | | CEO |
| 279565 | 2. Application for a Licence<br>2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have | | CEO |

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| | determined), to grant a licence; and | | |
| 279566 | 2. Application for a Licence<br><br>2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act. | | CEO |
| 279567 | 2. Application for a Licence<br><br>2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit; | | CEO |
| 279568 | 2. Application for a Licence<br><br>2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit; | | CEO |
| 279569 | 2. Application for a Licence<br><br>2.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit; | | CEO |
| 279570 | 2. Application for a Licence<br><br>2.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act. | | CEO |
| 279571 | 3. Renewal of Licence<br><br>3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee; | | CEO |
| 279572 | 3. Renewal of Licence<br><br>3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an | | CEO |

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| | application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act. | | |
| 279573 | 3. Renewal of Licence<br><br>3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled. | | CEO |
| 279574 | 4. Licence Conditions<br><br>4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act; | | CEO |
| 279575 | 4. Licence Conditions<br><br>4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:<br><br>4.2.1 if imposed at the time of grant or renewal of the licence - the duty to include them in the licence itself;<br><br>4.2.2 if imposed during the currency of the licence - the duty to impose them by notice in writing served on the holder of the licence;<br><br>4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence; | | CEO |
| 279576 | 4. Licence Conditions<br><br>4.3 Deliberately left blank | | CEO |
| 279577 | 5. Transfer of Licence<br><br>5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act. | | CEO |
| 279578 | 6. Cancellation of Licence<br><br>6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable; | | CEO |

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| 279579 | 6. Cancellation of Licence<br><br>6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action; | | CEO |
| 279580 | 6. Cancellation of Licence<br><br>6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and | | CEO |
| 279581 | 6. Cancellation of Licence<br><br>6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility. | | CEO |
| 279582 | 7. Review of Decision or Order<br><br>7.1 The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review. | | CEO |
| 279583 | 7. Review of Decision or Order<br><br>7.2 The power pursuant to Section 32(4) of the Act to:<br><br>7.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and<br><br>7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order. | | CEO |
| 279584 | 7. Review of Decision or Order<br><br>7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year. | | CEO |
| 279585 | 8. Appointment of Manager<br><br>8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of | | CEO |

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| | managing the facility under that person's personal supervision. | | |
| 279586 | 8. Appointment of Manager<br><br>8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision. | | CEO |
| 279587 | 9. Death of Licensee<br><br>9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate. | | CEO |
| 279588 | 10. Recision of Resident Contract by Proprietor<br><br>10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section. | | CEO |
| 279589 | 11. Disputes<br><br>11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act; | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279590 | 11. Disputes<br><br>11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration; | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279591 | 11. Disputes<br><br>11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application; | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279592 | 11. Disputes<br><br>11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter. | | AO - GA, CEO, EHO1, EHO2, GM-CW |

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| 279593 | 11. Disputes<br><br>11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act; | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279594 | 11. Disputes<br><br>11.6 The power, pursuant to Section 43(12) of the Act -<br><br>11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;<br><br>11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or<br><br>11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279595 | 11. Disputes<br><br>11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279596 | 12. Attendance by Health Service Providers etc.<br><br>12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47. | | CEO |
| 279597 | 13. Complaints<br><br>13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279598 | 13. Complaints<br><br>13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279599 | 13. Complaints | | AO - GA, CEO, EHO1, EHO2, |

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| | 13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint. | | GM-CW |
| 279600 | 13. Complaints<br>13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible. | | AO - GA, CEO, EHO1, EHO2, GM-CW |
| 279601 | 14. Regulations<br>14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -<br>14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and<br>14.1.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,<br>the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit. | | CEO |
| 279613 | 14. Regulations<br>14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:<br>14.2.1 revoke an exemption under Section 57(5);<br>14.2.2 vary or revoke a condition under Section 57(6). | | CEO |
| **Supported Residential Facilities Regulations 2009** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279602 | 15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made. | | CEO |
| 279603 | 16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises | | CEO |

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| | (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia. | | |
| 279604 | 17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations. | | CEO |
| 279605 | 18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility. | | CEO |
| 279606 | 19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services. | | CEO |
| 279607 | 20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility. | | CEO |
| 279608 | 21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility. | | CEO |
| 279609 | 22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations. | | CEO |
| 279610 | 23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts. | | CEO |
| 279611 | 24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility. | | CEO |
| 279612 | 25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council. | | CEO |

## Instrument of Delegation under the Unclaimed Goods Act 1987

| Unclaimed Goods Act 1987 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279614 | 1. Unclaimed Goods<br><br>1.1 The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279615 | 1. Unclaimed Goods<br><br>1.2 The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279616 | 1. Unclaimed Goods<br><br>1.3 The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -<br><br>1.3.1 states the address at which the goods are available for collection; and<br><br>1.3.2 contains a brief description of the goods; and<br><br>1.3.3 states the times at which, or the hours between which, the goods will be available for collection at that address; and<br><br>1.3.4 is made -<br><br>1.3.4.1 by post addressed to the last known address of the bailor; or<br><br>1.3.4.2 if the identity or whereabouts of the bailor is unknown - by notice in the prescribed form published in a newspaper circulating generally throughout the State. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| 279617 | 1. Unclaimed Goods<br><br>1.4 The duty pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279618 | 2. Sale or Disposal of Unclaimed Goods<br><br>2.1 The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date -<br><br>2.1.1 sell the goods; or<br><br>2.1.2 if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279619 | 2. Sale or Disposal of Unclaimed Goods<br><br>2.2 The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279620 | 2. Sale or Disposal of Unclaimed Goods<br><br>2.3 The duty pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to -<br><br>2.3.1 give notice of the application to the Commissioner of Police; and<br><br>2.3.2 give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279621 | 2. Sale or Disposal of Unclaimed Goods<br><br>2.4 The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to<br><br>2.4.1 sell the goods by public auction; and<br><br>2.4.2 give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale - | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | 2.4.2.1 to the Commissioner of Police; and<br><br>2.4.2.2 to the bailor. | | |
| 279622 | 2. Sale or Disposal of Unclaimed Goods<br><br>2.5 The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279623 | 3. Claim Made by Bailor After Commencement of Proceedings Under this Act<br><br>3.1 The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279624 | 3. Claim Made by Bailor After Commencement of Proceedings Under this Act<br><br>3.2 The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -<br><br>3.2.1 the reasonable costs incurred by the Council in proceeding under the Act;<br><br>3.2.2 the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;<br><br>3.2.3 the amount of any lien that the Council has over the goods. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279625 | 3. Claim Made by Bailor After Commencement of Proceedings Under this Act<br><br>3.3 The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279626 | 4. Proceeds of Sale<br><br>4.1 The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -<br><br>4.1.1 retain from those proceeds - | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | 4.1.1.1 the reasonable costs of the sale and of proceeding under the Act;<br>4.1.1.2 the reasonable costs of storing and maintaining the goods prior to sale;<br>4.1.1.3 the amount of any lien that the Council had over the goods; and<br>4.1.2 pay the balance to the Treasurer. | | |

## Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012

| Water Industry Act 2012 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279627 | 1. Water Planning<br>1.1 The power pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in relation to a proposal:<br>1.1.1 to create the State Water Demand and Supply Statement; or<br>1.1.2 to undertake a comprehensive review of the State Water Demand and Supply Statement,<br>to make written representations on the proposal to the Minister. | | CEO |
| 279628 | 2. Application for Licence<br>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. | | CEO |
| 279629 | 3. Licence fees and returns<br>3.1 The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:<br>3.1.1 in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and<br>3.1.2 in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require. | | CEO |
| 279630 | 4. Variation of Licence<br>4.1 The power pursuant to Section 28(2) of the Act to:<br>4.1.1 make application to the Commission to vary the terms or conditions of the Council's licence; | | CEO |

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| | 4.1.2 agree to the variation of the terms or conditions of the Council's licence;<br><br>4.1.3 make representations to the Commission about the proposed variation. | | |
| 279631 | 5. Transfer of Licence<br><br>5.1 The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.<br><br>5.2 The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council. | | CEO |
| 279632 | 6. Surrender of Licence<br><br>6.1 The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.<br><br>6.2 The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened. | | CEO |
| 279633 | 7. Suspension or cancellation of Licences<br><br>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. | | CEO |
| 279634 | 8. Standard terms and conditions for retail services<br><br>8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class. | | CEO |
| 279705 | 8. Standard terms and conditions for retail services<br><br>8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council. | | CEO |
| 279706 | 8. Standard terms and conditions for retail services<br><br>8.3 The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and | | CEO |

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| | conditions and advising where a person may read or obtain a copy of the standard terms and conditions. | | |
| 279707 | 8. Standard terms and conditions for retail services<br>8.4 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council. | | CEO |
| 279635 | 9. Customer hardship policies<br>9.1 The power pursuant to Section 37(3) of the Act to:<br>9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or<br>9.1.2 with the written approval of the Commission, adopt such a policy with modifications. | | CEO |
| 279636 | 10. Power to take over operations<br>10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made. | | CEO |
| 279637 | 11. Appointment of operator<br>The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator. | | CEO |
| 279638 | 12. Appointment of water industry officer<br>12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.<br>12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council. | | CEO |
| 279639 | 13. Conditions of appointment<br>13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.<br>13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office. | | CEO |
| 279640 | 14. Identity cards | | CEO |

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| | 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. | | |
| 279641 | 15. Power to enter land to conduct investigations<br>15.1 The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.<br>15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:<br>15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and<br>15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and<br>15.2.3 comply with the conditions of the authorisation. | | CEO |
| 279642 | 16. Power to carry out work on land<br>16.1 The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:<br>16.1.1 to construct, install, improve or add to any water/sewerage infrastructure; or<br>16.1.2 to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or<br>16.1.3 to lay pipes and install, operate or inspect pumps and other equipment; or<br>16.1.4 to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or<br>16.1.5 to obtain or enlarge a supply of water; or<br>16.1.6 to protect, improve or restore the quality of water; or<br>16.1.7 to protect any infrastructure or equipment connected with any water service or sewerage service; or<br>16.1.8 to perform any other function brought within the ambit of Section 45 of the Act by the regulations. | | CEO |
| 279717 | 16. Power to carry out work on land<br>16.2 The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under | | CEO |

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| | Section 45 of the Act, to:<br><br>16.2.1 give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and<br><br>16.2.2 secure the authority's agreement to the carrying out of the work; | | |
| 279718 | 16. Power to carry out work on land<br><br>16.3 The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work. | | CEO |
| 279719 | 16. Power to carry out work on land<br><br>16.4 The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest. | | CEO |
| 279720 | 16. Power to carry out work on land<br><br>16.5 The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister. | | CEO |
| 279721 | 16. Power to carry out work on land<br><br>16.6 The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute. | | CEO |

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| 279722 | 16. Power to carry out work on land<br><br>16.7 The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry. | | CEO |
| 279723 | 16. Power to carry out work on land<br><br>16.8 The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations. | | CEO |
| 279724 | 16. Power to carry out work on land<br><br>16.9 The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act. | | CEO |
| 279725 | 16. Power to carry out work on land<br><br>16.10 The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution. | | CEO |
| 279726 | 16. Power to carry out work on land<br><br>16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage. | | CEO |
| 279678 | 16. Power to carry out work on land<br><br>16.12 The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement. | | CEO |

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| 279643 | 17. Acquisition of land<br><br>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. | | CEO |
| 279644 | 18. Requirement to connect to infrastructure<br><br>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act. | | CEO |
| 279727 | 18. Requirement to connect to infrastructure<br><br>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure. | | CEO |
| 279728 | 18. Requirement to connect to infrastructure<br><br>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.3 The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice. | | CEO |
| 279729 | 18. Requirement to connect to infrastructure | | CEO |

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| | Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.4 The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act. | | |
| 279730 | 18. Requirement to connect to infrastructure<br><br>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.5 The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice. | | CEO |
| 279731 | 18. Requirement to connect to infrastructure<br><br>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).<br><br>18.6 The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act. | | CEO |
| 279645 | 19. Encroachments<br><br>19.1 The power pursuant to Section 49(1) of the Act to consent to a person:<br><br>19.1.1 constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or<br><br>19.1.2 creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or<br><br>19.1.3 obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or | | CEO |

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| | 19.1.4 excavating or altering any land or structure supporting any water/sewerage infrastructure. | | |
| 279708 | 19. Encroachments<br><br>19.2 The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:<br><br>19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and<br><br>19.2.2 as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act. | | CEO |
| 279709 | 19. Encroachments<br><br>19.3 The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land. | | CEO |
| 279710 | 19. Encroachments<br><br>19.4 The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice. | | CEO |
| 279711 | 19. Encroachments<br><br>19.5 The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice. | | CEO |
| 279716 | 19. Encroachments<br><br>19.6 The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act. | | CEO |
| 279646 | 20. Protection of infrastructure and equipment<br><br>20.1 The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in | | CEO |

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| | contravention of Section 50(1), to:<br>20.1.1 at any reasonable time, enter any land and carry out an inspection of any place; and<br>20.1.2 as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention. | | |
| 279732 | 20. Protection of infrastructure and equipment<br>20.2 The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land. | | CEO |
| 279733 | 20. Protection of infrastructure and equipment<br>20.3 The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act. | | CEO |
| 279734 | 20. Protection of infrastructure and equipment<br>20.4 The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:<br>20.4.1 on application to a court convicting the person of an offence against Section 50 of the Act; or<br>20.4.2 by action in a court of competent jurisdiction. | | CEO |
| 279647 | 21. Notice of work that may affect water/sewerage infrastructure<br>21.1 The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:<br>21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or | | CEO |

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| | 21.1.2 by action in a court of competent jurisdiction. | | |
| 279648 | 22. Duty to give notice before paving a road etc<br>22.1 The power pursuant to Section 52(1) of the Act, before the Council begins:<br>22.1.1 to first lay the pavement or hard surface in any road; or<br>22.1.2 to relay the pavement or hard surface in any road; or<br>22.1.3 to widen or extend the pavement or hard surface in any road; or<br>22.1.4 to alter the level of any road; or<br>22.1.5 to construct or alter any footpaths, gutters, kerbing or water tables in any road; or<br>22.1.6 to construct or alter any drainage work in any road,<br>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). | | CEO |
| 279735 | 22. Duty to give notice before paving a road etc.<br>22.2 The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure. | | CEO |
| 279736 | 22. Duty to give notice before paving a road etc<br>22.3 The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:<br>22.3.1 unless Section 52(3)(b) applies - half of the actual cost of the alteration or any damage caused by the work;<br>22.3.2 in prescribed circumstances - an amount determined under the regulations. | | CEO |

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| 279737 | 22. Duty to give notice before paving a road etc<br><br>22.4 The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work. | | CEO |
| 279649 | 23. Unlawful abstraction, removal or diversion of water or sewage<br><br>23.1 The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.<br><br>23.2 The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:<br><br>23.2.1 on application to a court convicting the person of an offence against this Section; or<br><br>23.2.2 by action in a court of competent jurisdiction. | | CEO |
| 279650 | 24. Water meters<br><br>24.1 The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to<br><br>24.1.1 allow a person authorised by the Council to enter land and fix a meter supplied by the Council;<br><br>24.1.2 ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.<br><br>24.2 The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.<br><br>24.3 The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.<br><br>24.4 The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.<br><br>24.5 The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.<br><br>24.6 The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the | | CEO |

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| | position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.<br><br>24.7 The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:<br><br>24.7.1 on application to a court convicting the person of an offence against this section; or<br><br>24.7.2 by action in a court of competent jurisdiction.<br><br>24.8 The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction. | | |
| 279651 | 25. Discharge of unauthorised material into water infrastructure<br><br>25.1 The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:<br><br>25.1.1 on application to a court convicting the person of an offence against this Section; or<br><br>25.1.2 by action in a court of competent jurisdiction. | | CEO |
| 279652 | 26. Discharge of unauthorised material into sewerage infrastructure<br><br>26.1 The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:<br><br>26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or<br><br>26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure. | | CEO |
| 279738 | 26. Discharge of unauthorised material into sewerage infrastructure<br><br>26.2 The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations. | | CEO |
| 279739 | 26. Discharge of unauthorised material into sewerage infrastructure | | CEO |

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| | 26.3 The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure. | | |
| 279740 | 26. Discharge of unauthorised material into sewerage infrastructure<br><br>26.4 The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time. | | CEO |
| 279741 | 26. Discharge of unauthorised material into sewerage infrastructure<br><br>26.5 The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act. | | CEO |
| 279653 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br><br>27.1 The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:<br><br>27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or<br><br>27.1.2 to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,<br><br>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. | | CEO |
| 279742 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br><br>27.2 The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:<br><br>27.2.1 install or construct in such locations as are specified in the notice;<br><br>27.2.2 connect to the infrastructure; | | CEO |

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| | 27.2.3 alter or replace;<br>27.2.4 maintain, repair or cleanse;<br>27.2.5 remove, block or disconnect,<br>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. | | |
| 279743 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br>27.3 The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land. | | CEO |
| 279744 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br>27.4 The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice. | | CEO |
| 279745 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br>27.5 The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf. | | CEO |
| 279746 | 27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure<br>27.6 The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice. | | CEO |
| 279654 | 28. Power to disconnect drains to restrict services<br>28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:<br>28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or | | CEO |

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| | 28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,<br><br>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. | | |
| 279747 | 28. Power to disconnect drains to restrict services<br><br>28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee. | | CEO |
| 279655 | 29. Power to restrict or discontinue water supply<br><br>29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:<br><br>29.1.1<br><br>29.1.1.1 that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or<br><br>29.1.1.2 that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or<br><br>29.1.1.3 that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and<br><br>29.1.2 that action under Section 59(1) of the Act is justified in the circumstances,<br><br>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.<br><br>29.2 The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:<br><br>29.2.1 lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);<br><br>29.2.2 prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;<br><br>29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;<br><br>29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used; | | CEO |

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| | 29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.<br><br>29.3 The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.<br><br>29.4 The power pursuant to Section 59(4) of the Act, to:<br><br>29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and<br><br>29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations. | | |
| 279656 | 30. Power to require the use of devices to reduce flow<br><br>30.1 The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.<br><br>30.2 The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:<br><br>30.2.1 to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and<br><br>30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.<br><br>30.3 The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.<br><br>30.4 The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice. | | CEO |
| 279657 | 31. Disconnection in an emergency<br><br>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 |

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| 279658 | 32. Responsibilities of water industry entity<br><br>32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:<br><br>32.1.1 prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and<br><br>32.1.2 obtain the approval of the Technical Regulator to the plan and any revision; and<br><br>32.1.3 comply with the plan as approved from time to time; and<br><br>32.1.4 audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator | | CEO |
| 279659 | 33. Responsibilities of Customers<br><br>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. | | CEO |
| 279660 | 34. Enforcement notices<br><br>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. | | CEO |
| 279661 | 35. Warning notices and assurances<br><br>35.1 The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.<br><br>35.2 The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention. | | CEO |
| 279662 | 36. Injunctions<br><br>36.1 The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.<br><br>36.2 The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds | | CEO |

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| | for the injunction exist. | | |
| 279663 | 37. Review of decisions by Commission or Technical Regulator<br><br>37.1 The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:<br><br>37.1.1 the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or<br><br>37.1.2 the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or<br><br>37.1.3 the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or<br><br>37.1.4 the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service. | | CEO |
| 279664 | 38. Appeals<br><br>38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:<br><br>38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;<br><br>38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act. | | CEO |
| 279679 | Third Party Access Regime<br><br>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.<br><br>38A. Information brochure<br><br>38A.1 The power pursuant to Section 86F(1) of the Act to determine:<br><br>38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and | | CEO |

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| 279680 | 38A. Information brochure<br>38A.1 The power pursuant to Section 86F(1) of the Act to determine:<br>38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and | | CEO |
| 279681 | 38A. Information brochure<br>38A.1 The power pursuant to Section 86F(1) of the Act to determine:<br>38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and | | CEO |
| 279682 | 38A. Information brochure<br>38A.1 The power pursuant to Section 86F(1) of the Act to determine:<br>38A.1.4 the standard access arrangement used by the Council. | | CEO |
| 279683 | 38B. Specific information to assist proponent to formulate proposal<br>38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access. | | CEO |
| 279684 | 38B. Specific information to assist proponent to formulate proposal<br>38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act. | | CEO |
| 279685 | 38C. Access proposal<br>38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal. | | CEO |
| 279686 | 38C. Access proposal<br>38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent | | CEO |

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| | a preliminary indication about,<br><br>38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and<br><br>38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms. | | |
| 279687 | 38C. Access proposal<br><br>38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:<br><br>38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and<br><br>38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and<br><br>38C.3.3 the general nature of the access proposal. | | CEO |
| 279688 | 38C. Access proposal<br><br>38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent. | | CEO |
| 279689 | 38D. Duty to negotiate in good faith<br><br>38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent. | | CEO |
| 279690 | 38E. Existence of Dispute<br><br>38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator. | | CEO |
| 279691 | 38F. Power to refer dispute to arbitration<br><br>38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator. | | CEO |
| 279692 | 38G. Confidentiality of information | | CEO |

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| | 38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material. | | |
| 279693 | 38H. Formal requirements related to awards<br><br>38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award. | | CEO |
| 279694 | 38I. Consent awards<br><br>38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award. | | CEO |
| 279695 | 38J. Termination of variation of award<br><br>38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award. | | CEO |
| 279696 | 38J. Termination of variation of award<br><br>38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award. | | CEO |
| 279697 | 38K. Appeal on question of law<br><br>38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law. | | CEO |
| 279698 | 38L. Injunctive remedies<br><br>38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act. | | CEO |
| 279699 | 38L. Injunctive remedies<br><br>38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction. | | CEO |
| 279700 | 38L. Injunctive remedies<br><br>38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction. | | CEO |

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| 279701 | 38M. Compensation<br><br>38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention. | | CEO |
| 279702 | 38N. Confidential information<br><br>38N.1 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. | | CEO |
| 279703 | 38O. Access by agreement<br><br>38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties. | | CEO |
| 279704 | 38P. Review of Part<br><br>38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review. | | CEO |
| 279665 | 39. Water conservation measures<br><br>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. | | CEO |
| **Water Industry Regulations 2012** | | | |
| **#** | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279666 | 40. Information as to amounts already paid for retail services etc<br><br>40.1 The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.<br><br>40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.<br><br>40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the | | CEO |

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| | provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations. | | |
| 279667 | 41. Certificate as to encumbrance<br><br>41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council. | | CEO |
| 279668 | 42. Protection of infrastructure - planting of trees etc on public land<br><br>42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.<br><br>42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure. | | CEO |
| 279669 | 43. Protection of infrastructure - action in relation to trees and shrubs<br><br>43.1 The power pursuant to Regulation 14(1) of the Regulations, if:<br><br>43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or<br><br>43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,<br><br>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. | | CEO |
| 279712 | 43. Protection of infrastructure - action in relation to trees and shrubs<br><br>43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action. | | CEO |
| 279713 | 43. Protection of infrastructure - action in relation to trees and shrubs<br><br>43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served. | | CEO |

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| 279670 | 44. Protection of infrastructure - damage caused by trees or shrubs<br><br>44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:<br><br>44.1.1 the owner for the time being of the land on which the tree or shrub is, or was, situated; or<br><br>44.1.2 in the case of land under the care, control or management of a Council - that Council. | | CEO |
| 279671 | 45. Access to sewerage infrastructure<br><br>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. | | CEO |
| 279672 | 46. Power to restrict or discontinue water supply<br><br>46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:<br><br>46.1.1 obtain the approval of the prescribed authority before acting; and<br><br>46.1.2 notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):<br><br>46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) - in the Gazette; and<br><br>46.1.2.2 in all cases:<br><br>(a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and<br><br>(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<br><br>(c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power. | | CEO |
| 279673 | 47. Notices under Section 59 - Permits<br><br>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. | | CEO |

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| 279674 | 48. Fittings etc to be flush with road surface<br><br>48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.<br><br>48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.<br><br>48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person. | | CEO |
| 279675 | 49. Pipes must not lie across allotment boundaries<br><br>49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure. | | CEO |
| 279714 | 49. Pipes must not lie across allotment boundaries<br><br>49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice. | | CEO |
| 279715 | 49. Pipes must not lie across allotment boundaries<br><br>49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work. | | CEO |
| 279676 | 50. Water meters - estimates<br><br>50.1 The power pursuant to Regulation 36 of the Regulations if:<br><br>50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and | | CEO |

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| | 50.1.2 a code or rules made under the Essential Services Commission Act 2002 relating to the provision of retail services to customers does not apply to that supply of water,<br><br>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. | | |
| 279677 | 51. Charge where land not connected or service to land reduced or discontinued<br><br>51.1 The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:<br><br>51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or<br><br>51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued. | | CEO |

## Instrument of Delegation under the Work Health and Safety Act 2012

| Work Health and Safety Act 2012 | | | |
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| # | **Item Delegated** | **Conditions and Limitations** | **Delegate** |
| 279748 | 51. Determination of work groups<br><br>(1) The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers. | | CEO |
| 279749 | 52. Negotiations for agreement for work group<br><br>(1) The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives. | | CEO |
| 279750 | 52. Negotiations for agreement for work group<br><br>(4) The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act. | | CEO |
| 279751 | 54. Failure of negotiations<br><br>(1) The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act. | | CEO |
| 279752 | 55. Determination of work groups of multiple businesses<br><br>(2) The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers. | | CEO |
| 279753 | 55. Determination of work groups of multiple businesses<br><br>(3) The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work | | CEO |

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| | group or groups, at any time, negotiate a variation of the agreement. | | |
| 279754 | 56. Negotiation of agreement for work groups of multiple businesses<br><br>(3) The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter. | | CEO |
| 279755 | 58. Withdrawal from negotiations or agreement involving multiple businesses<br><br>(1) The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties. | | CEO |
| 279756 | 58. Withdrawal from negotiations or agreement involving multiple businesses<br><br>(2) The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act. | | CEO |
| 279757 | 65. Disqualification of health and safety representatives<br><br>(1) The power pursuant to Section 65(1) of the Act, to make an application to SAET to disqualify a health and safety representative on the ground that the representative has:<br><br>(a) exercised a power or performed a function as a health and safety representative for an improper purpose; or<br><br>(b) used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,<br><br>where the Council is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act. | | CEO |
| 279758 | 70. General obligations of person conducting business or undertaking<br><br>(1) The power pursuant to Section 70(1) of the Act, to<br><br>(a) consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | for a work group of workers carrying out work for the Council; and<br><br>(b) confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and<br><br>(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:<br><br>(i) hazards (including associated risks) at the workplace affecting workers in the work group; and<br><br>(ii) the health and safety of the workers in the work group; and<br><br>(d) with the consent of a worker that the health and safety representative represents, allow the health and safety<br><br>representative to be present at an interview concerning work health and safety between the worker and:<br><br>(i) an inspector; or<br><br>(ii) the Council or the Council's representative; and<br><br>(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:<br><br>(i) an inspector; or<br><br>(ii) the Council or the Council's representative; and<br><br>(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.<br><br>(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and<br><br>(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and<br><br>(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations. | | |
| 279759 | 71. Exceptions for obligations under Section 70(1)<br><br>(5) The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |

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| | person assisting a health and safety representative for a work group. | | |
| 279760 | 72. Obligation to train health and safety representatives<br>(1) The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative. | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279774 | 72. Obligation to train health and safety representatives<br>(3) The power pursuant to Section 72(3) of the Act to:<br>(a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and | | CEO, GM-CBS, GM-CG, GM-CI, GM-CW |
| 279775 | 72. Obligation to train health and safety representatives<br>(3) The power pursuant to Section 72(3) of the Act to:<br>(b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training. | | CEO |
| 279776 | 72. Obligation to train health and safety representatives<br>(6) The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter. | | CEO |
| 279761 | 73. Obligation to share costs if multiple businesses or undertakings<br>(1) The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:<br>(a) the costs of the representative exercising powers and performing functions under the Act; and<br>(b) the costs referred to in Section 72(3)(b) of the Act,<br>for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally. | | CEO |

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| | (2) The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings. | | |
| 279762 | 75. Health and safety committees<br><br>(2) The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace. | | CEO |
| 279763 | 76. Constitution of committee<br><br>(1) The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.<br><br>(5) The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter. | | CEO |
| 279764 | 82. Referral of issue to regulator for resolution by inspector<br><br>(2) The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue. | | CEO |
| 279765 | 87. Alternative work<br><br>The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties. | | CEO |
| 279766 | 89. Request to regulator to appoint inspector to assist<br><br>The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work. | | CEO |
| 279767 | 100. Request for review of provisional improvement notice<br><br>(1) The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice. | | CEO |

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| 279768 | 141. Application for assistance of inspector to resolve dispute<br><br>The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute. | | CEO |
| 279769 | 142. Authorising authority may deal with a dispute about a right of entry under this Act<br><br>(4) The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council. | | CEO |
| 279770 | 180. Return of seized things<br><br>(1) The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized. | | CEO |
| 279771 | 181. Access to seized things<br><br>(1) The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times. | | CEO |
| 279772 | 224. Application for internal review<br><br>(1) The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:<br><br>(a) the prescribed time after the day on which the decision first came to the Council's notice; or<br><br>(b) such longer period as the regulator allows. | | CEO |
| 279773 | 229. Application for external review<br><br>(1) The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014, in accordance with Section 229(2) of the Act, for a review of:<br><br>(a) a reviewable decision made by the regulator; or<br><br>(b) a decision made, or taken to have been made, on an internal review. | | CEO |