



## **AGENDA**

**FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD  
ON**

**21 MAY 2018 AT THE CONCLUSION OF THE BUDGET AND FINANCE  
COMMITTEE**

**IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

### **MEMBERS**

Cr S Bedford (Chairman)  
Mayor G Aldridge (ex officio)  
Cr D Balaza  
Cr B Brug  
Cr D Bryant  
Cr L Caruso  
Cr R Cook (Deputy Chairman)  
Cr D Pilkington  
Cr D Proleta

### **REQUIRED STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Mr M Petrovski  
Manager Communications and Customer Relations, Mr M Bennington

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 16 April 2018.

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**REPORTS**

*Administration*

3.0.1 Future Reports for the Resources and Governance Committee ..... 9

*Health, Animal Management and By-laws*

3.3.1 Immunisation Services - Review of Clinics ..... 13

*Corporate Governance*

3.6.1 Review of Compliments, Comments and Complaints Handling Procedure ..... 19

3.6.2 Review of Prudential Management Policy ..... 27

3.6.3 Review of Temporary Road Closures Policy ..... 35

3.6.4 Variations to Delegations ..... 39

**OTHER BUSINESS**

**CLOSE**



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

**16 APRIL 2018**

**MEMBERS PRESENT**

Cr S Bedford (Chairman)  
Mayor G Aldridge (ex officio) (*from 8:57 pm*)  
Cr D Balaza  
Cr B Brug  
Cr L Caruso  
Cr D Pilkington  
Cr D Proleta

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Mr M Petrovski  
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 8:56 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

**APOLOGIES**

Apologies were received from Cr D Bryant and Cr R Cook.

**LEAVE OF ABSENCE**

Nil

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## PRESENTATION OF MINUTES

Moved Cr L Caruso  
Seconded Cr B Brug

The Minutes of the Resources and Governance Committee Meeting held on 19 March 2018, be taken and read as confirmed.

**CARRIED**

*Mayor G Aldridge entered the meeting at 8:57 pm.*

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr L Caruso  
Seconded Cr B Brug

1. The information be received.

**CARRIED**

#### **3.0.2 Proposed changes to Council agendas**

Moved Cr L Caruso  
Seconded Mayor G Aldridge

That the the order of business listed for consideration on Council's agendas for all future meetings, as proposed in Attachment 1 to this report (Resources and Governance, 16/04/2018, Item No. 3.0.2) be adopted.

**CARRIED**



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*Health, Animal Management and By-laws*

**3.3.1 Parking Technology Trials**

*Cr D Balaza declared a perceived conflict of interest on the basis of being a member of the Salisbury Business Association. Cr Balaza managed the conflict by remaining in the meeting and voting in the best interests of the community.*

Moved Cr B Brug  
Seconded Cr D Balaza

1. The information be received.
2. An in ground parking sensor trial for a period of 12 months be endorsed for the Mawson Lakes area on Euston Walk, Metro Parade and other streets adjacent to the Mawson Lakes interchange (or other suitable areas as identified), for 50 in-ground sensors.
3. A Licence Plate Recognition trial for a period of 6 months (up to 2 days per week) be endorsed for the Salisbury Town Centre Precinct to include monitoring of Council car parks and on street parking.
4. The Chief Executive officer be authorised to engage an appropriate firm(s) to implement the trials, within Council's normal procurement processes, with funding for the trials to be sourced from the Carparking Reserve Fund.
5. A further report presenting the outcomes of the trials be presented to Council at the conclusion of the trials.

**CARRIED**

*The majority of members present voted IN FAVOUR of the MOTION  
Cr D Balaza voted IN FAVOUR of the MOTION*

*Corporate Governance*

**3.6.1 Disposal of Assets other than Land Policy**

Moved Cr D Pilkington  
Seconded Cr L Caruso

1. The information be received
2. The Disposal of Assets other than Land Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 16/04/2018), be endorsed.

**CARRIED**

### 3.6.2 Variations to Delegations

Moved Mayor G Aldridge  
Seconded Cr B Brug

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 29 April 2018 of those powers and functions under the following:
  - 1.1 *Expiation of Offences Act 1996*
    - Sections 8A(4), 9(2), 9(12), 11(1), 11A(1), 12, 13(1), 13(4), 16(6), 16(11), and 18 – Shaded areas of Attachment 2.
  2. In exercise of the powers contained in Section 44 of the Local Government Act 1999, the powers and functions under the following Acts and contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2 and 3, Item No. 3.6.2, Resources and Governance Committee, 16/04/2018) are hereby delegated from 30 April 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation under the *Expiation of Offences Act 1996* and the *Fines Enforcement and Debt Recovery Act 2017* as follows:
    - 2.1 *Expiation of Offences Act 1996*
      - 8A(4), 8A(6a), 11(1), 11A(1), 12, 16(1), 16(6), 16(11), and 18 – Shaded areas of Attachment 2.
    - 2.2 *Fines Enforcement and Debt Recovery Act 2017*
      - Entire Instrument of Delegation – Attachment 3
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Expiation of Offences Act 1996* and the *Fines Enforcement and Debt Recovery Act 2017*.

**CARRIED**

**3.6.3 Media Policy Review**

*Cr D Balaza declared a perceived conflict of interest on the basis of his employment. Cr Balaza managed the conflict by remaining in the meeting and voting in the best interests of the community.*

Moved Cr B Brug  
 Seconded Mayor G Aldridge

1. The Media Policy, as set out at Attachment 2 to this report (Item No. 3.6.3, Resources and Governance Committee, 16/04/2018) be deferred to June 2018.

**CARRIED**

*The majority of members present voted IN FAVOUR of the MOTION  
 Cr D Balaza voted IN FAVOUR of the MOTION*

**3.6.4 Review of 'City of Salisbury Code of Practice for Meeting Procedures'**

Moved Mayor G Aldridge  
 Seconded Cr B Brug

1. The information be received.
2. The updated Code of Practice for Meeting Procedures (as set out in Attachment 1, Resources and Governance Committee, Item No. 3.6.4, 16/04/2018) be endorsed.

**CARRIED**

**3.6.5 Review of the Affordable Housing Policy for Council Owned Surplus Land**

Moved Cr B Brug  
 Seconded Mayor G Aldridge

1. That the report be noted.
2. That the 'Affordable Housing Policy – Development of Surplus Council Owned Land' provided as Attachment 1 to this report (Item No. 3.6.5, Resources and Governance Committee, 16/04/2018) be endorsed.

**CARRIED**

**OTHER BUSINESS**

Nil

The meeting closed at 9:03 pm.

CHAIRMAN.....

DATE.....



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<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

**RECOMMENDATION**

1. The information be received.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Report authors and General Managers.
- 2.2 External
  - 2.2.1 Nil.

### 3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

<b>Meeting Item</b>	<b>Heading and Resolution</b>	<b>Officer</b>
22/06/2015 3.3.2 <b>Due:</b>	<b>Amendments to the Dog and Cat Management Act</b> 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. July 2019	John Darzanos
28/09/2015 3.6.1 <b>Due:</b>	<b>Review of Provision of Elected Member IT Equipment</b> 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
26/02/2018 <b>Due:</b> <b>Deferred to:</b> <b>Reason:</b>	<b>Audio Recordings of Committee and Council Meetings</b> 1. That a report be brought forward advising Council about uploading audio recordings of Committee and Council meetings to the City of Salisbury website and include information about any legal implications or risks with doing so. May 2018 June 2018 Prior to the report being presented, a policy framework is being prepared for inclusion.	Mick Petrovski
26/03/2018 3.3.1 <b>Due:</b> <b>Deferred to:</b> <b>Reason:</b>	<b>Update on Proposal to Amend the Australian Road Rules to enable parking on Council verges</b> 1. That a further report be presented to the Resources and Governance Committee on options to expand application of the Council procedure for enforcing parking on verges, to allow parking on verges in streets in addition to those streets that are six metres or less in width. May 2018 June 2018 Consultation with other divisions of Council is yet to be finalised.	John Darzanos
23/04/2018 3.3.1 <b>Due:</b>	<b>Parking Technology Trials</b> 5. A further report presenting the outcomes of the trials be presented to Council at the conclusion of the trials. August 2019	John Darzanos

**4. CONCLUSION / PROPOSAL**

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

**CO-ORDINATION**

Officer: EXEC GROUP GMCID  
Date: 14/05/2018 07/05/2018





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<b>ITEM</b>	3.3.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>HEADING</b>	Immunisation Services - Review of Clinics
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Safety, City Development
<b>CITY PLAN LINKS</b>	<p>4.2 Develop strong capability and commitment to continually improve Council's performance.</p> <p>4.3 Have robust processes that support consistent service delivery and informed decision making.</p> <p>4.4 Embed long term thinking, planning and innovation across the organisation.</p>
<b>SUMMARY</b>	<p>Recently Councils Immunisation services were reviewed as part of procurement process to offer a tender for the service and also to address a strategic recommendation from the Public and Environmental Health Services Program Review to conduct a detailed review of the current immunisation service delivery with the aim to improve participant volume per clinic hours.</p> <p>This report presents the outcomes of the review and opportunities to review clinic times in order to maximise participation rates at each clinic along with opportunity for alternative catch up evening clinic. Any amendments to clinic times and service levels would be introduced from 1 July 2018.</p>
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"> <li>1. The information be received.</li> <li>2. The amended childhood immunisation clinics from 1 July 2018 be endorsed as follows: <ol style="list-style-type: none"> <li>a. Ingle Farm Clinic - every 1<sup>st</sup> and 3<sup>rd</sup> Friday 9am – 12noon.</li> <li>b. Burton Clinic - every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday 9am -12noon.</li> <li>c. Salisbury East Clinic – every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday - 1.30pm – 4.30pm.</li> <li>d. Mawson Lakes – once a month (night to be determined) 4pm – 7pm.</li> </ol> <p>Noting that a publicity campaign in relation to the revised clinic hours and services will be initiated in the lead up to the changes.</p> </li> </ol>
<b>ATTACHMENTS</b>	There are no attachments to this report.

## 1. BACKGROUND

- 1.1 The South Australian Public Health Act 2011 confers specific functions to Council and this includes taking action to preserve, protect and promote public health within its area. In addition to its other functions, a Council must provide, or support the provision of, immunisation programs for the protection of public health within its area. Providing an immunisation service is a key strategy in the minimisation of vaccine preventable diseases and supports Council's objectives to improve health and wellbeing outcomes for its community. Council's immunisation services program also supports SA Health's schools immunisation program and objectives.
- 1.2 Immunisation services are provided via 2 programs:
  - Childhood Immunisation Services, funded by Council; and
  - School Immunisation Program (as per funding and service agreement with SA Health)
- 1.3 A review of the childhood immunisation services was undertaken as part of the requirement to re-tender the service and also to address the recommendation from the Public and Environmental Health Services Program Review endorsed by Council, to:
  - 1.3.1 Conduct a detailed review of the current immunisation service delivery with the aim to improve participant volume per clinic hours. This review shall consider: Council community service policies; community demographics and service demand; clinic facilities and locations; clinic schedules and regional service delivery options.
- 1.4 Currently Council offers 3 weekly clinics at 3 locations:
  - Burton Clinic - every Wednesday 9 -12noon.
  - Salisbury East Clinic – every Wednesday 1.30 – 4.30pm.
  - Ingle Farm Clinic - every Friday 9 – 12noon.
- 1.5 The clinics are complimentary to other service providers which are predominately General Practitioners. However they play an important part to ensure free vaccines are accessible to all members of the community and play a part in achieving target immunisation rates for the Salisbury area.

## 2. CONSULTATION / COMMUNICATION

- 2.1 Internal
  - 2.1.1 Mawson Centre
- 2.2 External
  - 2.2.1 Immunisation providers
  - 2.2.2 Other Local Government Authorities

### 3. REPORT

3.1 As part of the review into immunisation services, clinic capacity, schedules, locations and a regional approach were considered.

#### Clinic Capacity

3.2 The Clinic statistics were examined to identify usage and capacity of each clinic location. The data from 2016/17 is presented below.

Clinic Statistics and data from 2016/17:

Sum of Clinics	No of Vaccinations	Total No. of Clients	No. of Clients < 6 years	No. of Clinics	Contact Hours	Total Labour Hours
Burton Clinic Wednesday	702	357	201	50	150	200
Salisbury East Clinic Wednesday	886	447	254	50	150	200
Ingle Farm Clinic Friday	1008	437	289	49	147	196
Totals	2596	1241	744	149	447	596

	No of Vaccinations per hour	Total No. of Clients per hour	No. of vaccines per Clinics	No. of clients per clinic
Burton Clinic Wednesday	5	2	14	7
Salisbury East Clinic Wednesday	6	3	18	9
Ingle Farm Clinic Friday	7	3	21	9

3.3 The results of the data analysis showed that the participation rate at each clinic was low when analysing the number of clients per hour, and there was capacity of the nursing staff to deliver more vaccines per clinic if demand was there or the number of clients were compressed into a shorter clinic period or less frequent clinics in each location.

3.4 This information was provided as part of the tender documentation and the tenderers were also requested to provide alternate options as a result of the current clinic data in an effort to maximise usage and improve attendance and volumes per clinic.

3.5 The feedback from the tenderers and staff investigations of neighbouring Council clinics indicate there was scope to reduce the number of clinics to try and increase attendance at each clinic. However any reduction would be offset with the offering of an evening clinic to improve opportunities for catch up vaccines associated with the schools program and provide opportunities for parents to attend evening clinics for early childhood vaccinations.

3.6 The service offerings for improvements to clinic attendances included the following options:

- fortnightly services at the current locations and adding an evening clinic once a month for catch ups.
- weekly clinics at the current locations at reduced hours along with an evening clinic once a month for catch ups.

### **Clinic Schedules**

3.7 In addition to the times and numbers of clinics, comparisons were also carried out with other Councils to compare the number and frequency of clinics being offered and service hours. The comparisons at the time of the investigation and comparison were:

- Salisbury – offers 36 hours per 4 Weeks at 3 locations;
- Charles Sturt - 30 hours per 4 Weeks at a single location;
- Port Adelaide Enfield - 13 hours per 4 weeks at 5 locations (Noting this was currently under review to reduce locations);
- Tea Tree Gully Council - 22 hours per 4 weeks at a single location; and
- City of Playford - 32 Hours per 4 weeks at 2 locations.

3.8 Each of the comparative Councils offered an evening clinic.

3.9 A review of offerings indicated that Salisbury is offering clinic hours above comparative councils and there was opportunity to review the number of clinics, and this was supported by attendance numbers presented above.

### **Clinic Locations**

3.10 Clinic locations were reviewed however no changes were recommended as this is predominantly due to the opportunity to find suitable short term locations that allow weekly or fortnightly bookings.

3.11 The development of the Community Hub will allow for clinics locations to be reviewed and for the establishment of a centralised clinic within the Hub and one or two suburban clinic offerings and or evening clinics.

3.12 The establishment of an evening clinic provided an opportunity to search for an alternate location to supplement to the current offerings and there was capacity and a suitable location within the Mawson Centre, with a room being secured for the 2018/19 period for evening.

3.13 Mawson Lakes was considered suitable as it was reasonably central and had the 3rd largest group of 0-4 year olds in the City and also the 3rd largest group of 10-19 year olds allowing for catch ups for the schools programs. The other clinic locations would also allow for catch ups should they be required.

3.14 Whilst demographics were considered for clinic locations the availability of suitable facilities in area which have the highest numbers of 0-4 year olds were not possible. A centralised service with the new community hub will provide accessibility for those suburbs which include Paralowie, Parafield Gardens and Salisbury North, and it is anticipated that this will also improve participant volume.

**Regional Approach**

- 3.15 The opportunity to provide a regional approach to Immunisation services and or issuing a joint tender was also explored with three adjacent Councils.
- 3.16 Discussions with one Council focused on current services and opportunities to review and identify any opportunities for regional approach to service delivery. This Council also outsourced their immunisation service and they were expected to rationalise their service offerings for 2018/19. It was concluded that the economies of scale for a contractor did not offer significant savings compared to providing the service alone. The Council had not finalised their review at the time of issuing the Salisbury tender and they were also liaising with another Council for regional approaches given their closer geographical locations.
- 3.17 The second Council provides immunisation services internally and they employ their own staff to conduct immunisation services. This Council did not formally respond to a request for discussions on regional services, however they were offered an opportunity to tender for our services and formally declined to tender.
- 3.18 The third Council also delivered immunisation services in-house and they employ their own staff. This Council formally declined the opportunity to review services on regional level and they were offered an opportunity to tender for our services and formally declined to tender.
- 3.19 As a result a tender for Councils Immunisation Services was issued.

**Alternate Clinic Proposal**

- 3.20 The suggested and preferred option for clinic review was to change services to fortnightly services at the current locations and provide an evening clinic:
- Ingle Farm Clinic - every 1st and 3rd Friday 9am – 12noon.
  - Burton Clinic - every 2nd and 4th Wednesday 9am -12noon.
  - Salisbury East Clinic – every 2nd and 4th 1.30pm – 4.30pm.
  - Mawson Lakes – once a month (night to be determined) 4pm – 7pm.
- 3.21 The changes in clinic hours and schedules will result in change to the service hours offered. However this impact is considered low and is offset with an additional clinic location. Currently the offering is 36 hours per 4 week period at 3 locations and this would reduce to 21 hours per 4 week period but increase to 4 locations.
- 3.22 To compare the impact on capacity at each clinic based on the comparative data above, this would equate to:
- an increase in clients from 2-3 per hour to 5-6 per hour, or alternatively represented as:
  - an increase from 1 client every 20 minutes to 1client every 10 minutes
- 3.23 The capacity of an evening clinic and catch up clinics is unknown however the feedback from the service provider is that there is demand for evening clinics in other areas that they provide services, and this increased capacity at clinics is within their capabilities.

- 3.24 A change in clinic numbers would result in a reduction to the costs of the service, and savings would be declared from the budget set for 2018/19 with a budget variance of approximately \$25000. However it is recommended that approximately \$15000 is declared immediately pending a change in service levels and a contingency of \$10000 remain within budget to cater for any changes in demand, with a review at 2<sup>nd</sup> quarter declaring any further savings.
- 3.25 Should demand for services increase and or the fortnightly services reach capacity then there is scope to reconsider the service offerings and increase clinic numbers. The successful contractor has indicated that they have the flexibility to increase and decrease their capacity for the services on offer and the tender has been issued providing flexibility to offer the alternate service offering outlined above.
- 3.26 If the current weekly clinic schedule remains unchanged and an additional evening clinic is added to the service then this would require an additional \$9600.
- 3.27 Any changes to clinic schedules would be communicated by staff utilizing available resources via web site, social media and with posters and or publications at clinics and child care centres.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 A review of immunisation services was undertaken to ensure that the Council was receiving best value for money for its service and the community was provided with an accessible and well utilised service.
- 4.2 A review of locations and clinic offerings along with feedback from the providers indicate that there was scope to rationalise service offerings to improve clinic efficiencies without limiting access to the community. A supplementary evening clinic was also part of the amended service offerings and critical to delivering catch up immunisations for both childhood and schools vaccination programs.
- 4.3 The suggested option for clinics to be amended to fortnightly services at the current locations was preferred along with introducing a monthly evening clinic.
- 4.4 These changes can be subject to review pending actual utilisation rate comparisons and any feedback from the community.
- 4.5 The development of the Community Hub will also allow for a further review of locations and services.

#### **CO-ORDINATION**

Officer: EXECUTIVE GROUP

Date: 14.05.2018

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<b>ITEM</b>	3.6.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>HEADING</b>	Review of Compliments, Comments and Complaints Handling Procedure
<b>AUTHOR</b>	Hannah Walters, Team Leader Customer Relations, Business Excellence
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	This report provides information regarding the review of the Compliments, Comments and Complaints Handling Procedure.

### **RECOMMENDATION**

1. The information be received
2. That the Compliments, Comment and Complaints Handling Procedure as set out in Attachment 1 to this report (Resources and Governance 3.6.1, 21/05/2018) be endorsed.

### **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Compliments, Comments and Complaints Handling Procedure

### **1. BACKGROUND**

- 1.1 The Compliments, Comments and Complaints Handling Procedure was last endorsed by Council in April 2015 and is now due for review

### **2. CONSULTATION / COMMUNICATION**

#### 2.1 Internal

- 2.1.1 Consultation with Responsible Officers has occurred as to the continuing relevance of the Procedure and any changes that may be required.

#### 2.2 External

- 2.2.1 Nil

### **3. REPORT**

- 3.1 The Customer Service Framework, endorsed by Council in September 2017, sets the Service Principles, Service Code and Service Standards for the organisation.
- 3.2 The Customer Service Framework and Charter replaced the Customer Compliments, Comments and Complaints Policy.

- 3.3 The Compliments, Comments and Complaints Handling Procedure supports the Customer Service Framework and Charter.
- 3.4 The Compliments, Comments and Complaints Handling Procedure has been reviewed to make sure it is consistent with the Customer Service Framework and Charter
- 3.5 The Compliments, Comments and Complaints Handling Procedure sets out in detail the definitions, staff responsibilities and process for making a compliment, complaint or feedback.
- 3.6 The procedure details the three tier approach requests will be processed against.
- 3.7 Minor changes have been made to the Compliments, Comments and Complaints Handling Procedure to reflect the endorsement of the Customer Service Framework.
- 3.8 The Procedure has also been amended to accommodate the complaints handling requirements of the new Code of Conduct for Council Employees as gazette on 13 February 2018.

#### **4. CONCLUSION / PROPOSAL**

- 4.1 The Compliments, Comments and Complaints Handling Procedure has been reviewed and is presented to Council for endorsement.

#### **CO-ORDINATION**

Officer: Executive Group  
Date: 14/05/2018



## Compliments, Comments and Complaints Handling Procedure

Procedure Type:	Procedure		
Approved By:	MANEG	Decision No:	2344/2012
Approval Date:	30 October 2012	Last Reapproval Date:	<del>11/05/2018</del> 28/05/2018
Review Date:		Internal Reference No.:	
Department:	Community Development Business Excellence	Division:	Marketing-Manager Communications & Customer Relations
Function:		Responsible Officer:	Marketing-Manager Communications & Customer Relations

### A - PREAMBLE

The City of Salisbury is committed to providing an effective customer compliment, comment and complaints management process that reflects the needs, expectations and rights of its customers. This is facilitated by a culture within Council that recognises the customer's right to provide feedback and provides for these issues to be addressed in an efficient, fair and timely manner. Our aim is to provide customers with the best possible service, however, we recognise that from time to time things may go better or worse than expected, or there may be aspects of Council's services that customers wish to provide feedback on.

### B - SCOPE

This Procedure applies to compliments, comments and complaints received from customers regarding City of Salisbury operations or service delivery by employees, contractors and volunteers. This Procedure does not apply to:  
 Complaints regarding Elected Members: these will be dealt with in accordance with the Elected Member Code of Conduct – Dealing with Complaints Procedure.  
 Requests for a review of Council decision in accordance with section 270 of the *Local Government Act 1999*: these will be dealt with under the Internal Review of Council Decisions Procedure.  
 Matters covered by the *Whistleblowers Protection Act 1993*: these will be dealt with in accordance with the Whistleblowers Protection Policy.  
 Allegations of criminal activity: these must be referred to the South Australian Police.

### C - PROCEDURE PURPOSE

The purpose of this procedure is to provide guidelines for dealing with customer compliments, comments and complaints. The City of Salisbury's Customer Compliments, Comments and Complaints Handling procedure is designed to ensure that matters are addressed promptly and fairly and considered appropriately.

### D - DEFINITIONS

**Complaint:** is an expression of dissatisfaction with the Council's decisions, policies, procedures, charges, employees, agents or the quality of the service it provides. Dissatisfaction may arise from the service provided by Council staff, contractors and systems or from the impact of a particular policy and procedure.

A Complaint is **NOT**:

a request for Council services (unless it is a second request, where there was no response to the first)

a request for information

a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first)

Reports of damaged or faulty infrastructure  
Reports of hazards (eg fallen tree branches)  
Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works)  
The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy  
A submission relating to the exercise of a regulatory function (eg an objection to a development application or a submission on a policy)

**Compliment:**  
is when a customer expresses their appreciation for, or satisfaction with, a service or action taken by the City of Salisbury or particular staff member/team.

**Comment:**  
is general information provided to the City of Salisbury by a customer. The information may be positive or negative and generally does not require a response, confirmation or follow up action.

**Request for Information:**  
is where a customer requests documents, information or an explanation of Council services, policies or procedures.

**Request for Service:**  
is where a customer requests the provision of a service, or action to be taken to address an issue, or requests a change to the way the City delivers a service.

**Investigating Officer:**  
is the person to whom a customer issue is assigned, who consequently holds decision making delegations and is able to use discretion in determining how each matter should be dealt with. Investigating Officers will deal with Tier 3 matters.

#### F - STAFF RESPONSIBILITIES

##### **Chief Executive Officer (CEO)**

The CEO is ultimately accountable for the management of, and response to, customer interactions dealing with serious matters or where the customer has not been satisfied with the Council's response.

##### **General Managers**

Departmental General Managers are responsible for resolving customer interactions relevant to their Departments and where cross-department resolutions are required.

##### **Divisional Managers**

Divisional Managers are responsible for resolving customer interactions relevant to their portfolios and for ensuring that staff deal with feedback received in accordance with the Customer Feedback, Compliments and Complaints Policy and Procedure.

##### **Manager ~~Marketing-Communications~~ and Customer Relations**

The Manager ~~Marketing-Communications~~ and Customer Relations is responsible for implementation and monitoring of the Customer Service Framework, including the Customer Compliments, Comments and Complaint Handling Policy and Procedures.

##### **Staff**

All staff are responsible for dealing with First Tier customer interactions relevant to their responsibilities and for the application of the Customer Compliments, Comments and Complaints Policy and Procedure.

G - PROCEDURE STATEMENT

**Who can lodge a compliment/complaint or provide feedback?**

Any person, group of people, body or organisation may lodge a complaint. The Compliments, Comments and Complaints Handling Procedure is not limited and includes all people residing, working, studying, conducting business, visiting and using the services or facilities of the City of Salisbury.

To assist with investigation and resolution, complaints should be lodged as soon as practicable and, wherever possible, within 90 days of the customer becoming aware of the matter which is the subject of the complaint.

**How to lodge a compliment/complaint or provide feedback**

A compliment/complaint or comment can be lodged:

- in person at the Council office (12 James Street Salisbury) or relevant council facility
- by phone – 8406 8222
- by email – [ccc@salisbury.sa.gov.au](mailto:ccc@salisbury.sa.gov.au)
- by letter to the City of Salisbury PO Box 8 Salisbury 5108.
- via facsimile – 8281 5466
- by using the Compliments, Comment and Complaints form available in all Council facilities
- Online at [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- Social media such as the City of Salisbury facebook page or Twitter can be used to provide comments or compliments, but formal complaints requiring a response should not be lodged using this method.

Whichever method is chosen, it is essential to provide as much information as possible to enable appropriate treatment of the feedback provided. This may include:

- Name, address and contact details
- Dates relevant to the issue being communicated
- A complete description of circumstances/relevant information
- If known, the staff member or person associated with the situation
- What action has been taken to resolve the situation
- Details of the action(s) being requested
- Any supporting documentation that can be provided
- Receiving, recording and managing compliments/complaints or feedback
- Compliments, complaints and feedback will be recorded in the City of Salisbury's Electronic Records and Document Management System (~~Dataworks~~).
- Anonymous compliments/comments/complaints will not be recorded or followed up unless to not do so would place another person at risk or harm.

This procedure does not apply to Requests for Services unless it is a complaint regarding an earlier request. These are recorded within the Customer Request Module of Pathway and distributed to the responsible staff member for action.

Customer complaints will be managed in a three tiered approach:

- Tier 1 – Front Line Customer Compliment, Comment or Complaint Handling

- a) All Customer Compliments, Comments or Complaints should be acknowledged within 3 working days using an appropriate method of communication.
- b) Staff are empowered to deal with core Council business, resolve issues wherever possible at first contact, and provide a response within 10 working days.
- c) If a resolution cannot be provided within this timeframe staff are required to advise the complainant when a resolution will be provided.
- d) Details of written complaints will be recorded within [City of Salisbury's Electronic Records and Document Management System](#) ~~Dataworks~~ and workflows will monitor completion timeframes. Workflows will escalate a matter that is not completed within the required timeframes.
  - Tier 2 – Escalation of a matter that has not been resolved at first contact
    - a) Unresolved matters will be referred to Supervisor/Divisional Manager/General Manager of the staff member initially responsible for action (dependent upon the position of the staff member initially tasked with the complaint).
    - b) Workflows will monitor completion timeframes and escalate a matter that is not completed within the required timeframes.
    - c) All discussions/communications, documentation and material associated with the matter must be recorded and appropriately stored (taking into consideration the nature of the information and the level of confidentiality to be applied).
    - d) Tier 2 matters will be completed wherever possible within 10 working days of receipt by the Supervisor/Divisional Manager/General Manager.
    - e) Tier 2 matters that are not completed within 10 working days will be escalated to the relevant General Manager or Chief Executive Officer for action (dependent upon the position of the Tier 2 Officer).
  - Tier 3 – Escalation of a matter that has not been resolved within 20 days (total)
    - a) The relevant General Manager, or Chief Executive Officer (dependent upon the position of the Tier 2 Officer) is responsible for management/resolution of matters that have not been resolved within 20 days, and will act in the capacity of Investigating Officer.
    - b) Workflows will escalate those matters automatically.
    - c) Tier 3 investigations will, wherever possible, be completed within 28 working days.
    - d) If a matter is unable to be resolved to the satisfaction of the customer they may request an internal review of the decision in accordance with 270 of the Local Government Act 1999: This would be dealt with under the Internal Review of Council Decisions Procedure.
    - e) The customer will also be provided with information regarding their options of referral of the matter to an external public sector agency (e.g. Ombudsman), appeal rights to the courts or other legal remedies.

#### Comment Receipt Process

Comments received in writing (via letter, email or web forms) are to be registered in [City of Salisbury's Electronic Records and Document Management System](#) ~~Dataworks~~ against the appropriate departmental feedback classification and assigned a Customer Comment Task to the record. This will assign the feedback record via a workflow to an officer who will:

- distribute the feedback details to the relevant manager for review and action as appropriate.

The Manager will assess the nature of the feedback and determine what action is required in response. This should include consideration of whether a response should be provided to the person who has submitted the feedback.

#### Compliments Receipt Process

Compliments received in writing (via letter, email or web forms) are to be registered in [City of](#)

Salisbury's Electronic Records and Document Management System against the appropriate departmental feedback classification and assigned a Customer Compliment Task to the record. This will assign the compliment via a workflow to an officer who will:

- Where the compliment is about a particular staff member, distribute the compliment details to their direct Manager and General Manager, publish the details on the intranet (with the staff members permission) and put a copy on their personnel file who will determine how the staff member will be recognised.
- Where the compliment relates to a team or number of people, distribute the compliment to the Divisional Manager and General Manager, and publish the details on the intranet.

**Complaints Receipt Process**

Complaints received in writing (via letter, email or web forms) are to be registered in City of Salisbury's Electronic Records and Document Management System against the appropriate departmental feedback classification and assigned a Customer Complaint Task to the record. This will assign the complaint via a workflow to an officer who will:

- Acknowledge receipt of the complaint
- Direct the complaint to the appropriate actioning officer to attend to within the relevant timeframe.
- Workflows will escalate the complaint where it is not resolved within specified timeframes.

The officer responsible for resolving/completing a complaint must ensure the following information is recorded:

- Details of the resolution achieved
- Actions required to deliver the resolution, including timeframes for completion
- Communication of the outcome to ensure relevant policies/procedures are updated accordingly (where appropriate)

Where matters escalate to Tier 3 the Investigating Officer will

- Have appropriate authorisation to conduct the investigation;
- Clarify the issues with the customer and set appropriate expectations with the customer in relation to the scope and likely implications of the investigation.
- Gather information, prepare a report and formulate resolution options.
- Act reasonably, fairly and objectively, and in good faith.
- Ensure the report reflects the principles of procedural fairness and natural justice.
- Manage implementation of actions decided as part of the decision.
- Clearly communicate the outcome to the customer.
- Monitor the effectiveness of outcomes.

**Complaints regarding Code of Conduct for Council Employees**

**Complaint procedure**

Where a person alleges —

an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees functions or duties; or  
an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or  
the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council, they may submit a complaint alleging that an employee of council has contravened or

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failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint must be given to the Chief Executive Officer [for delegate. If delegate, name/position of delegate]. In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and People and Culture resource procedures of the council.

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H - LEGISLATION

- Criminal Law Consolidation Act 1935
- Freedom of Information Act 1991
- Local Government Act 1999 – section 270
- Ombudsman Act 1972
- Whistleblower Protection Act 1993

I - REFERENCES

- Access and Equity Policy
- Code of Conduct for Employees, Volunteers, Contractors and Casual Workers
- Customer Feedback, Compliments and Complaints Policy
- Elected Member Code of Conduct
- Whistleblowers Protection Policy

J - ASSOCIATED PROCEDURES

- Elected Member Code of Conduct - Dealing with Complaints
- Internal Review of Council Decisions Procedure (in accordance with section 270 of the *local Government Act 1999*)

Document Control	
Document ID	Customer Feedback, Compliments and Complaints Handling Procedures
Prepared by	<del>Fami Norman, Team Leader Customer Relations</del> Revised by <del>Manager Communications and Customer Relations Jane Miller</del>
Release	1.1
Document Status	<del>Endorsed by MANEG 30 October 2012 TBA</del>
Date Printed	

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<b>ITEM</b>	3.6.2
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Prudential Management Policy
<b>AUTHOR</b>	Charles Mansueto, General Manager Business Excellence, Business Excellence
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Prudential Management Policy to Council for consideration and endorsement, following the results of the Legislative Compliance Audit performed as part of the Program Review conducted on the CEO and Governance Department.

#### **RECOMMENDATION**

1. The Prudential Management Policy as set out in Attachment 1 to this report (Resources and Governance Committee 3.6.2, 21/05/2018), be endorsed.

#### **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Prudential Management Policy

#### **1. BACKGROUND**

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 While the Prudential Management Policy was last reviewed and endorsed by Council in November 2017 and was due again for review in November 2019, the Legislative Compliance Audit, arising from the Program Review of the CEO and Governance Department, identified some improvements for the Prudential Management Policy, which have now been incorporated.

#### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 General Manager, Business Excellence
- 2.2 External
  - 2.2.1 Nil

**3. REPORT**

3.1 The Prudential Management Policy has been reviewed by the Policy Owner and improvements identified as part of the Legislative Compliance Audit, arising from the Program Review of the CEO and Governance Department, have now been incorporated.

**4. CONCLUSION / PROPOSAL**

4.1 The Prudential Management Policy as contained in Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer: Executive Group  
Date: 14/05/2018





### Prudential Management Policy

Policy Type:	Policy	Decision No:	0505/2015, 2174/2017
Approved By:		Last Reapproval Date:	<del>27 November 2017</del> <u>28 May 2018</u>
Approval Date:	27 July 2015	Internal Reference No.:	
Review Date:	<del>November 2019</del> <u>May 2020</u>	Division:	Personal & Admin Support - Business Excellence
Department:	Business Excellence	Responsible Officer:	General Manager Business Excellence
Function:	7 - Financial Management		

#### A - PREAMBLE

1. This document sets out the policy of the City of Salisbury for prudential management of all its projects. This policy applies to all projects as defined below.

#### B - SCOPE

1. The scope of this policy applies to all Council projects and subject to assessment against the principals and legislation to identify the appropriate due diligence

#### C – POLICY PURPOSE/OBJECTIVES

1. This policy has the following Objectives.

- 1.1 to ensure that a Council project is undertaken only after an appropriate level of “due diligence” is applied to the proposed project; and
- 1.2 to ensure that each Council project is:
  - managed during the project and
  - evaluated after the project, to achieve identified public benefits or needs; and to minimise financial risks.

#### D - DEFINITIONS

1. A project may be defined as

A new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability, or accepting an asset.

2. This should not be interpreted to mean that all Council activities are “projects”. Regular, ongoing deliveries of Council services are not “new and discrete” activities so therefore are not included within this definition. A project is a temporary endeavour with a defined beginning and end. The temporary nature of projects stands in contrast to business as

usual (or operations) which are repetitive, ongoing functional activities to produce products or services.

3. Simply purchasing an item of plant or equipment, (e.g. a single vehicle) or a parcel of land will constitute a "project" if the purchase is not part of a wider project or not part of ongoing operations. Any purchase must comply with Council's Procurement Policy. However, a "project" will typically involve more than merely purchasing. It will always involve Council staff time, often in undertaking activities in association with other organisations. On the other hand, a project need not entail any expenditure. It may include, for example, receiving land or other assets for free, or granting permission for a private activity on Council land.
4. All projects should be considered in the context of not only this policy, but also Council's Risk Management Framework.

#### E - PRINCIPLES

1. The decision-maker for any proposed project may be the Council, the Chief Executive or an officer of the Council to whom sub-delegation has been made (as reflected in the Council's Schedule of Delegations and Sub-delegations).
2. The decision maker should determine with respect to any project (based on the size, complexity and amount of financial or other risk) the level of:
  - Due care and diligence that is required
  - At a minimum this should require an assessment of:
    - the benefits and needs of the project
    - whether the project will (or might) generate any additional risks for the Council;
    - the financial sustainability of a project (large or small) and whether funding of the whole-of-life costs of the project will (or might) require additional allocations beyond those already accommodated in Council's annual budget and long-term financial plan
  - Details required  
This may range from a single page describing the project scope, to a comprehensive business case (for example using the Corporate templates - "Project Management – Business Case").
  - Risk assessment appropriate  
This may range from, a simple note that the proposed project has been determined as being of low or negligible risk, to a more detailed risk assessment in line with Council's Risk Management framework.
  - Expertise required  
This may range from a single staff member (for the smallest projects with least risk), to a working party of staff and external specialists with expertise in areas such as engineering, finance, project management, town planning (for more complicated and/or riskier projects).
  - Accountability and reporting required
    - Consideration should be given as to who within the organisation is accountable for the project and the appropriate approval process as the project may require Council consideration and approval and needs to be incorporated into the approval process
    - Appropriate reporting of the project status needs to be established depending on the scale of the project to the appropriate stakeholders

- Post project implementation review and evaluation
  - Evaluation and review can identify systemic issues and opportunities for improvement.
- 3. Adequate resources will be allocated to the prudential management of projects and staff will be appropriately trained.

#### **F - PROJECTS WHERE A FULL PRUDENTIAL REPORT IS REQUIRED UNDER THE LG ACT**

Under the *Local Government Act 1999*, a report addressing the prudential issues set out in section 48(2) must be prepared for endorsement by Council for any project that meets the criteria set out in s48(1) of the Act:

*This report must be prepared by a person whom the Council reasonably believes to be qualified to address the prudential issues s48(4) and must not be a person who has an interest in the relevant project as defined in s48(6a) - (6c).*

#### **G - LEGISLATION**

1. This Policy is made pursuant to section 48 of the Local Government Act 1999, and as such, applies to all Council projects (subject to the principles set below), no matter how large or small, to ensure compliance with this provision, and that decision-making in respect of any project is made with reliable, accurate and timely information.
2. Section 48 of the Local Government Act 1999 ("the Act") provides:
  - (aa1) A Council must develop and maintain prudential management policies practices and procedures for the assessment of projects to ensure that the Council:
    - (a) acts with due care diligence and foresight; and
    - (b) identifies and manages risks associated with a project; and
    - (c) makes informed decisions; and
    - (d) is accountable for the use of Council and other public resources.
  - (a1) The prudential management policies, practices and procedures developed by the council for the purposes of subsection (aa1) must be consistent with any regulations made for the purposes of this section.
  - (1) Without limiting subsection (aa1), a council must obtain and consider a report that addresses the prudential issues set out in subsection (2) before the council —
    - (b) engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body)—
      - (i) where the expected expenditure of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or
      - (ii) where the expected capital cost of the project over the ensuing five years is likely to exceed \$4 000 000 (indexed); or
      - (iii) where the council considers that it is necessary or appropriate.

- (2) The following are prudential issues for the purposes of subsection (1):
- (a) the relationship between the project and relevant strategic management plans;
  - (b) the objectives of the Development Plan in the area where the project is to occur;
  - (c) the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
  - (d) the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
  - (e) if the project is intended to produce revenue, revenue projections and potential financial risks;
  - (f) the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
  - (g) the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
  - (h) any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);
  - (i) the most appropriate mechanisms or arrangements for carrying out the project.
- (2a) The fact that a project is to be undertaken in stages does not limit the operation of subsection (1)(b) in relation to the project as a whole.
- (3) A report is not required under subsection (1) in relation to—
- (a) road construction or maintenance; or
  - (b) drainage works.
- (4) A report under subsection (1) must be prepared by a person whom the council reasonably believes to be qualified to address the prudential issues set out in subsection (2).
- (4a) A report under subsection (1) must not be prepared by a person who has an interest in the relevant project (but may be prepared by a person who is an employee of the council).
- (4b) A council must give reasonable consideration to a report under subsection (1) (and must not delegate the requirement to do so under this subsection).
- (5) A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision on the relevant project (and may be available at an earlier time unless the council orders that the report be kept confidential until that time).
- (6) However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).
- (6a) For the purposes of subsection (4a), a person has an interest in a project if the person, or a person with whom the person is closely associated, would receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a



direct or indirect detriment or a non-pecuniary detriment if the project were to proceed.

- (6b) A person is closely associated with another person (the relevant person)—
- (a) if that person is a body corporate of which the relevant person is a director or a member of the governing body; or
  - (b) if that person is a proprietary company in which the relevant person is a shareholder; or
  - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; or
  - (d) if that person is a partner of the **relevant person**; or
  - (e) if that person is the employer or an employee of the relevant person; or
  - (f) if that person is a person from whom the relevant person has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or
  - (g) if that person is a relative of the relevant person.
- (6c) However, a person, or a person closely associated with another person, will not be regarded as having an interest in a matter—
- (a) by virtue only of the fact that the person—
    - (i) is a ratepayer, elector or resident in the area of the council; or
    - (ii) is a member of a non-profit association, other than where the person is a member of the governing body of the association or organisation; or
  - (b) in a prescribed circumstance.
- (6d) In this section, \$4 000 000 (indexed) means that that amount is to be adjusted for the purposes of this section on 1 January of each year, starting on 1 January 2011, by multiplying the amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2009.
- (6e) In this section—
- employee** of a council includes a person working for the council on a temporary basis;
- non-profit association** means a body (whether corporate or unincorporate)—
- (a) that does not have as its principal object or 1 of its principal objects the carrying on of a trade or the making of a profit; and
  - (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members.
- (7) The provisions of this section extend to subsidiaries as if a subsidiary were a council subject to any modifications, exclusions or additions prescribed by the regulations.

## H - REFERENCES

1. Local Government Act 1999
2. City of Salisbury's Corporate templates -  
- Project Management – Business Case and/or
3. Guidelines for Assessment of Council Development

**I - ASSOCIATED PROCEDURES**

Nil

**Document Control**

<b>Document ID</b>	<b>Prudential Management Policy</b>
<b>Prepared by</b>	<b>Charles Mansueto</b>
<b>Release</b>	<b><del>23.00</del></b>
<b>Document Status</b>	<b>Approved</b>
<b>Date Printed</b>	<b><u>18/04/2018</u></b>

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<b>ITEM</b>	3.6.3
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>PREV REFS</b>	
<b>HEADING</b>	Review of Temporary Road Closures Policy
<b>AUTHOR</b>	Dameon Roy, Manager Technical Services, City Infrastructure
<b>CITY PLAN LINKS</b>	4.4 To ensure informed and transparent decision-making that is accountable and legally compliant
<b>SUMMARY</b>	This report presents the Temporary Road Closures Policy to Council for consideration and endorsement. The Policy has been reviewed by the Policy Owner and only minor editorial changes are required.

### **RECOMMENDATION**

1. The Information be received.
2. The Temporary Road Closures Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.3, 21/05/2018), be endorsed.

### **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Temporary Road Closures Policy

### **1. BACKGROUND**

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election and thereafter every two years.
- 1.2 The Temporary Road Closures Policy was last reviewed in November 2015 and is now again due for review.

### **2. CONSULTATION / COMMUNICATION**

#### **2.1 Internal**

- 2.1.1 Consultation with relevant staff has occurred as to the continuing relevance of the Policy and any changes that may be required.

### **3. REPORT**

- 3.1 The Temporary Road Closures Policy has been reviewed by the Policy Owner. Apart from minor editorial changes and changes to Responsible Officer title, no changes of substance are required in the content of the Policy to ensure its continuing relevance.

**4. CONCLUSION / PROPOSAL**

- 4.1 The Temporary Road Closures Policy as contained within Attachment 1 is recommended to Council for endorsement.

**CO-ORDINATION**

Officer:

Date:





## Temporary Road Closures Policy

Policy Type:	Policy		
<b>Approved</b>	Council	<b>Decision No:</b>	Min 1825, 2011/522, 2015/0752
<b>Approval</b>	<b>24 October 2005</b>	<b>Most Recent</b>	<del>23 November 2015</del> 28 May 2018
<b>Review Date:</b>	<del>23 November 2017</del> May 2020	<b>Internal Reference No.:</b>	
<b>Department:</b>	City Infrastructure	<b>Division:</b>	<del>Technical Services</del> Infrastructure Management
<b>Function:</b>	20 - Traffic	<b>Responsible Officer:</b>	<del>Senior Traffic Engineer</del> Manager, Infrastructure Management

### A - PREAMBLE

1. There are instances where temporary road closures may become necessary as part of a special event, or significant occasion. These are implemented for the prime purpose of enhancing road safety through the control of traffic. These closures have associated with them specific times of operation and conditions. They are generally implemented via Section 33 of the Road Traffic Act or less commonly under the *Local Government Act 1999*. However, SAPOL also have delegated powers for this purpose.

### B - SCOPE

1. This policy covers all road closures of a temporary nature, introduced for specific purposes. It does not, however, include those closures of a permanent nature that are pursued under the Roads Opening and Closing Act. Nor does it cover temporary road closures implemented as part of local area traffic management schemes, closures as part of road works or closures implemented in emergency situations.

### C – POLICY PURPOSE/OBJECTIVES

1. Temporary Road Closures have as their major purpose and objective the enhancement of road safety and the protection of vulnerable road users. This policy sets out the criteria for approving and funding such closures.

### D - DEFINITIONS

1. Significant community event – an event that is broadly held for the benefit of the general Community and where there is an expectation that substantial numbers of the community will participate in and/or attend

### E - POLICY STATEMENT

1. Council will support and fund Temporary Road Closures for the following events:
  1. Charity fund raising events – i.e an event that is held for the express purpose of raising funds for charitable purposes and does not result in profit to the organisers.

2. Religious events - Celebrations associated with specific religious festivals such as Easter and Christmas.
3. Significant community events.  
Each request for support and funding will be considered on its merits.  
Where requests for funding are approved, Council will meet the cost of providing traffic management, parking control, advertising, administration and co-ordination.
2. Other requests for Temporary Road Closures, generally for private purposes, may be approved however Council will not meet any of the associated costs.
  1. These requests must be in writing to Council at least two months prior to the event to allow items to be placed before full council for approval as required by legislation
  2. The applicant guarantees to meet all costs associated with the process including traffic management and advertising; and
  3. The applicant guarantees to meet any other requirements of the Council.

#### F - LEGISLATION

1. *Road Traffic Act 1961*
2. *Local Government Act 1999*
3. *Summary Offences Act 1953*

#### G - REFERENCES

1. Australian Road Rules
2. General Approval and Delegations - issued by the Minister of Transport

#### Document Control

<b>Document ID</b>	Temporary Road Closures Policy
<b>Prepared by</b>	<a href="#">Pat Trimboli Dameon Roy</a>
<b>Release</b>	<b>34,0</b>
<b>Document Status</b>	Endorsed
<b>Issue Date</b>	

<b>ITEM</b>	3.6.4
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	21 May 2018
<b>HEADING</b>	Variations to Delegations
<b>AUTHOR</b>	Joy Rowett, Governance Coordinator, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	<p>The Local Government Association (LGA) periodically distributes information relating to delegations that require changes to be actioned by Council. These changes are usually as a result of legislative amendment or to correct errors that have been identified.</p> <p>Norman Waterhouse has updated the delegations templates to reflect changes to legislation as contained within LGA Circular 19.6 dated 8 May 2018.</p> <p>This report sets out changes required to City of Salisbury delegations in response to the changes made to the delegations templates.</p>

## RECOMMENDATION

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 4 June 2018 of those powers and functions under the following:
  - 1.1 *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008*
    - Regulation 83(3) – Attachment 2
  - 1.2 *Local Government Act 1999*
    - Sections 224 and 225(1), – Attachment 3

### **Delegations made under Development Act 1993**

2. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993, the powers and functions under the *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008* contained in the proposed Instrument of Delegation forming Attachment 2 to this report (Attachment 2, Item No. 3.6.4, Resources and Governance Committee, 21/05/2018) are hereby delegated from 5 June 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008* as follows:
  - Regulation 83(3) – Attachment 2

3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993, Development (Development Plans) Amendment Act 2006* and *Development Regulations 2008*.

#### **Delegations Made under the Local Government Act 1999**

4. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the Local Government Act 1999 contained in the proposed Instrument of Delegation forming attachment 3 to this report (Attachment 3, Item No. 3.6.4, Resources and Governance Committee, 21/05/2018), are hereby delegated from 5 June 2018 to the person occupying the office of Chief Executive Officer, subject to the conditions and / or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the following Act:

##### *Local Government Act 1999*

- Sections 224, 225(1), 225(4), 225A(1) and 225A(4) – Attachment 3
5. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Local Government Act 1999*.

#### **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. Table of Updates for Delegations Templates
2. Instrument of Delegations - Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
3. Instrument of Delegations - Local Government Act 1999

#### **1. BACKGROUND**

- 1.1 The LGA regularly advises Council of amendments to delegations due to changes in legislation as well as corrections to templates provided for recording the delegations.
- 1.2 This report deals with variations to the delegations as a result of the following LGA Circular:
  - 1.2.1 LGA Circular 19.6 dated 8 May 2018 which sets out new and amended provisions under the *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008* and the *Local Government Act 1999*.

## 2. REPORT

2.1 Section 44 of the *Local Government Act 1999* (the Act) provides Council may delegate a power or function vested or conferred upon it by this or another Act. Such powers and functions may be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit. A delegation made pursuant to Section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.

2.2 This report deals with variations to the Delegations as a consequence of:

2.2.1 **Review of Delegations Templates by Norman Waterhouse in LGA Circular 19.6 dated 8 May 2018.**

Due to legislative amendments, Norman Waterhouse conducted a review of relevant legislation which necessitated amendments to the Instruments of Delegation (Attached) for the following legislation.

*Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 (Attachment 2)*

The delegation of power under regulation 83(3) of the *Development Regulations 2008* now excludes power 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*.

- Regulation 83(3) – Attachment 2

*Local Government Act 1999*

New and amended delegations regarding the issuing/cancelling of permits and adopting/amending location rules for the purposes of mobile food vending businesses have been added to the template delegations for the *Local Government Act 1999*.

- Sections 224, 225(1), 225(4), 225A(1) and 225A(4) – Attachment 3

### 2.3 Process to be followed

2.3.1 In order for the statements contained in the Instruments of Delegation to come into effect, Council must first resolve to revoke the existing delegations under the *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 and Local Government Act 1999* that have been amended. Council then resolves to adopt the amended and new delegations contained in the relevant Instruments of Delegation attached to this report (Attachments 2-3).

2.3.2 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 and Local Government Act 1999* occurs

on Monday 4 June 2018 with the new delegations come into force from Tuesday 5 June 2018. Any new delegations introduced will also come into force from Tuesday 5 June 2018. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.

- 2.3.3 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

### **3. CONCLUSION / PROPOSAL**

- 3.1 A review of Council Delegations has been conducted following the introduction of new and amended provisions under the *Development Act 1993*, *Development (Development Plans) Amendment Act 2006* and *Development Regulations 2008* and the *Local Government Act 1999* and is presented to Council for endorsement.

#### **CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 14/05/2018

**LOCAL GOVERNMENT ASSOCIATION**  
**UPDATES OF DELEGATION TEMPLATES ON WEBSITE**

**(Note: Paragraph references below refer to updated version – As at 31 March 2018)**

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008	98.3	Reg 83(3)	Amendment	Legislative Amendment	31 March 2018	Use updated Instrument at new review
Instrument of Delegation under the Local Government Act 1999	112.1	224	Amendment	Legislative Amendment	31 March 2018	Adopt updated Instrument as soon as possible.
	113.1	225(1)	Amendment	Legislative Amendment	31 March 2018	
	113.4	225(4)	Addition	Legislative Amendment	31 March 2018	
	113A.1	225A(1)	Addition	Legislative Amendment	31 March 2018	
	113A.2	225A(4)	Addition	Legislative Amendment	31 March 2018	

FXDI\UPDATES OF DELEGATION TEMPLATES AS OF 31 MARCH.DOC





**ATTACHMENT 2**

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

**NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Concept of Change in the Use of Land</b>
1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:
1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and
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.
<b>2. Appointment of Authorised Officers</b>
2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.
2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.
2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.
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.

- 2 -

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

<b>3. Delegations</b>	
3.1	The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.
<b>4. Council or Minister May Amend a Development Plan</b>	
4.1	Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.
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.
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.
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.
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.
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.
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.
<b>5. Amendments by a Council</b>	
5.1	The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

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

	Plan Amendment' (or DPA) that complies with the following requirements:
5.3.1	the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;
5.3.2	the DPA must include an assessment of the extent to which the proposed amendment:
5.3.2.1	accords with the Planning Strategy; and
5.3.2.2	accords with the Statement of Intent; and
5.3.2.3	accords with other parts of the Development Plan; and
5.3.2.4	complements the policies in the Development Plans for adjoining areas; and
5.3.2.5	satisfies the matters prescribed in the Regulations;
5.3.3	the DPA must include:
5.3.3.1	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and
5.3.3.2	a summary of the conclusions drawn from the investigations and assessments referred to above; and
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);
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;
5.3.5	the DPA must include any other matter prescribed by the

- 4 -

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

Regulations.	
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.
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.
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.
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.
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.
5.9	<u>Process A</u>
5.9.1	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.
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.
5.9.3	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 5 -

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

	period of at least 8 weeks.
5.10	<u>Process B</u>
5.10.1	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.
5.10.2	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.
5.10.3	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.
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.
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.
5.11	<u>Process C</u>
5.11.1	The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.
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.
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:

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- 6 -

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

5.11.3.1	an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and
5.11.3.2	an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment,  a written notice in accordance with the Regulations.
5.12	The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:
5.12.1	accords with the Planning Strategy; and
5.12.2	accords with the Statement of Intent; and
5.12.3	accords with other parts of the Development Plan; and
5.12.4	complements the policies in the Development Plans for adjoining areas; and
5.12.5	satisfies the matters prescribed in the Regulations.
5.13	In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:
5.13.1	allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and
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,
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 7 -

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

	written notice:
5.14.1	informing the owner of the proposed amendment, and
5.14.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.
5.15	If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:
5.15.1	informing the owner of the proposed amendment; and
5.15.2	inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.
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.
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.
5.18	The duty to send to the Minister:
5.18.1	a copy of a report under Section 25(13)(a); and
5.18.2	a certificate from the Chief Executive Officer;
	pursuant to and in accordance with Section 25(14) of the Act and the Regulations.
5.19	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.
5.20	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.
5.21	The power pursuant to Section 25(23) of the Act to consult with the Minister.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 8 -

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

<b>6.</b>	<b>Amendments by the Minister</b>
6.1	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.
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.
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.
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.
6.5	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.
<b>7.</b>	<b>Parliamentary Scrutiny</b>
7.1	The power pursuant to Section 27(6) of the Act to consult with the Minister.
<b>8.</b>	<b>Strategic Directions Reports</b>
8.1	The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:
8.1.1	addresses the strategic planning issues within the area of the Council, with particular reference to:
8.1.1.1	the Planning Strategy; and
8.1.1.2	any other policy or document prescribed by the regulations; and
8.1.2	addresses appropriate amendments to any Development Plan that applies within the area of the Council; and
8.1.3	sets out the Council's priorities for:
8.1.3.1	achieving orderly and efficient development through the implementation of planning policies; and

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



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

8.1.3.2	the integration of transport and land-use planning within its area; and
8.1.3.3	implementing any relevant targets set out in the Planning Strategy; and
8.1.3.4	implementing affordable housing policies set out in the Planning Strategy within its area; and
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
8.1.3.6	other projects or initiatives considered to be relevant by the Council; and
8.1.4	contains such other material as may be:
8.1.4.1	prescribed by the regulations; or
8.1.4.2	required by the Minister.
8.2	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:
8.2.1	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:
8.2.1.1	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and
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
8.2.2	in any event, within 5 years after the completion of the last report under Section 30 of the Act.
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:

- 10 -

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

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
8.3.2	consult with any prescribed authority or body in the manner specified by the regulations.
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.
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.
8.6	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:
8.6.1	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and
8.6.2	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.
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.
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).
8.9	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:
8.9.1	from a requirement to prepare a particular report under Section 30 of the Act; or
8.9.2	from a particular requirement with respect to a report under Section 30 of the Act.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

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

	charge) by the public at the principal office of the Council.
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.
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.
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.
<b>9.</b>	<b>Copies of Plans to be Made Available to the Public</b>
9.1	The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.
<b>10.</b>	<b>Matters Against Which Development Must be Assessed</b>
10.1	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):
10.1.1	the provisions of the appropriate Development Plan;
10.1.2	the provisions of the Building Rules;
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;
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;
10.1.5	the requirement that any encroachment of a building over, under,

- 12 -

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

	across or on a public place has been dealt with in a satisfactory manner; and
10.1.6	such other matters as may be prescribed.
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.
10.3	If:
10.3.1	a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and
10.3.2	the Council:
10.3.2.1	is the relevant authority; and
10.3.2.2	is to make the assessment under that paragraph; and
10.3.3	the Council determines to grant consent under that paragraph,
	the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.
<b>11.</b>	<b>Determination of Relevant Authority</b>
11.1	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.
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.
11.3	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.
11.4	The power in accordance with Section 34(21) of the Act to withdraw from a

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

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

	regional development assessment panel
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.
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.
<b>12.</b>	<b>Special Provisions Relating to Assessment Against Development Plans</b>
12.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).
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.
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.
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.
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.
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.
<b>13.</b>	<b>Special Provisions Relating to Assessment Against the Building Rules</b>
13.1	The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work



- 14 -

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

	complies with the Building Rules.
13.2	The power pursuant to and in accordance with Section 36(2) of the Act:
13.2.1	to assess whether a development is at variance with the Building Rules;
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;
13.2.3	to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:
13.2.3.1	the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or
13.2.3.2	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.
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.
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.
13.5	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:
13.5.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 15 -

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

	in accordance with the Regulations; or
	13.5.2 such compliance is certified by a private certifier.
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.
<b>14. Consultation With Other Authorities or Agencies</b>	
14.1	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:
14.1.1	refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and
14.1.2	not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).
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.
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.
<b>15. Preliminary Advice and Agreement</b>	
15.1	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.
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.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 16 -

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

<b>16. Proposed Development Involving Creation of Fortifications</b>
16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').
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.
16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:
16.3.1 if the proposed development consists only of the creation of fortifications – refuse the application; or
16.3.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.
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.
<b>17. Public Notice and Consultation</b>
17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.
17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -
17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:
17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and
17.2.1.2 give any other person of a prescribed class,



- 17 -

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

	notice of the application; and
17.2.2	the duty pursuant to Section 38(3a)(b) of the Act, to:
17.2.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and
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
17.2.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.
17.3	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.
17.4	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.
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.
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.
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 18 -

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

	in order to respond to any relevant matter.
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.
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.
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.
<b>18.</b>	<b>Application and Provision of Information</b>
18.1	The power pursuant to Section 39(2) of the Act to request an applicant to:
18.1.1	provide such additional documents or information to enable assessment of the application;
18.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;
18.1.3	consult with an authority or body prescribed by the Regulations;
18.1.4	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and
18.1.5	comply with any other requirement prescribed by the Regulations.
18.2	If:
18.2.1	a development is of a kind that is complying development; and
18.2.2	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and
18.2.3	the applicant has complied with the requirements of Section

- 19 -

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

	39(1)(a), (c) and (d),
	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.
18.3	lf:
18.3.1	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and
18.3.2	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,
	the power and duty pursuant to Section 39(2b)(c) of the Act, to;
18.3.3	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and
	the duty pursuant to Section 39(2b)(d) of the Act, to;
18.3.4	make that request within a period prescribed by the Regulations.
18.4	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:
18.4.1	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and
18.4.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

**Item 3.6.4 - Attachment 2 - Instrument of Delegations - Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008**

- 20 -

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

	considers that special circumstances apply.
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.
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.
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).
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.
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.
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.
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.
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



- 21 -

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

	original authorisation in its decision on the application for variation.
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.
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.
<b>19.</b>	<b>Determination of Application</b>
19.1	The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)
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.
<b>20.</b>	<b>Time Within Which Decision Must be Made</b>
20.1	The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.
20.2	If:
20.2.1	the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and
20.2.2	the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,
	the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.
<b>21.</b>	<b>Conditions</b>
21.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC

Last amended: 31 March 2018

- 22 -

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

	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).
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.
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.
<b>22.</b>	<b>Cancellation by a Relevant Authority</b>
22.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.
<b>23.</b>	<b>Investigation of Development Assessment Performance</b>
23.1	The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.
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.
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.
<b>24.</b>	<b>Crown Development and Public Infrastructure</b>
24.1	The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
24.2	The power pursuant to Section 49(5) of the Act to report to the

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 23 -

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

	Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.
24.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.
<b>25. Electricity Infrastructure Development</b>	
25.1	The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
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.
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.
<b>26. Open Space Contribution System</b>	
26.1	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:
26.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
26.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or
26.1.3	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act,
	according to the determination and specification of the Council or Delegate.
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.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 24 -

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

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.
26.4	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.
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.
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.
<b>27. Carparking Fund</b>	
27.1	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.
27.2	The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.
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.
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.
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.
27.6	The duty pursuant to and in accordance with Section 50A(6) of the Act to

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



- 25 -

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

	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.
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.
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.
<b>28.</b>	<b>Urban Trees Fund</b>
28.1	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).
28.2	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.
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.
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.
28.5	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:
28.5.1	maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or
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.
28.6	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:
28.6.1	if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 26 -

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

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.
<b>29. Certificate in Respect of the Division of Land</b>	
29.1	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.
<b>30. Saving Provisions</b>	
30.1	The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.
<b>31. Avoidance of Duplication of Procedures Etc</b>	
31.1	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.
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.
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.
31.4	The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

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

	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.
31.5	Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:
31.5.1	in circumstances where:
31.5.1.1	the Commonwealth Minister has given his or her approval to the controlled action; and
31.5.1.2	the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and
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.
<b>32.</b>	<b>Requirement to Upgrade Building in Certain Cases</b>
32.1	Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to

- 28 -

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

	proper structural and health standards.
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.
<b>33.</b>	<b>Urgent Building Work</b>
33.1	The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.
<b>34.</b>	<b>Action if Development Not Substantially Completed</b>
34.1	The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.
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.
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.
<b>35.</b>	<b>Completion of Work</b>
35.1	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



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

	required by a notice under Section 56(1) of the Act.
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.
35.4	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.
<b>36.</b>	<b>Council to Establish Development Assessment Panels</b>
36.1	The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.
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.
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.
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.
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.
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:
36.6.1	breach of, or failure to comply with, the conditions of appointment; or
36.6.2	misconduct; or
36.6.3	neglect of duty; or
36.6.4	incapacity to carry out satisfactorily the duty of his or her office; or

- 30 -

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

36.6.5	failure to carry out satisfactorily the duty of his or her office; or
36.6.6	failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.
36.7	The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.
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.
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.
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).
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.
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.
36.13	The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.
<b>37.</b>	<b>Building Rules Assessment Audits</b>
37.1	The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.
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.
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

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

Section 56B.	
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).
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).
<b>37A. Development Plan Assessment Audits</b>	
37A.1	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.
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.
37A.3	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.
37A.4	The power pursuant to Section 56C(15) of the Act to, if
37A.4.1	the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and
37A.4.2	the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,
	consult with the Minister.
<b>38. Land Management Agreements</b>	
38.1	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.
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).
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

- 32 -

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

	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.
38.4	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.
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.
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.
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.
<b>39.</b>	<b>Land Management Agreements - Development Applications</b>
39.1	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.
39.2	The duty pursuant to Section 57A(3) of the Act to have regard to:
39.2.1	the provisions of the appropriate Development Plan.
39.2.2	the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.
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.
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.
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



- 33 -

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

	Section 57A(5) of the Act.
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.
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.
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.
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).
<b>40.</b>	<b>Notification During Building</b>
40.1	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.
<b>41.</b>	<b>Classification of Buildings</b>
41.1	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.
<b>42.</b>	<b>Certificates of Occupancy</b>
42.1	The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.
42.2	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.
42.3	The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 34 -

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

42.4	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.
<b>43. Temporary Occupation</b>	
43.1	The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.
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.
<b>44. Emergency Orders</b>	
44.1	Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:
44.1.1	the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and
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.
<b>44A Fire Safety</b>	
44A.1	The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.
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.
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)).
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.
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.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

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

44A.6	The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.
44A.7	The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.
44A.8	The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.
<b>45.</b>	<b>Building Inspection Policies</b>
45.1	The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.
<b>46.</b>	<b>Advertisements</b>
46.1	The power pursuant to and in accordance with Section 74(1) of the Act to:
46.1.1	form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and
46.1.2	serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).
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.
<b>47.</b>	<b>Enforcement Notices</b>
47.1	The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.
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.
47.3	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:
47.3.1	the power pursuant to Section 84(6) of the Act to cause the

- 36 -

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

	necessary action to be undertaken; and
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.
<b>48.</b>	<b>Applications to Court</b>
48.1	The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.
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.
<b>49.</b>	<b>General Right to Apply to Court</b>
49.1	Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.
<b>50.</b>	<b>Authority to be Advised of Certain Matters</b>
50.1	The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.
<b>51.</b>	<b>Referrals</b>
51.1	The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.
<b>52.</b>	<b>Professional Advice to be Obtained in Relation to Certain Matters</b>
52.1	The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.
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.



- 37 -

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

<b><u>DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</u></b>	
<b>53. Transitional Provisions</b>	
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.
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.

<b><u>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</u></b>	
<b>53A. Complying Development – Development Plan Consent</b>	
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:
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
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).

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

**Item 3.6.4 - Attachment 2 - Instrument of Delegations - Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008**

- 38 -

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

53A.2	The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:
53A.2.1	form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and
53A.2.2	determine that 2 or more minor variations, when taken together, constitute a 'minor variation from <i>complying</i> development'.
<b>53B. Complying Building Work – Building Rules</b>	
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 <i>Building Code</i> referred to in Schedule 4 Part 2).
<b>54. Infrastructure Planning</b>	
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.
<b>55. Consultation with Government Departments or Agencies</b>	
55.1	The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.
<b>56. Public Consultation – Section 25 &amp; 26</b>	
56.1	Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:
56.1.1	advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and
56.1.2	inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in

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

	the notice; and
56.1.3	stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and
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).
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).
56.3	For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.
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.
<b>57.</b>	<b>Public Meeting</b>
57.1	The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.
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.
<b>58.</b>	<b>Application to Relevant Authority</b>
58.1	The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.



- 40 -

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

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.
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.
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.
58.4A	The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:
58.4A.1	the Development Assessment number assigned to the development proposed under the application; and
58.4A.2	if the private certifier, at the time of forwarding a copy of an application form 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:
58.4A.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken;
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; and
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

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

	undertaken.
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).
	[City of Tea Tree Gully only]
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 application:
58.6.1	a copy of the application; and
58.6.2	a copy of the plans, drawings, specification and other documents or information accompanying the application.
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:
58.7.1	in the case of an application that is lodged with the Council for assessment as <i>residential code</i> 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;
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).
58.8	The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.
<b>59.</b>	<b>Nature of Development</b>
59.1	The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.
59.2	The power pursuant to Regulation 16(2) of the Regulations to form the

- 42 -

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

	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.
59.3	The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.
59.4	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as <i>residential code</i> development or designated development, form the opinion that the development is not <i>residential code</i> development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.
<b>60.</b>	<b>Non-Complying Development</b>
60.1	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:
60.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or
60.1.2	resolve to proceed with an assessment of the application.
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.
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.
<b>61.</b>	<b>Notification of Application for Tree-Damaging Activity to Owner of Land</b>
61.1	Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:

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

61.1.1	to give the owner of land notice of the application; and
61.1.2	to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.
<b>62. Amended Applications</b>	
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.
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.
<b>63. Withdrawing/Lapsing Application</b>	
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.
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.
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:
63.3.1	take reasonable steps to notify the applicant of the action under consideration; and
63.3.2	allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.
<b>64. Contravening Development</b>	
64.1	The power pursuant to Regulation 23(2) of the Regulations, by notice in



- 44 -

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

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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 45 -

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

	have regard to any report received from the fire authority under Regulation 28.
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.
68.3	If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:
68.3.1	recommends against the granting of building rules consent; or
68.3.2	concurs in the granting of consent on conditions specified in its report,
	but the Delegate:
68.3.3	proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or
68.3.4	does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
	the duty pursuant to Regulation 28(5a) of the Regulations to:
68.3.5	refer the application to the Building Rules Assessment Commission; and
68.3.6	not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.
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.
68.5	The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.
<b>69.</b>	<b>Land Division Applications</b>
69.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



- 46 -

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

	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.
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.
<b>70.</b>	<b>Underground Mains Area</b>
70.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.
70.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.
70.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.
<b>71.</b>	<b>Preliminary Advice and Agreement - Section 37AA</b>
71.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.
71.2	The power pursuant to Regulation 31A(6) of the Regulations if:
71.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and
71.2.2	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,  to refer the application (unless withdrawn) to the prescribed body:
71.2.3	to obtain a variation to the agreement under Section 37AA of the Act; or
71.2.4	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 47 -

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

71.3	The power pursuant to Regulation 31A(7) of the Regulations if:
71.3.1	an application is withdrawn by the Applicant; and
71.3.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,
	to notify the relevant prescribed body of the withdrawal of an application.
71.4	The power pursuant to Regulation 31A(8) of the Regulations if:
71.4.1	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and
71.4.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,
	to notify the relevant prescribed body of the lapsing of an application.
71.5	The power pursuant to Regulation 31A(9) of the Regulations if:
71.5.1	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and
71.5.2	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,
	to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.
<b>71A. Public Notice Categories</b>	
71A.1	The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.
<b>72. Public Inspection of Certain Applications</b>	
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).
72.2	The duty pursuant to Regulation 34(2) of the Regulations, subject to

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 48 -

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

	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.
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.
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.
<b>73.</b>	<b>Response by Applicant</b>
73.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation
<b>74.</b>	<b>Determination of Commission as Relevant Authority</b>
74.1	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:
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
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).
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.

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

<b>75.</b>	<b>Assessment in Respect of Building Rules Referred to the Council</b>
75.1	The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.
<b>76.</b>	<b>Notification of Decision to Applicant (Including Conditions)</b>
76.1	The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).
<b>77.</b>	<b>Notification of Decision to a Prescribed Body</b>
77.1	The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.
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.
<b>78.</b>	<b>Notification of Decision to Owner of Land</b>
78.1	The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.
<b>79.</b>	<b>Scheme Description – Community Titles</b>
79.1	The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:
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.

- 50 -

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

<p>OR</p> <p>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p> <p>Dated:</p>
<p>79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.</p>
<p><b>80. Special Provisions Relating to Staged Consents</b></p>
<p>80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.</p>
<p><b>81. Endorsed Plans</b></p>
<p>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.</p>
<p><b>81A. Minor Variation of Development Authorisation</b></p>
<p>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.</p>



- 51 -

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

<b>82. Lapse of Consent or Approval</b>
82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.
<b>83. Width of Roads and Thoroughfares</b>
83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.
83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.
<b>84. Road Widening</b>
84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.
<b>85. Requirement as to Forming of Roads</b>
85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.
85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.
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.
<b>86. Construction of Roads, Bridges, Drains and Services</b>
86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



- 52 -

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

<b>87. Supplementary Provisions</b>
87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.
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.
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.
<b>88. General Land Division</b>
88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.
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.
<b>89. Division of Land by Strata Title</b>
89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.
<b>90. General Provisions</b>
90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 53 -

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

	60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.
90.3	The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.
<b>91. Declaration by The Minister - Section 46</b>	
91.1	The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.
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).
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.
<b>92. Referral of Assessment of Building Work</b>	
92.1	Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.
92.2	Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:
92.2.1	provide the certification in the form set out in Schedule 12A; and

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS)  
AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC

Last amended: 31 March 2018

- 54 -

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

92.2.2	to the extent that may be relevant and appropriate:
92.2.2.1	issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and
92.2.2.2	assign a classification to the building under the Regulations; and
92.2.2.3	ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .
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.
<b>93. Notifications During Building Work</b>	
93.1	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.
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.
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.
<b>94. Essential Safety Provisions</b>	
94.1	The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.
94.2	The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 55 -

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

<b>94A Swimming Pool Safety</b>
94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.
<b>95. Building Rules: Bushfire Prone Areas</b>
95.1 Where:
95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and
95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and
95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),
the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.
<b>96. Construction Industry Training Fund</b>
96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.
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.
96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.
<b>96A Requirement to Up-grade Building in Certain Cases</b>
96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



- 56 -

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

	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:
	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
	96A.1.2 that the building work comply with <i>Minister's Specification SA: Upgrading health and safety in existing buildings</i> (to the extent reasonably applicable to the building and its condition).
<b>97. Classification of Buildings</b>	
97.1	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.
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.
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 <i>Minister's Specification SA: Upgrading health and safety in existing buildings</i> has been complied with (to the extent reasonably applicable to the building and its present or intended use).
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 –
97.3.1	the maximum number of persons who may occupy the building (or part of the building); and
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.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC

Last amended: 31 March 2018

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

<b>98. Certificates of Occupancy</b>	
98.1	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.
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.
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.
98.4	Where:
98.4.1	a building is required by the Building Rules:
98.4.1.1	to be equipped with a booster assembly for use by a fire authority; or
98.4.1.2	to have installed a fire alarm that transmits a signal to a fire station; and
98.4.2	facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,
	the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.
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



- 58 -

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

	report.
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.
98.7	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.
<b>99.</b>	<b>Certificate of Independent Technical Expert in Certain Case</b>
99.1	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.
<b>100.</b>	<b>Fees</b>
100.1	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.
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.
100.3	The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.
100.4	The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:
	100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and
	100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.
<b>101.</b>	<b>Register Of Applications</b>
101.1	The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.
101.2	The power pursuant to Regulation 98(3) to fix a fee and upon payment of

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 59 -

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

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).
<b>102. Registration of Land Management Agreements</b>
102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.
102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.
<b>103. Land Management Agreements - Development Applications</b>
103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.
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.
103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.
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.
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.
<b>104. Documents to be Preserved by a Council</b>
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.
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.
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

**Item 3.6.4 - Attachment 2 - Instrument of Delegations - Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008**

- 60 -

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

	least 10 years.
104.2	The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.
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.
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.
104.5	The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:
	104.5.1 for inspection under Regulation 101(4)(a) if to do so would:
	104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
	104.5.1.2 constitute a breach of any other law; or
	104.5.2 for copying under Regulation 101(4)(b) if to do so would:
	104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or
	104.5.2.2 involve an infringement of copyright in matter contained in a document; or
	104.5.2.3 constitute a breach of any other law.
<b>104A Documents to be Provided by Private Certifier</b>	
104A.1	The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such

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

document.
<b>105. Transfer of Development Potential</b>
105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.
<b>106. System Indicators</b>
106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.
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.
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.
<b>107. Schedule 1A – Demolition</b>
107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.
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.
<b>108. Schedule 4 – New Dwellings</b>
108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.

- 62 -

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

<b>109. Schedule 6 - Fees</b>
109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.
<b>110. Schedule 8 – Development Near The Coast</b>
110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.
<b>111. Schedule 8 - Development Adjacent To Main Roads</b>
111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:
111.1.1 alter an existing access; or
111.1.2 change the nature of movement through an existing access; or
111.1.3 create a new access; or
111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,
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).
<b>112. Schedule 8 - State Heritage Places</b>
112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated
<b>113. Schedule 8 – Mining – General</b>
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.

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018



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

<b>114. Schedule 8 - Activity of Environmental Significance</b>	
114.1	The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.
<b>115. Schedule 8 – Aquaculture Development</b>	
115.1	The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.
<b>116. Schedule 8 – Development Within the River Murray Floodplain Area</b>	
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.
<b>117. Schedule 8 – Development Within the River Murray Tributaries Area</b>	
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.
<b>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</b>	
118.1	The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.
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



- 64 -

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

	minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.
118.3	The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:
118.3.1	the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);
118.3.2	the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).
118.4	The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:
118.4.1	that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and
118.4.2	whether the division will change the nature or function of an existing road.
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.
118.6	Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:
118.6.1	the duty to not take into account what is included within Schedule 3 of the Regulations; and
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

FXD\INSTRUMENT OF DELEGATIONS - DEVELOPMENT ACT DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT AND DEVELOPMENT REGULATIONS.DOC Last amended: 31 March 2018

- 65 -

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

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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.
118.7	The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:
118.7.1	that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and
118.7.2	whether the proposed division will change the nature or function of an existing road.
119.	<i>DELIBERATELY LEFT BLANK</i>

- 66 -

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

**SCHEDULE OF CONDITIONS**

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

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

**ATTACHMENT 3****INSTRUMENT OF DELEGATION UNDER THE  
LOCAL GOVERNMENT ACT 1999****NOTES**

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

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Composition and Wards</b>
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,
1.1.1 alter the composition of the Council;
1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.
1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to
1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
1.2.2 alter the name of:
1.2.2.1 the Council;
1.2.2.2 the area of the Council;
1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).
1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	benefit from an alteration to the Council's composition or ward structure.
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.
1.5	Deliberately left blank.
1.6	Deliberately left blank.
1.7	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.
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.
1.9	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).
1.10	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:
1.10.1	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and
1.10.2	sets out:
1.10.2.1	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and
1.10.2.2	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section

256275\FXD\01899133

Last amended: 31 March 2018



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and
1.10.3	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.
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.
1.12	The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.
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.
1.14	With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:
1.14.1	insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and
1.14.2	to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.
1.15	Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:
1.15.1	prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and
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

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
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.
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.
1.18	The power pursuant to Section 12(15)(b) of the Act to provide by notice in the <i>Gazette</i> , for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.
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.
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.
1.21	The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.
<b>2. Status of a Council or Change of Various Names</b>	
2.1	The power pursuant to Section 13(1) of the Act, to, by notice in the <i>Gazette</i> , after complying with the requirements of Section 13 of the Act:
2.1.1	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;
2.1.2	alter the name of:

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

2.1.2.1	the Council;
2.1.2.2	the area of the Council;
2.1.3	alter the name of a ward.
2.2	The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:
2.2.1	to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;
2.2.2	publish the notice in a newspaper circulating within the area; and
2.2.3	give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.
<b>3.</b>	<b>Deliberately left blank</b>
	Deliberately left blank
<b>4.</b>	<b>Deliberately left blank</b>
	Deliberately left blank
<b>5.</b>	<b>Council Initiated Proposal</b>
5.1	Deliberately left blank
5.2	Deliberately left blank
5.2.1	Deliberately left blank
5.2.2	Deliberately left blank
5.2.3	Deliberately left blank
5.2.4	Deliberately left blank
5.3	Deliberately left blank
5.3.1	Deliberately left blank
5.3.2	Deliberately left blank
<b>6.</b>	<b>Public Initiated Submissions</b>

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

6.1	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:
6.1.1	conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or
6.1.2	formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.
6.2	Where the Council is affected by a public initiated proposal under Chapter 3 of the Act, the duty to ensure that copies of the summary prepared by the Minister are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Minister, pursuant to Section 28(23)(f) and (g).
<b>7. General Powers and Capacities</b>	
7.1	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.
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.
7.3	The power pursuant to Section 36(2) of the Act to act outside the Council's area:
7.3.1	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or
7.3.2	in order to provide services to an unincorporated area of the State.
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.
<b>8. Provision Relating to Contract and Transactions</b>	
8.1	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.
<b>9. Committees</b>	

256275\FXD\01899133

Last amended: 31 March 2018

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


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9.1	The power pursuant to Section 41(1) and (2) of the Act to establish committees.
9.2	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.
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.
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.
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.
<b>10. Delegations</b>	
10.1	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.
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.
<b>11. Principal Office</b>	
11.1	The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.
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.
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.
<b>12. Commercial Activities</b>	
12.1	Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

12.2	The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:
12.2.1	establish a business;
12.2.2	participate in a joint venture, trust, partnership or other similar body.
<b>13. Interests in Companies</b>	
13.1	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.
<b>14. Prudential Requirements for Certain Activities</b>	
14.00	The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1	acts with due care, diligence and foresight; and
14.00.2	identifies and manages risks associated with a project; and
14.00.3	makes informed decisions; and
14.00.4	is accountable for the use of Council and other public resources.
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.
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:
14.1.1	Deliberately left blank.
14.1.2	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -

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


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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
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
14.1.2.3	where the Council or Delegate considers that it is necessary or appropriate.
14.2	Deliberately left blank.
14.3	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).
<b>15. Contracts and Tenders Policies</b>	
15.0	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:
15.0.1	obtaining value in the expenditure of public money; and
15.0.2	providing for ethical and fair treatment of participants; and
15.0.3	ensuring probity, accountability and transparency in procurement operations.
15.1	Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:
15.1.1	the contracting out of services; and
15.1.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
15.1.3	the use of local goods and services; and
15.1.4	the sale or disposal of land or other assets.

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


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15.2	The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:
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
15.2.2	provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
15.2.3	provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
15.2.4	are consistent with any requirement prescribed by the regulations.
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).
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.
<b>16. Public Consultation Policies</b>	
16.1	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:
16.1.1	in cases where the Act requires the Council to follow its public consultation policy; and
16.1.2	in other cases involving Council decision making, if relevant.
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.
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:
16.3.1	the publication of a notice:
16.3.1.1	in a newspaper circulating within the area of the

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	Council; and
	16.3.1.2 on a website determined by the Chief Executive Officer,
	describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
	16.3.2 the consideration of any submissions made in response to that invitation.
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.
16.5	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
16.5.1	prepare a document that sets out its proposal in relation to the matter; and
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;
16.5.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
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.
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.
<b>17.</b>	<b>Deliberately left blank</b>
17.1	Deliberately left blank
17.2	Deliberately left blank
17.3	Deliberately left blank
17.4	Deliberately left blank
17.5	Deliberately left blank

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<b>18. Inspection of Register</b>	
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.
<b>19. Reimbursement of Expenses</b>	
19.1	The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.
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.
<b>20. Register of Allowances and Benefits</b>	
20.1	The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.
<b>21. Insurance of members</b>	
21.1	The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.
<b>22. Training and Development</b>	
22.1	The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.
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.
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.

256275\FXD\01899133

Last amended: 31 March 2018



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


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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).
<b>23. Committee Meetings</b>	
23.1	The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.
23.2	The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:
23.2.1	the availability and convenience of members of the committee; and
23.2.2	the nature and purpose of the committee.
<b>24. Meetings To Be Held in Public Except in Special Circumstances</b>	
24.1	The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.
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.
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.
<b>25. Minutes and Release of Documents</b>	
25.1	The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.
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.
25.3	Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:
25.3.1	minutes of the Council and Council committee meetings; and

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


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25.3.2	reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and
25.3.3	recommendations presented to the Council in writing and adopted by resolution of the Council; and
25.3.4	budgetary or other financial statements adopted by the Council.
<b>26. Access to Meetings and Documents – Code of Practice</b>	
26.1	The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.
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.
26.3	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.
26.4	The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:
26.4.1	copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and
26.4.2	the relevant steps set out in the Council's Public Consultation Policy are followed.
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.
<b>27. Meetings of Electors</b>	
27.1	The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.
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.

256275\FXD\01899133

Last amended: 31 March 2018

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


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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).
<b>28. Obstructing of Meetings</b>	
28.1	The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.
<b>29. Register of Remuneration Salaries and Benefits</b>	
29.1	The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.
<b>30. Certain Periods Of Service To Be Regarded As Continuous</b>	
30.1	The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.
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.
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.
<b>31. Deliberately left blank</b>	
31.1	Deliberately left blank
31.2	Deliberately left blank
31.3	Deliberately left blank
31.4	Deliberately left blank
31.5	Deliberately left blank
31.6	Deliberately left blank
<b>32. Application of Division</b>	
32.1	The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Chapter 7, Part 4, Division 1 of the Act.	
<b>33. Certain Aspects of Strategic Management Plans</b>	
33.1	The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.
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.
<b>34. Annual Business Plans and Budgets</b>	
34.1	Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -
34.1.1	prepare a draft annual business plan; and
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.
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.
34.3	The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:
34.3.1	a facility for asking and answering questions; and
34.3.2	the receipt of submissions,
	on the Council's website during the public consultation period.
34.4	After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:
34.4.1	ensure:
34.4.1.1	that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of

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


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	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
34.4.1.2	that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and
34.4.2	ensure:
34.4.2.1	that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
34.4.2.2	that copies of the summary of the annual business plan are available for inspection and to take (without charge),  at the principal office of the Council; and
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.
<b>35. Accounting Records to be Kept</b>	
35.1	The duty pursuant to Section 124(1) of the Act to:
35.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
35.1.2	keep the Councils accounting records in such manner as will enable:
35.1.2.1	the preparation and provision of statements that fairly present financial and other information; and
35.1.2.2	the financial statements of the Council to be conveniently and properly audited.
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.
<b>36. Internal Control Policies</b>	



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
<b>37. Audit Committee</b>	
37.1	The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.
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.
<b>38. Financial Statements</b>	
38.1	The duty pursuant to Section 127(1) of the Act to prepare for each financial year:
38.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and
38.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.
38.2	The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:
38.2.1	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and
38.2.2	comply with standards and principles prescribed by the Regulations; and
38.2.3	include the information required by the Regulations.
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.
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.
38.5	The duty pursuant to Section 127(5) of the Act to ensure that copies of

256275\FXD\01899133

Last amended: 31 March 2018

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


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	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.
<b>39. The Auditor</b>	
39.1	The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.
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.
39.3	The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:
39.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:
39.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and
39.3.1.2	other remuneration;
39.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.
<b>40. Conduct of Audit</b>	
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.
<b>41. Other Investigations</b>	
41.1	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	examination under this Section.
41.2	Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:
41.2.1	unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;
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.
<b>42. Annual Report to be Prepared and Adopted</b>	
42.1	The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.
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.
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.
42.4	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:
42.4.1	the Presiding Member of both Houses of Parliament; and
42.4.2	to the persons or body prescribed by the Regulations,
	on or before the date determined under the Regulations.
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.
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

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	at the principal office of the Council.
<b>43. Access to Documents</b>	
43.1	The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:
43.1.1	to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and
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.
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).
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:
43.3.1	agendas for meetings of the Council or Council committees;
43.3.2	minutes of meetings of the Council or Council committees;
43.3.3	codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;
43.3.4	the Council's contract and tenders policies, public consultation policy and order-making policies;
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;
43.3.6	the Council's budget (as adopted by the Council for a particular year);
43.3.7	a list of fees and charges imposed by the Council under this Act;
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;
43.3.9	procedures for the review of decisions established by the Council under Part 2 of Chapter 13;

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

43.3.10 the audited financial statements of the Council;
43.3.11 the annual report of the Council;
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.
<b>44. Related Administrative Standards</b>
44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:
44.1.2 to ensure compliance with any statutory requirements; and
44.1.2 to achieve and maintain standards of good public administration.
<b>45. Sources of Funds</b>
45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.
<b>46. Ability of a Council to Give Security</b>
46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:
46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);
46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);
46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.
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:
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

256275\FXD\01899133

Last amended: 31 March 2018



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

46.2.2	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.
<b>47. Expenditure of Funds</b>	
47.1	Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.
<b>48. Investment Powers</b>	
48.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
48.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:
48.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
48.2.2	avoid investments that are speculative or hazardous in nature.
48.3	The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:
48.3.1	the purposes of the investment;
48.3.2	the desirability of diversifying Council investments;
48.3.3	the nature of and risk associated with existing Council investments;
48.3.4	the desirability of maintaining the real value of the capital and income of the investment;
48.3.5	the risk of capital or income loss or depreciation;
48.3.6	the potential for capital appreciation;
48.3.7	the likely income return and the timing of income return;
48.3.8	the length of the term of a proposed investment;
48.3.9	the period for which the investment is likely to be required;
48.3.10	the liquidity and marketability of a proposed investment during,

256275\FXD\01899133

Last amended: 31 March 2018

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


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	and on determination of, the term of the investment;
48.3.11	the aggregate value of the assets of the Council;
48.3.12	the likelihood of inflation affecting the value of a proposed investment;
48.3.13	the costs of making a proposed investment;
48.3.14	the results of any review of existing Council investments.
48.4	Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:
48.4.1	the anticipated community benefit from an investment; and
48.4.2	the desirability of attracting additional resources into the local community.
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.
<b>49. Review of Investment</b>	
49.1	The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.
<b>50. Gifts to a Council</b>	
50.1	Within the confines of Section 44(3) of the Act:
50.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;
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;
50.1.3	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;
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

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

50.1.5	the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <i>Gazette</i> , within 28 days after that order is made.
<b>51. Duty to Insure Against Liability</b>	
51.1	The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.
<b>52. Writing off Bad Debts</b>	
52.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:
52.1.1	if the Council has no reasonable prospect of recovering the debts; or
52.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered,
	up to and including an amount of \$5,000.00 in respect of any one debt.
52.2	The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:
52.2.1	reasonable attempts have been made to recover the debt; or
52.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.
<b>53. Recovery of Amounts due to Council</b>	
53.1	The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.
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.
<b>54. Land Against Which Rates May be Assessed</b>	
54.1	The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	principles and practices that apply on a uniform basis across the area of the Council.
<b>55. Basis of Rating</b>	
55.1	Before the Council:
55.1.1	changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or
55.1.2	changes the basis on which land is valued for the purposes of rating; or
55.1.3	changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;
	the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:
55.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and
55.1.5	follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.
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.
<b>56. General Rates</b>	
56.1	The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.
<b>57. Service Rates and Service Charges</b>	
57.1	The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.
57.2	The power pursuant to Section 155(7) of the Act, if a prescribed service

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	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.
<b>58. Basis of Differential Rates</b>	
58.1	The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.
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 -
58.2.1	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and
58.2.2	follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
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.
<b>59. Notice of Differentiating Factors</b>	
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.
<b>60. Preliminary</b>	
60.1	The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
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



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	Delegate's own initiative).
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%.
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.
<b>61. Rebate of Rates - Community Services</b>	
61.1	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:
61.1.1	is incorporated on a not-for-profit basis for the benefit of the public; and
61.1.27	provides community services without charge or for charge that is below the cost to the body of providing their services; and
61.1.3	does not restrict its services to persons who are members of the body.
<b>62. Rebate of Rates - Educational Purposes</b>	
62.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:
62.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or
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
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.
<b>63. Discretionary Rebates of Rates</b>	
63.1	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):
63.1.1	the nature and extent of the Council's services provided in

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
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
63.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;
63.1.4	any other matter considered relevant by the Council or the Delegate.
63.2	The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:
63.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;
63.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;
63.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;
63.2.4	where the land is being used for educational purposes;
63.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;
63.2.6	where the land is being used for a hospital or health centre;
63.2.7	where the land is being used to provide facilities or services for children or young persons;
63.2.8	where the land is being used to provide accommodation for the aged or disabled;
63.2.9	where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;
63.2.10	where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

63.2.11	where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
63.2.12	where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:
63.2.12.1	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or
63.2.12.2	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.
63.2.13	where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:
63.2.13.1	liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or
63.2.13.2	liability that is unfair or unreasonable;
63.2.14	where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or
63.2.15	where the rebate is contemplated under another provision of the Act.
63.3	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:
63.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or
63.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or
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.

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
<b>64. Valuation of Land for the Purposes of Rating</b>	
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.
64.2	For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:
64.2.1	valuations made, or caused to be made, by the Valuer-General; or
64.2.2	valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;
	or a combination of both.
64.3	The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.
<b>65. Valuation of Land</b>	
65.1	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).
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.
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.
<b>66. Objections to Valuations Made by Council</b>	
66.1	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:
66.1.1	the objection does not involve a question of law; and

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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
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).
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.
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.
66.4	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:
66.4.1	in the prescribed manner and form;
66.4.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and
66.4.3	accompanied by the prescribed fee.
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.
<b>67. Notice of Declaration of Rates</b>	
67.1	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the <i>Gazette</i> and in a newspaper circulating in the area within 21 days after the date of the declaration.
<b>68. Alterations to Assessment Record</b>	
68.1	The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
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.
<b>69. Inspection of Assessment Record</b>	



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

69.1	The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.
<b>70. Liability for Rates</b>	
70.1	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:
70.1.1	the principal ratepayer; or
70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or
70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.
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.
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.
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.
<b>71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year</b>	
71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
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.
<b>72. Service of Rate Notice</b>	
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

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:
72.1.1	the declaration of a rate; or
72.1.2	the imposition of a service charge; or
72.1.3	a change in the rates liability of land.
<b>73. Payment of Rates – General Principles</b>	
73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
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).
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.
73.4	The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:
73.4.1	the amount of the instalment; and
73.4.2	the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
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.
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.
73.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

73.7.1	the payment of instalments of rates in advance; or
73.7.2	prompt payment of rates.
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.
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.
73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:
73.10.1	the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and
73.10.2	the Delegate must give at least 30 days notice before an instalment falls due.
<b>74. Remission and Postponement of Payment</b>	
74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:
74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or
74.1.2	remit the rates in whole or in part.
74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:
74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);

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


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74.2.2	to grant the postponement on other conditions determined by the Delegate; and
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).
74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:
74.3.1	to assist or support a business in the Council's area; or
74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.
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).
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.
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).
<b>75. Postponement of Rates - Seniors</b>	
75.1	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.
75.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:
75.2.1	reject an application for the postponement of rates; or
75.2.2	impose conditions on the postponement of rates but only in accordance with the Regulations.
<b>76. Application of money in respect of rates</b>	

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
<b>77. Sale of Land for Non-Payment of Rates</b>	
77.1	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2	The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:
77.2.1	stating the period for which the rates have been in arrears; and
77.2.2	stating the amount of the total liability for rates presently outstanding in relation to the land; and
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.
77.3	The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:
77.3.1	to any owner of the land who is not the principal ratepayer; and
77.3.2	to any registered mortgagee of the land; and
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.
77.4	If:
77.4.1	the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or
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,
	the power pursuant to Section 184(4) of the Act to effect service of the notice by:
77.4.3	placing a copy of the notice in a newspaper circulating



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	throughout the State; and
	77.4.4 leaving a copy of the notice in a conspicuous place on the land.
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.
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.
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.
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.
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.
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.
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.
<b>78. Objection, Review or Appeal</b>	
78.1	If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:
78.1.1	to refund or credit the overpaid amount against future

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	liabilities for rates on the land subject to the rates; or
78.1.2	to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.
<b>79. Certificate of Liabilities</b>	
79.1	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:
79.1.1	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and
79.1.2	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.
<b>80. Investigation by Ombudsman</b>	
80.1	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:
80.1.1	the Ombudsman; and
80.1.2	if relevant, the person who made the complaint.
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.
<b>81. Fees and Charges</b>	
81.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:
81.1.1	for the use of any property or facility owned, controlled,

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


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	managed or maintained by the Council;
81.1.2	for services supplied to a person at his or her request;
81.1.3	for carrying out work at a person's request;
81.2	The power pursuant to Section 188(3) of the Act to provide for:
81.2.1	specific fees and charges;
81.2.2	maximum fees and charges and minimum fees and charges;
81.2.3	annual fees and charges;
81.2.4	the imposition of fees or charges according to specified factors;
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
81.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.
81.3	The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
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.
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.
<b>82. Acquisition of Land by Agreement</b>	
82.1	The power pursuant to Section 190 of the Act to acquire land by agreement.
<b>83. Compulsory Acquisition of Land</b>	
83.1	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.
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

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

approved purpose.	
<b>84. Assumption of Care, Control and Management of Land</b>	
84.1	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
84.2	The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .
<b>85. Classification</b>	
85.1	The duty pursuant to Section 193(6) of the Act to give notice in the <i>Gazette</i> of a resolution:
85.1.1	to exclude land from classification as community land under Section 193(4) of the Act; or
85.1.2	to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.
<b>86. Revocation of Classification of Land as Community Land</b>	
86.1	The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1	prepare and make publicly available a report on the proposal containing:
86.1.1.1	a summary of reasons for the proposal; and
86.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and
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
86.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and
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

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	a condition of approving the proposed revocation of the classification; and
86.1.2	follow the relevant steps set out in the Council's public consultation policy.
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.
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.
<b>87. Effect of Revocation of Classification</b>	
87.1	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.
<b>88. Management Plans</b>	
88.1	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:
88.1.1	identifies the land to which it applies; and
88.1.2	states the purpose for which the land is held by the Council; and
88.1.3	states the Council's objectives, policies (if any) and proposals for the management of the land; and
88.1.4	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
88.2	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:
88.2.1	identify the owner of the land; and

256275\FXD\01899133

Last amended: 31 March 2018



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

88.2.2	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and
88.2.3	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
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.
<b>89. Public Consultation on Proposed Management Plan</b>	
89.1	Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:
89.1.1	make copies of the proposed plan available for inspection or purchase at the Council's principal office; and
89.1.2	follow the relevant steps set out in Council's public consultation policy.
89.2	The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
<b>90. Amendment or Revocation of Management Plan</b>	
90.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.
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.
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.
<b>91. Effect of Management Plan</b>	
91.1	The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<b>92. Use of Community Land for Business Purposes</b>
92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.
<b>93. Sale or Disposal of Local Government Land</b>
93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:
93.1.1 vested in the Council in fee simple; or
93.1.2 vested in the Council as lessee.
93.2 The power pursuant to Section 201(2) of the Act to:
93.2.1 grant an easement (including a right of way) over community land; and
93.2.2 grant an easement (excluding a right of way) over a road or part of a road.
<b>94. Alienation of Community Land by Lease or Licence</b>
94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), for:
94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;
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);
94.1.3 any other matter relevant to the use or maintenance of the land.
94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:
94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	proposed lease or licence is 5 years or less; or
94.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
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.
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.
<b>95. Register</b>	
95.1	The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
95.2	The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:
95.2.1	contains the information required by the Regulations; and
95.2.2	contains copies of current management plans.
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.
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.
<b>96. Ownership of Public Roads</b>	
96.1	The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the <i>Gazette</i> .
<b>97. Ownership of Fixtures and Equipment Installed on Public Roads</b>	
97.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Council.	
<b>98. Conversion of Private Road to Public Road</b>	
98.1	The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.
98.2	The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:
98.2.1	if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and
98.2.2	if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and
98.2.3	give public notice of the proposed declaration.
98.3	The duty pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.
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.
<b>99. Highways</b>	
99.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.
<b>100. Power to Carry Out Roadwork</b>	
100.1	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.
100.2	The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:
100.2.1	the roadwork is carried out in compliance with any relevant

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


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requirement under the Road Traffic Act 1961; and
100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and
100.2.3 the roadwork in relation to a private road is only carried out if:
100.2.3.1 the owner agrees; or
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
100.2.3.3 the identity or whereabouts of the owner is unknown; and
100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).
<b>101. Recovery of Cost of Roadwork</b>
101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.
101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:
101.2.1 the person who caused the damage; or
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.
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.
<b>102. Contribution Between Councils where Road is on Boundary Between Council Areas</b>
102.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act

256275\FXD\01899133

Last amended: 31 March 2018



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


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to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.

**103. Special Provisions for Certain Kinds of Roadwork**

103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:

103.1.1 ensure that adjoining properties have adequate access to the road; and

103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.

103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:

103.2.1 there is no significant risk of damage to the adjoining property; or

103.2.2 the road work does not significantly increase the risk of damage to adjoining property.

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.

**104. Power to Order Owner of Private Road to Carry out Specific Roadwork**

104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.

104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:

104.2.1 any proposal to make an order; and

104.2.2 if an order is made, any order,

under Section 216(1) of the Act.

**105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.**

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


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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:
105.1.1	to carry out specified work by way of maintenance or repair; or
105.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.
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.
<b>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</b>	
106.1	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.
106.2	The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:
106.2.1	any proposal to make an order; and
106.2.2	if an order is made, any order
	under Section 218(1) of the Act.
<b>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</b>	
107.1	The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.
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.
107.3	Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:
107.3.1	give the adjoining council at least 2 months notice of the proposed change; and
107.3.2	consider any representations made by the adjoining council in

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


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response to that notice.
107.4 The duty pursuant to Section 219(3) of the Act to:
107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and
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.
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.
107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.
107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.
107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:
107.8.1 in the Gazette; and
107.8.2 in a newspaper circulating in the area of the council; and
107.8.3 on a website determined by the Chief Executive Officer.
<b>108. Numbering of Premises and Allotments</b>
108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.
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.
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.
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.

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
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.
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.
<b>109. Alteration of Road</b>	
109.1	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:
109.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
109.1.2	erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
109.1.3	changing or interfering with the construction, arrangement or materials of the road; or
109.1.4	changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
109.1.5	planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.
109.2	Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:
109.2.1	unduly obstruct the use of the road; or
109.2.2	unduly interfere with the construction of the road; or
109.2.3	have an adverse effect on road safety.
109.3	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:
109.3.1	for a particular act or occasion; or

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.
<b>110. Permits for Business Purposes</b>
110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.
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.
110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.
<b>111. Public Consultation</b>
111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:
111.1.1 that confers a right of exclusive occupation; or
111.1.2 that would have the effect of restricting access to a road; or
111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.
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.
<b>112. Conditions of Authorisation or Permit</b>
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.
<b>113. Cancellation of Authorisation or Permit</b>



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

113.1	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:
113.1.1	in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or
113.1.2	in the any other case - cancel the authorisation or permit for breach of a condition.
113.2	The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:
113.2.1	give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and
113.2.2	consider any representations made in response to the notice.
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.
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.
<b>113A Location Rules – General</b>	
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.
113A.2	The power pursuant to Section 225A(4) of the Act to:
113A.2.1	from time to time amend the Council's location rules;
113A.2.2	amend its location rules in order that the rules comply with:

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

113A.2.2.1	any requirement specified by the Minister under Section 225A(2)(b) of the Act; or
113A.2.2.2	any direction given by the Small Business Commissioner under Section 225A(7) of the Act.
<b>114. Register</b>	
114.1	The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:
114.1.1	includes the information required by regulation; and
114.1.2	may consist (if the Delegate so decides) of a computer record of the relevant information.
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.
<b>115. Trees</b>	
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):	
115.1	giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -
115.1.1	environmental and aesthetic issues; and
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
115.1.3	road safety matters; and
115.1.4	other matters (if any) considered relevant by the Delegate; and
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.
<b>116. Damage</b>	
116.1	The power pursuant to Section 233(1) and (2) of the Act to recover

256275\FXD\01899133

Last amended: 31 March 2018

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


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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.
<b>117. Council's Power to Remove Objects etc from Roads</b>
117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:
117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or
117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.
117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.
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.
<b>118. Deliberately left blank</b>
<b>119. Abandonment of Vehicles and Farm Implements</b>
119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.
<b>120. Removal of Vehicles</b>
120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:
120.1.1 by written notice in the prescribed form:
120.1.1.1 served on the owner personally; or
120.1.1.2 served on the owner by the use of person-to-person registered post,

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

as soon as practicable after the removal of the vehicle; or
120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.
120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:
120.3.1 the vehicle is offered for sale but not sold; or
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.
120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:
120.4.1 firstly, in payment of the costs of and incidental to the sale;
120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;
120.4.3 thirdly, in payment of the balance to the owner of the vehicle.
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.
120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.
<b>121. Time Limits for Dealing with Certain Applications</b>

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


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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.
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.
<b>122. Registrar-General to Issue Certificate of Title</b>
122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.
122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:
122.2.1 in a manner and form approved by the Registrar-General; and
122.2.2 accompanied by:
122.2.2.1 Deliberately left blank
122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and
122.2.2.3 a fee fixed by the Registrar-General.
<b>123. Liability for Injury, Damage or Loss Caused by Certain Trees</b>
123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).
<b>124. Council May Require Bond or Other Security in Certain Circumstances</b>
124.1 Subject to Section 245A of the Act, if,
124.1.1 a person has approval to carry out development under the Development Act 1993; and
124.1.2 the delegate has reason to believe that the performance of



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.
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.
<b>125. Power to Make By-Laws</b>
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.
<b>126. Passing By-Laws</b>
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:
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
126.1.2 by notice in a newspaper circulating in the area of the Council:
126.1.2.1 inform the public of the availability of the proposed by-law; and
126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.
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:

256275\FXD\01899133

Last amended: 31 March 2018

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


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126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and
126.2.2 the by-law is not in conflict with the Act.
126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .
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.
<b>127. Model By-Laws</b>
127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the <i>Gazette</i> .
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.
<b>128. Register of By-Laws and Certified Copies</b>
128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.
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.
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.
<b>129. Power to Make Orders</b>
129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.
<b>130. Procedures to be Followed</b>
130.1 The duty pursuant to Section 255(1) of the Act before taking action to

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:
	130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and
	130.1.2 stating the reasons for the proposed action; and
	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).
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.
130.3	The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:
	130.3.1 to make an order in accordance with the terms of the original proposal; or
	130.3.2 to make an order with modifications from the terms of the original proposal; or
	130.3.3 to determine not to proceed with an order.
130.4	The power pursuant to Section 255(5) of the Act to:
	130.4.1 include two or more orders in the same instrument;
	130.4.2 direct two or more persons to do something specified in the order jointly.
130.5	The duty pursuant to Section 255(6) of the Act to ensure that the order:
	130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and
	130.5.2 states the reasons for the order.
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.
130.7	If an order is directed to a person who is not the owner of the relevant

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	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.
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.
130.9	If the Delegate, in the circumstances of a particular case, considers:
130.9.1	that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or
130.9.2	that an emergency situation otherwise exists,
	the Delegate has the power pursuant to Section 255(12) of the Act to:
130.9.3	Proceed immediately to make an order under this Section without giving notice under Section 255(1); and
130.9.4	require immediate compliance with an order despite Section 255(6)(a).
<b>131. Rights of Review</b>	
131.1	The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal against the order under the Act, and to include the information specified by the Regulations to the Act.
<b>132. Action on Non-Compliance</b>	
132.1	The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.
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.
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.
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

256275\FXD\01899133

Last amended: 31 March 2018



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:
132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and
132.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
<b>133. Councils to Develop Policies</b>
133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.
133.2 The power and duty pursuant to Section 259(2) of the Act to:
132.2.1 prepare a draft of a Policy; and
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).
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.
133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.
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.
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.
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

256275\FXD\01899133

Last amended: 31 March 2018



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

relevant policy under Division 3 of Part 2, Chapter 12 of the Act.
<b>134. Appointment of Authorised Persons</b>
134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.
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.
134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:
134.3.1 containing a photograph of the authorised person; and
134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.
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.
<b>135. Procedures for Review of Decisions and Requests for Services</b>
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.
135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:
135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and
135.0.2 using information gained from the Council's community to improve its services and operations.
135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:
	135.1.1 the Council;
	135.1.2 employees of the Council;
	135.1.3 other persons acting on behalf of the Council,
135.2	The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):
	135.2.1 the manner in which an application for review may be made;
	135.2.2 the assignment of a suitable person to reconsider a decision under review;
	135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;
	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;
	135.2.4 the notification of the progress and outcome of an application for review;
	135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.
135.3	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:
	135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or
	135.3.2 it appears that the application is frivolous or vexatious; or
	135.3.3 the applicant does not have a sufficient interest in the matter.
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

256275\FXD\01899133

Last amended: 31 March 2018

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


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the Council) by the public at the principal office of the Council.
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.
135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:
135.6.1 the number of applications for review made under Section 270; and
135.6.2 the kinds of matters to which the applications relate; and
135.6.3 the outcome of applications under this Section; and
135.6.4 such other matters as may be prescribed by the Regulations.
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.
<b>136. Mediation, Conciliation and Neutral Evaluation</b>
136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.
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.
<b>136A. Provision of Information to Minister</b>
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:
136AA.2.1 the information was given to the Council in confidence;

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

or
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
<b>136B. Minister May Refer Investigation of Council to Ombudsman</b>
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.
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.
<b>136C. Action on a Report</b>
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.
<b>136D. Deliberately left blank</b>
<b>136E. Action on a Report</b>
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.
<b>137. Special Jurisdiction</b>
137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:
137.1.1 proceedings to try the title of a member to an office;
137.1.2 proceedings to try the right of a person to be admitted or restored to an office;
137.1.3 proceedings to compel restoration or admission;
137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;
137.1.5 proceedings to try the validity of a rate or service charge;
137.1.6 proceedings to try the validity of a by-law;
137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.

256275\FXD\01899133

Last amended: 31 March 2018

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<b>138. Service of Documents by Councils etc</b>
138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.
<b>139. Service of Documents on Councils</b>
139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.
<b>140. Recovery of Amounts from Lessees or Licensees</b>
140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.
<b>141. Ability of Occupiers to Carry out Works</b>
141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.
<b>142. Power to Enter and Occupy Land in Connection with an Activity</b>
142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.
142.2 The duty pursuant to Section 294(3) of the Act:
142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and
142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and
142.2.3 within 6 months of ceasing to occupy the land:
142.2.3.1 remedy damage to land caused by the Council



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


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	while in occupation of the land (to such extent as this may be reasonably practicable); and
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;
142.3	The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.
<b>143. Reclamation of Land</b>	
143.1	Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.
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.
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.
143.4	The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.
<b>144. Property in Rubbish</b>	
144.1	The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.
<b>145. Power of Council to Act in Emergency</b>	
145.1	Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<b>146. Deliberately left blank</b>
146.1 Deliberately left blank.
146.2 Deliberately left blank.
<b>147. Costs of Advertisements</b>
147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.
<b>148. Whistleblowing</b>
148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.
<b>148A Use of Facilities</b>
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.
<b>149. Deliberately left blank</b>
<b>150. Deliberately left blank</b>
<b>151. Deliberately left blank</b>
<b>151A Preparation of Stormwater Management Plans by Councils</b>
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> <li>(a) complies with the guidelines issued by the Authority; and</li> <li>(b) is prepared in consultation with the relevant regional NRM board or boards; and</li> <li>(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.</li> </ul>
<b>151B Authority May Issue Order</b>
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

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


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the Act, to make submissions to the Authority in relation to the matter.

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).

**152. Deliberately left blank**

**153. Deliberately left blank**

**154. Special Powers in Relation to Land**

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:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
  - (i) fix posts, stakes or other markers on the land; and
  - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
  - (iii) remove samples for analysis.
- (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
- (f) hold any water in a watercourse or lake or by any other means; and
- (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
- (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

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<p>of water; and</p> <p>(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>(j) undertake any testing, monitoring or evaluation; and</p> <p>(k) undertake any other activity of a prescribed kind.</p>
<p>154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.</p>
<p><b>155. Entry and Occupation of Land Other Than Council Land</b></p>
<p>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.</p>
<p>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.</p>
<p><b>156. Vesting of Infrastructure, etc</b></p>
<p>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.</p>
<p><b>157. Building Upgrade Agreement</b> (<i>May only be delegated to CEO</i>)</p>
<p>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 <i>building upgrade agreement</i>) under which:</p>
<p>157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</p>
<p>157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and</p>
<p>157.1.3 the Council agrees:</p>
<p>157.1.3.1 to levy a charge on the relevant land (a <i>building upgrade charge</i>), to be paid by the building owner,</p>

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

	for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and
157.1.3.2	to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).
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.
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.
<b>158. Variation or Termination of Agreement</b> <i>(May only be delegated to CEO)</i>	
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.
<b>159. Contents of Agreement</b> <i>(May only be delegated to CEO)</i>	
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:
159.1.1	the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and
159.1.2	the amount of money to be advanced by the finance provider under the agreement; and
159.1.3	the amount of the building upgrade charge to be levied by the Council under the agreement; and
159.1.4	the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and
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



## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

and retain; and
159.1.6 any prescribed matters.
159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:
159.2.1 provide for the early repayment of any amount payable under the agreement; and
159.2.2 include and agree to other provisions.
<b>160. Declaration of Building Upgrade Charge</b> <i>(May only be delegated to CEO)</i>
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).
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:
160.2.1 the name and address of the building owner; and
160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and
160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and
160.2.4 the amount for which the building owner is liable; and
160.2.5 the manner of payment of the amount; and
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
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
160.2.8 any prescribed matters.

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

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.

**161. Payment of Building Upgrade Charge**

161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.

161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,

161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and

161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.

**162. Sale of Land for Non-payment of Building Upgrade Charge**

162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.

162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:

162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;

162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);

162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;

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


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162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;
162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;
162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;
162.2.7 seventhly – in payment to the owner of the land.
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.
<b>163. Repayment of Advances to Finance Provider</b>
163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:
163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and
163.1.2 give the building owner written notice of the adjustment.
163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:
163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and
163.2.2 the excess amount has been paid by the Council to the finance provider,
to refund the building owner the excess amount paid.
<b>164. Register of Building Upgrade Agreements</b>
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.
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

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

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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).

## INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

## SCHEDULE OF CONDITIONS

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
157	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.
158	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.
159	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.
160	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.