NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 15 August 2023
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.

A recording of the meeting will be available to view on the Council's website.

Jo Moen
ACTING CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

Welcome by Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2 CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

2.1.1 Council meeting held on Tuesday 18 July 2023 at 5.30pm
2.1.2 Special Council meeting held on Tuesday 18 July 2023 at 6.00pm

2.2 Matters arising from previous minutes

Nil

3 PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

3.2.1 Volunteer Recognition - Mr Bryce Lillecrapp, Chair of Friends of Bushgardens

3.2.2 Barossa Australia to present to Council on their annual activities and future direction of the organisation

3.3 Notice of Motion

Nil

3.4 Questions with Notice

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Nil

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Nil

9. URGENT OTHER BUSINESS

10. NEXT MEETING

Tuesday 19 September 2023 at 5.30pm

11. CLOSURE

Mayor Report to Council - August Meeting 2023

23/44250

JUNE/JULY/AUGUST

14/06/2023 Meeting with Mark McNamara, RDA Barossa & David Weetra, Ngadjuri Board Member regarding a potential project around regeneration of native landscape along existing waterways.

Site Visit at the Tanunda Lutheran Home and GCJ Constructions.

Meeting with Community Groups regarding the Lyndoch Land Purchase.

15/06/2023 Meeting regarding Barossa Arts Festival April 2024.

Topics of discussion: Sponsorship Funding request:

- Assistance with a Twilight Makers Market at Heinneman Park – Hire/build new toilet block, power supply permanent or generator, electrician for stall holder lighting, portable spotlights, parking for visitors at Discovery Caravan Park, Church Cemetery etc.
- Main street banners on stobie poles – assistance from council putting up and removing.
- The creation of a central "Festival Hub" outside the visitor centre and in the CWA Hall offering live local music, art experiences, workshops/demonstrations, children's art activities, information/booking service for festival events
- Official Opening event 30th March – "Best of The Fest"

Sir Condor Laucke Oration 2023 – Vine Inn Nuriootpa.

17/06/2023 Winter Flame - Barossa & District Pipe Band Event – Tanunda Main Street.

19/06/2023 Site inspection at Mount Pleasant Caravan Park

20/06/2023 Meeting with Premier Peter Malinauskas

Topics of Discussion

1. *Gather Round*
2. *Concordia development*
3. *Local Government Reform*
4. *Trade and Investment – Sister City Relationships – South Australia and Texas*

22/06/2023 Attended the Lions Club of Barossa Valley - 55th Annual Handover Dinner.

23/06/2023 Catch up with Cr Greatwich.

24/06/2023 Tour Down Under (TDU) Launch Event in Adelaide.

26/06/2023 Meeting with Matt Hale at Williamstown regarding eco-tourism strategies.

Barossa Tourist Train Feasibility Study convened by the Member for Light Tony Piccolo - Please see – Attachment 1

27/06/2023 Grapevine, Texas planning meeting – Barossa Cellars
28/06/2023 The Barossa Council All Staff Mid-Year Event - Welcoming Wellness

Meeting with representative Sporting Car Club - Collingrove Hill Climb - ORSR Support Letter for a Grant Application.

Meeting with the Leader Newspaper reporters.

Community Forum - Growth and Character Planning – Williamstown.

29/06/2023 Port Pirie ABC Radio interview - Various Council topics including Growth Strategy

30/06/2023 Video Conference – CEO review with the consultants

2/07/2023 FIFA Women's World Cup Trophy Tour Promotional launch – Jacobs Creek.



20/07/2023 Regional Roundtable Council Discussions convened by Member for Light, Tony Piccolo - Please see – Attachment 2

24/07/2023 Catch up Cr Greatwich and Cr Preece

Mount Pleasant Caravan Park photo promotion.

25/07/2023 Teams meeting with South Australian Department of Trade and Industry United States Representatives regarding Grapevine, Texas delegation.

The United States team provided suggestions to the Acting CEO, Jo Moen and myself regarding the opportunities for the upcoming visit to Texas regarding economic and tourism benefits for the Barossa and South Australia.

26/07/2023 South Australian Stormwater Management Authority Meeting.

27/07/2023 Citizenship Ceremony - The Barossa Council Chambers.



28/07/2023 Meeting with Ben Clark, Director Infrastructure and Environmental Services and Stephen Kaesler, Manager Engineering Services and Melissa Smith regarding stormwater issues South Terrace.

28/07/2023 Meeting with Deb Miles to inform there will be no opportunity for horse activities at the 2024 Tanunda Show as a result of the resurfacing of the number one oval.

28/07/2023 Meeting with representatives from the Tanunda Bowling Club regarding the licensed area and changes to the defined bowling club boundary.

01//08/2023 Attended Barossa Development Assessment Panel meeting to provide clarification to any questions with regard to the proposed boundary alterations to facilitate the upgrading of the Lyndoch Oval regional sporting precinct.

02//08/2023 Meeting with user groups at Tanunda Recreation Park - Oval resurfacing and future planning.

08//08/2023 Flaxman Valley Property Owners Information Session - Landscape Board event.

ATTACHMENTS

Attachment 1 Koutsantonis Letter - Barossa Tourist Train ⇩

Attachment 2 Regional Roundtable Council Discussions - Member for Light, Tony Piccolo ⇩

The Hon Tom Koutsantonis MP

Government of South Australia

Minister for Infrastructure and Transport
Minister for Energy and Mining
Level 14, 83 Pirie Street
Adelaide SA 5000
GPO Box 1533
Adelaide SA 5001
Tel 08 7133 1100
minister.koutsantonis@sa.gov.au

23MIT6330

Hon Tony Piccolo MP
Member for Light
148 Murray Street
GAWLER SA 5118

light@parliament.sa.gov.au

Dear Mr Piccolo Tony,

Further to the Malinauskas Government's election commitment to undertake an independent assessment of the feasibility of a tourist train in the Barossa Valley, I am pleased to advise that the Department for Infrastructure and Transport (The Department) have provided me with advice on the matter.

As a result, two contractors have been engaged to support the process and a Governance/communications model proposed, which will ensure the necessary level of investigation and independence is brought to the process.

The Department has recommended that the Barossa Tourist Train Taskforce forms the nucleus of this model, and I would appreciate your support in continuing to lead this process.

If you are supportive, please liaise with Mr Andrew Excell, Executive Director, Transport Strategy and Planning, to progress the matter. Mr Excell can be contacted by email at andrew.excell@sa.gov.au or via telephone on 0407 080 149.

Yours sincerely

Hon Tom Koutsantonis MP
Minister for Infrastructure and Transport
13 / 4 / 2023

REGIONAL REFORM ROUNDTABLE

Purpose

Explore reforms that would lead to better economic, social and environmental outcomes for the people in the region.

Discuss and consider what governance arrangements would lead to the best possible outcomes for the region.

Principles and "Layers" of Reform

The discussions would be guided by agreed principles which reflect key values for the region, and areas (layers) for reform. E.g.

- Community Identity, Connections and Representation
- Transport (including public transport)
- Land Use Planning.
- Environmental Sustainability
- Financial Sustainability
- Economic Development
- Meeting the challenge of population Growth
- Effective Service delivery
- Economic and social Equity

These various "layers" give rise to different governance arrangements, so the challenge for reform process is to aggregate and integrate the various layers/governance arrangements that deliver the best outcomes for the region.

Process

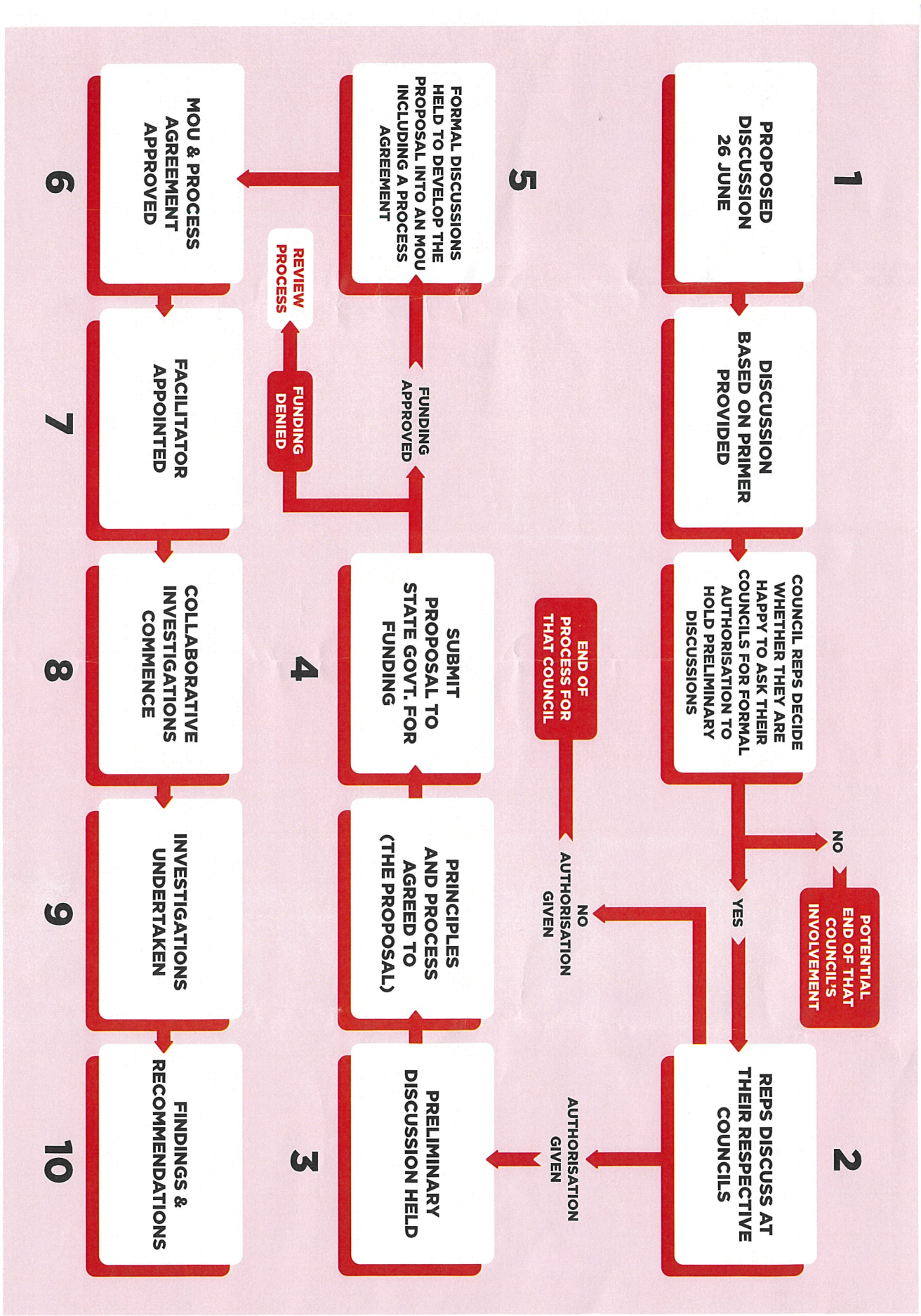
A process (including timetable) to facilitate the discussions would be agreed to all the parties, including community and employee engagement.

Funding for the Process

External funding opportunities to be explored.

Roundtable Parties

The foundation roundtable parties would include APC, LRC, Town of Gawler and BC. Adjoining councils could be invited to participate.


1
PROPOSED DISCUSSION 26 JUNE
DISCUSSION BASED ON PRIMER PROVIDED
COUNCIL REPS DECIDE WHETHER THEY ARE HAPPY TO ASK THEIR COUNCILS FOR FORMAL AUTHORISATION TO HOLD PRELIMINARY DISCUSSIONS
NO
POTENTIAL END OF THAT COUNCIL'S INVOLVEMENT
YES
2
REPS DISCUSS AT THEIR RESPECTIVE COUNCILS
NO AUTHORISATION GIVEN
END OF PROCESS FOR THAT COUNCIL
AUTHORISATION GIVEN
3
PRELIMINARY DISCUSSION HELD
PRINCIPLES AND PROCESS AGREED TO (THE PROPOSAL)
4
SUBMIT PROPOSAL TO STATE GOVT. FOR FUNDING
FUNDING APPROVED
FUNDING DENIED
REVIEW PROCESS
5
FORMAL DISCUSSIONS HELD TO DEVELOP THE PROPOSAL INTO AN MOU INCLUDING A PROCESS AGREEMENT
6
MOU & PROCESS AGREEMENT APPROVED
7
FACILITATOR APPOINTED
8
COLLABORATIVE INVESTIGATIONS COMMENCE
9
INVESTIGATIONS UNDERTAKEN
10
FINDINGS & RECOMMENDATIONS

MATTERS FOR INFORMATION

6.1 AUDIT AND RISK COMMITTEE MEETING - MINUTES OF 21 JUNE 2023

Author: Chief Executive Officer
23/39000

The Audit and Risk Committee Meeting minutes of 21 June 2023 are hereby tabled.

ATTACHMENTS

Nil

SUPPORTING REFERENCES

Agenda of Audit Committee - Wednesday, 21 June 2023 (barossa.sa.gov.au)

Minutes of Audit Committee - Wednesday, 21 June 2023 (barossa.sa.gov.au)

MATTERS FOR INFORMATION

CONSENSUS AGENDA

6.2 FOOD ACT ANNUAL REPORT 2022-2023

Author: Executive and Project Support Officer
23/40669

Section 93 of the *Food Act 2001* requires that Council provide a summary of activities related to the administration of the *Food Act 2001*. The report (*Attachment 1*) is created from the template supplied (and required) by SA Health and was forwarded to their Food Standard Surveillance Branch prior to July 31 (to comply with their requested deadline).

Local councils in their roles as enforcement agencies have an essential role in the administration of this Act. The information provided by Local Government contributes an essential part of the required Annual Food Act Report to Parliament each year by the Minister.

Traditionally food businesses in The Barossa Council area are inspected using the *Australian Food Safety Assessment* (AFSA) system. Developed in SA, food businesses were given an overall risk classification (i.e low, medium, high) and routine inspection frequencies vary from six to twenty-four months (according to risk) to ensure compliance with the National Food Standards.

Recently SA Councils have been obliged to also adopt the new '*South Australian Food Business Risk Classification System'* developed by SA Health and introduced through a Memorandum of Understanding (MOU) between SA Health and the SA Local Government Association (LGA). The MOU introduces inspection principles which are designed to bring about improved consistency across the State.

The *SA Food Business Risk Classification System* require an in-depth assessment of the types of foods being provided, the food processes undertaken, determining the highest food risk, and categorising the business sector to arrive at an inspection priority (i.e P1, P2, P3 and P4 with P1 being the highest risk category). A consequence of this priority system is the disclosure of many premises identified as being of high risk, thereby requiring more frequent and longer inspections and, thus, more resourcing.

The reporting proforma is also now more detailed in recent years to adopt the new system, which aligns SA with Federal Government requirements for a risk profiling framework for the food business sector. This also means that the reporting template involves considerable manual collation of information (as the granular information requested is beyond the usual software capability).

Food businesses which cater for vulnerable populations (e.g Child Care Centres, Hospitals or Nursing Homes) are required to have *Food Safety Plans* (FSP). Such premises are required to have their FSP independently audited (by external third party Auditors, from other councils or SA Health) and reports on these Audits are then forwarded to the local council by the Auditor. Council currently has two approved Food Safety Auditors on staff, auditing premises within the Council area. A fee is

charged per Audit. Hospital FSP's are audited by SA Health. There were in total seven businesses subject to food audit in the period of 2022/23.

ATTACHMENTS

Attachment 1 Copy of Food Act Report and Safe Drinking Water Act Report 2022 2023 ⇩

SUPPORTING REFERENCES

Nil.

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FOOD ACT 2001 - ANNUAL REPORT QUESTIONNAIRE

Information on Local Government Administration of the Food Act for the period 1st July 2022 to 30th June 2023.
Note: When completing the questionnaire please do not delete or remove any formulas.

Council Name : The Barossa Council

1. Authorised Officers

An authorised officer (AO) is defined as "a person appointed under Part 9, Division 3 of the *Food Act 2001"*. Under Division 3 a council is required to maintain a list of AOs appointed under the Act. Please provide the following advice on persons who were listed as an AO for your council, under this provision, on the **30th June 2023.**

The purpose of this question is to update the current list of authorised officers working in South Australia. Where part time staff are employed by more than one council, please indicate the name of all other councils the officer works for. If on the 30th of June 2023 the council did not have an AO under the Food Act please write NIL.

Name of Authorised Officer	Position Title	Contact Details			Full time or part time appointment	**If part time record the FTE (Full Time Equivalent)	Does the authorised officer work for more than one council?	If applicable name other councils worked for	Percentage of time spent on food related matters (including routine, follow-up and complaint inspections)	
		Phone	Mobile	Email					Inspections	Audits
Steve Carroll	Manager Health & Environmental Health Officer	8563 8491		scarroll@barossa.sa.gov.au	Full Time		No		5.00%	
Karen Watson	Environmental Health Officer	8563 8419		kwatson@barossa.sa.gov.au	Part Time	0.6	No		30.00%	15.00%
Joel Bray	Environmental Health Officer	8563 8435		jbray@barossa.sa.gov.au	Full Time		No		30.00%	15.00%
Debra Harding	Environmental Health Officer	8563 8379		dharding@barossa.sa.gov.au	Full Time		No		30.00%	
Maureen Docking	Environmental Health Officer	8563 8419		mdocking@barossa.sa.gov.au	Full Time		No		100.00%	

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				Fulltime Employee	4	No of officer works for >1 Council	0	TOTAL %	39.00%	15.00%
				Part Time Employee	1					

** FTE = Part time working hrs per week/ Full time working hours per week
For example: Officer working 15 hrs a week. Fulltime hours for the week = 37.5. FTE= 15/37.5 which is 0.4 FTE

2. Audits & Inspections of Food Premises

2A. Food Audits

The Food Act requires businesses that process food for service to "Vulnerable Populations" to implement a documented Food Safety Program which is audited to verify compliance with Standard 3.2.1. Please complete the following table with respect to your council area only *(if you audit outside your council area, these details will be captured by the respective council)* . If these businesses were also inspected by your council during the financial year, please indicate in the table.

Business Type - Vulnerable Population	No. of Businesses	Routine Audits (Standard 3.2.1, 3.2.2 & 3.2.3)		Routine Inspections (Standard 3.2.2 & 3.2.3)	
		No. of audits conducted by your council (in your jurisdiction)	No. of audits conducted by other councils (in your jurisdiction)	No. of inspections conducted of auditable businesses	No. of follow-up inspections conducted of auditable businesses
Child Care Centres	4	3	1		

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Aged Care Facilities	3	4			
Private Hospitals (Do not include Public Hospitals as they are audited by SA Health and reported seperately)					
Others- e.g. central production kitchen for vulnerable pops (Do not include Not for Profit Meals on Wheels and Dom Care. They are audited by SA Health and reported seperately)					
TOTAL	7	7	1	0	0

Vulnerable Populations are those types of businesses as defined in Standard 3.3.1 and are required to be audited.

2B. Food Inspections

All food businesses in South Australia are required to comply with the Food Act 2001, the Food Regulations 2017 and the Food Safety Standards. Please complete the following table with respect to your Council EXCLUDING businesses that service “Vulnerable Populations” that were reported in section 2A of the questionnaire. Note: Number of businesses includes all the businesses during the financial year including the ones that were closed or changed ownership.

Businesses Inspections per Priority Risk Classification				
Risk Classification	Number of Businesses	Routine Inspections	Follow up Inspections	No. of inspections resulting from complaints
P1 (exc. “Vulnerable Pop” businesses)	105	55	9	1
P2	88	16	2	
P3	177	28		
P4	9			
Total	379	99	11	1

3. Food Audit and Inspection Fees

3A. Food Audit fees

Councils are able to charge for audits conducted by Authorised Officers.

Does your council conduct Food Audits? Yes

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If you answered NO to the above question go to section 3B.
Does your council charge fees for conducting Food Audits? Yes
If you answered NO to the above question go to section 3B.

Please state the fees currently charged by your council for auditing purposes and clearly specify whether this is an hourly rate or flat fee structure.

	Audit Type/Activity				
	Desktop (offsite) audit	Routine (onsite) audit	Follow up audit	Travel costs	Other
Audit charge $$/unit*		$560 per audit			
Is there is a cap on the maximum cost of an audit? If yes, please specify.					

*Unit - please specify in your response, for example “per audit” OR “per hour”

3B. Food Inspection fees
Councils are able to charge for inspections conducted by Authorised Officers.
Does your council charge fees for conducting food premises inspections? Yes
If you answered NO to the above question go to section 4.
Please state the fees currently charged by your council for inspection purposes.

	Inspection Type				
	Routine Inspection	Follow up inspection	Complaint inspection	Home activity inspection	Other
Inspection charge ($)/unit*	$134 per inspection			$67 per inspection	

*Unit - please specify in your response, for example “per inspection” OR “per hour”

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4. Food Act Enforcement

4A Enforcement Activities

Please complete the following table indicating the enforcement activities undertaken by your councils during financial year 2022-2023. Notes for completing this section:
- "No. of businesses" includes all businesses that are/were open within the financial year (inc. ones that changed ownership or closed by the end of the year). This column MUST be completed, even if no enforcement action has been taken.
- "No. of businesses inspected" must be recorded as the number of businesses that were inspected in the financial year NOT the number of inspections. e.g. a takeaway may be inspected twice a year, but as this is only one business, it would be recorded as 1 in this column.
- "No. of businesses requiring enforcement action" means the number of businesses that had any one or more of the following: written warnings, improvement notices, prohibition orders, expiations or prosecutions. Only count the business once, even if multiple enforcement actions are undertaken.

Table 4A

Business Sector	Risk Level	Total No. of Businesses	No. of businesses INSPECTED	No. of business requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition orders issued	No. of expiations issued			No. of prosec-utions	Percent Compliance - Inspected Businesses
								Body Corporate	Natural person	Sub Total		
Retailer												
Alcoholic beverages packaged	P4	1								0		#DIV/0!
Bakery products	P3									0		#DIV/0!
Bakery products Perishable fillings	P2	4	1							0		100%
Continental Type Delicatessen food	P2	3	1							0		100%
High risk food - perishable	P2	1								0		#DIV/0!
Low risk packaged food	P4	7								0		#DIV/0!
Low risk food unpackaged	P3	1								0		#DIV/0!
Medium risk food - perishable	P3	5								0		#DIV/0!
Raw Meat & Poultry	P2									0		#DIV/0!
Seafood(excludes Processing of Bivalve mollusc)	P2									0		#DIV/0!

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Others - indicate in comments	P2									0		#DIV/0!
Others - indicate in comments	P3									0		#DIV/0!
Others - indicate in comments	P4									0		#DIV/0!
Total Retailer		22	2	0	0	0	0	0	0	0	0	100%
Comments:												

Business Sector	Risk Level	Total No. of Businesses	No. of businesses INSPECTED	No. of business requiring enforcement action	No. of written warnings issued	No. of improve-ment notices issued	No. of prohibition orders issued	No. of expiations issued			No. of prosec-utions	Percent Compliance - Inspected Businesses
								Body Corporate	Natural person	Sub Total		
Food Service												
Catering offsite activity	P1	2	2							0		100%
Catering onsite activity	P1	2								0		#DIV/0!
Medium risk foods perishable	P3	19	14							0		100%
Restaurants and takeaway RTE Food-Prepared in advance >4 hrs	P1	96	47							0		100%
Restaurants and Takeawayfood RTE food - Express order <4hrs	P2	34	9							0		100%
Restaurants and takeaway RTE Food-no raw preparation	P2	34	4							0		100%
Others - indicate in comments	P1									0		#DIV/0!
Others - indicate in comments	P2									0		#DIV/0!

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Others - indicate in comments	P3									0		#DIV/0!
Total Food Service		187	76	0	0	0	0	0	0	0	0	100%
Comments:												

Business Sector	Risk Level	Total No. of Businesses	No. of businesses INSPECTED	No. of business requiring enforcement action	No. of written warnings issued	No. of improve-ment notices issued	No. of prohibition orders issued	No. of expiations issued			No. of prosec-utions	Percent Compliance - Inspected Businesses
								Body Corporate	Natural person	Sub Total		
Processor/ Manufacturer												
Bakery products Perishable fillings processing	P1	5	4							0		100%
Baby Food processing	P2									0		#DIV/0!
Beverage processing	P3	57	5							0		100%
Beverage processing small producer	P3	2								0		#DIV/0!
Canned food processing	P2	7	4							0		100%
Canned food processing very small producer & high acid food	P3									0		#DIV/0!
Chocolate processing	P2									0		#DIV/0!
Chocolate processing small producer	P3									0		#DIV/0!
Cereal processing & medium/low risk bakery	P3	56	1							0		100%
Confectionary processing	P3	19	4							0		100%

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Cook-Chill food Short shelf-life processing	P1	1	1							0		100%
Cook-chill food Extended shelf life processing;	P1									0		#DIV/0!
Cook-chill food Extended shelf life processing; Aseptic Packaging	P2									0		#DIV/0!
Cook-frozen food processing	P2	3								0		#DIV/0!
Dairy processing (not including soft cheese)	P2	2	1							0		100%
Dairy processing - Soft cheese processing	P1									0		#DIV/0!
Egg Processing	P2									0		#DIV/0!
Fruit and Vegetables processing	P1									0		#DIV/0!
Fruit and vegetable processing frozen	P2									0		#DIV/0!
Fruit and vegetable processing frozen, Blanch, wash &pack, dehydrating, condiments , small producer	P3	14	1							0		100%
Fruit and vegetable Juice Unpasteurised processing	P1	1	1							0		100%
Fruit juice, Pasteurisation processing,Shelf stable processing	P2									0		#DIV/0!

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Fruit Juice Pasteurisation processing,Shelf stable processing Small producer	P3									0		#DIV/0!
Infant formula product processing	P1									0		#DIV/0!
Meat Processing, Abattoir/ Boning Room	P2									0		#DIV/0!
Meat Processing, Fermented meat Processing, Small Goods Processing	P1									0		#DIV/0!
Oils and fats processing	P3	1								0		#DIV/0!
Peanut Butter processing, Nut Processing	P2									0		#DIV/0!
Peanut Butter processing, Nut Processing Small Producer	P3									0		#DIV/0!
Poultry processing	P1									0		#DIV/0!
Prepared not ready to eat food processing	P2	1								0		#DIV/0!
Prepared ready to eat food processing	P1									0		#DIV/0!
Salt & other low risk ingredients/additives processor	P3									0		#DIV/0!
Seafood processing	P2									0		#DIV/0!
Seafood processing RTE and shelf stable	P2									0		#DIV/0!
Seafood processing - Mollusc processing	P1									0		#DIV/0!
Snack chips processing	P3									0		#DIV/0!

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Spices and dried herbs processing	P2									0		#DIV/0!
Spices and dried herbs processing small producer	P3	1								0		#DIV/0!
Sprout processing	P1									0		#DIV/0!
Sushi processing	P1									0		#DIV/0!
Vegetables in oil processing	P1									0		#DIV/0!
Others - indicate in comments	P1									0		#DIV/0!
Others - indicate in comments	P2									0		#DIV/0!
Others - indicate in comments	P3									0		#DIV/0!
Total Processor/Manufacturer		170	22	0	0	0	0	0	0	0	0	100%
Comments:												

Business Sector	Risk Level	Total No. of Businesses	No. of businesses INSPECTED	No. of business requiring enforcement action	No. of written warnings issued	No. of improve-ment notices issued	No. of prohibition orders issued	No. of expiations issued			No. of prosec-utions	Percent Compliance - Inspected Businesses
								Body Corporate	Natural person	Sub Total		
Food Transporter												
Bulk flour storage distributor	P3									0		#DIV/0!
Bulk milk collection distributor	P2									0		#DIV/0!
Dairy produce distributor	P3									0		#DIV/0!
Dry goods and beverages distributor	P4									0		#DIV/0!
Frozen food distributor	P3									0		#DIV/0!

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Fruit and vegetables distributor	P3									0		#DIV/0!
Perishable ready to eat, packaged, medium risk food distributor	P3									0		#DIV/0!
Perishable, ready to eat, packaged, high risk food distributor	P2									0		#DIV/0!
Processed meat distributor	P2									0		#DIV/0!
Seafood distributor	P2									0		#DIV/0!
Others - indicate in comments	P2									0		#DIV/0!
Others - indicate in comments	P3									0		#DIV/0!
Others - indicate in comments	P4									0		#DIV/0!
Total Food Transporter		0	0	0	0	0	0	0	0	0	0	#DIV/0!
Comments:												

Table 4B

Please complete the following table indicating the enforcement activities undertaken by your councils on businesses captured by Std 3.2.1 during financial year 2022-2023.

Reason for enforcement activity	Written warnings	Improvement notices	Prohibition Orders	Expiations	Prosecutions
FSP not prepared, implemented, maintained and monitored					
FSP not audited at the frequency determined by the auditor					
FSP not revised so as to comply with the regulations					
FSP audit report not retained by business for four years					

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TOTALS	0	0	0	0	0

5. Food related complaints

5A. Food Complaint Types

Please complete the following table indicating the type of complaints received by your councils during the 2022-2023 financial year.

Table 5A

	Total No. of Complaints	Total justified complaints
Allergens		
Foreign matter	1	
Unsafe/unsuitable food due to microbial contamination/growth		
Chemical contamination		
Alleged food poisoning	1	
Unclean premises	1	
Poor personal hygiene or poor food handling practices	8	1
Pests in premises	1	
Refuse storage		
Labelling		

OFFICIAL

Other (please state)			Other Complaints :
TOTALS	**14**	**2**	
% Complaints Justified		**14.2857143**	

6. Proactive projects, surveys and sampling programs

It is requested the report uses the following general format:

- What was the project and why was it done
- A précis of what and how it was done.
- Results/Outcomes

Please keep summaries brief and ½ page in length as a maximum.

The Barossa Council
Safe Drinking Water Act Annual Report 2022-2023

Activities under the Act

1 Appointment of authorised officers under the Safe Drinking Water Act

Name of authorised officer & qualifications (including auditing qualifications)	Position Title	Does the authorised officer work for more than one council? Provide details.
Karen Watson	Environmental Health Officer	No
Joel Bray	Environmental Health Officer	No
Debra Harding	Environmental Health Officer	No

2 Audits and inspections

Trading name of drinking water provider	Date of audit/inspection	Name of auditor/inspector
Valley Wine Tankers	28 July 2022	Joel Bray
Boutique Tankers	9 January 2023	Joel Bray

3 Fees for audits and inspections

$134 per audit

4 Enforcement activities

Nil

5 Drinking water related complaints

Trading name of drinking water provider	Date complaint received	Details of follow-up/ investigation, etc
	Nil	

6 Consultation and Education

Nil

7 Other activities

Nil

MATTERS FOR INFORMATION

6.3 BAROSSA AUSTRALIA - 2022/2023 FUNDING AGREEMENT - TOURISM PERFORMANCE ACTIVITY REPORT

Author: Manager, Tourism Services
23/43110

Barossa Australia have provided a Performance Activity report for 2022/23 fulfilling reporting obligations under the 2022/2023 Funding Agreement with Council.

Supporting documents include the 2023 Barossa Vintage Festival Post Event Report and Annual Barossa.com and Social Media Report.

ATTACHMENTS

Attachment 1 Barossa Australia - 2022-23 funding agreement - Activity Report ⇩
Attachment 2 Barossa Vintage Festival 2023 - Post Event Report - Barossa Australia ⇩
Attachment 3 Annual report - Barossa.com - Barossa Australia - July 2023 ⇩

SUPPORTING REFERENCES

Nil

Report to The Barossa Council
2022-2023 Funding Agreement with Barossa Australia
Year End - June 30, 2022

Ongoing Deliverables and Targets

Agreed Deliverable	Key Performance Target	Delivered
1. Sound but not excessive governance and planning arrangements encased within the Agreement which include simple engagement processes of Council.	Strategic, Business or Annual Operating Plan Annual Presentation Annual Report, RVS as DMP	Barossa Australia Annual Report, Audited Financials and Annual Budget were tabled and accepted at the 6 Oct 2022 Barossa Australia AGM. Following the merger in January 2022, and the recruitment of a new Tourism lead in June 2022, the Annual Operating Plan incorporated Tourism focuses in line with commitments. Barossa Australia – Head of Destination (HOD) and CEO appeared before council 16 August 2022 and 5 July 2023 (outside reporting period)
2. The delivery of key events.	Deliver key events being, 'A Little More Barossa' and Barossa Vintage Festival and support the Tour Down Under hosted by Council.	**Barossa Vintage Festival:** BVF23 was delivered under a new model. Stewarded by Barossa Australia but delivered by Festival partner Release Creative demonstrated a new way that BVF could be delivered into the future. Extensive reporting has been provided to all stakeholders including new data and analytics from Localis. Some achievements were a new tech stack solution (including website), a refreshed BVF brand, $900k in media value and $170k in tickets sold. **A Little More Barossa:** A month-long Festival was delivered in August 2022, following its first year in August 2021. The curated Festival aimed to support Barossa's diverse industries and drive visitation to the region while shining a light on Barossa's incredible food and wine culture while

		attracting visitors from interstate and intrastate (during the winter months in an effort to support accommodation providers) and appealing to the local community. A full ALMB report can be provided upon request. The 2022 program launched on June 28, 2022 and featured more than 50 events across 40 Barossa locations. A marketing campaign was undertaken by Barossa Australia until the end of August to largely promote Barossa as a destination to visit in winter, and to support individual event activations. Barossa Australia and the Barossa Visitor Centre have worked collaboratively to deliver the 2022 event. An addition to the 2022 event was marketing support workshops hosted by Uni of Adelaide Marketing Graduate interns. About 12 event producers took up this opportunity. Give a Little More Barossa a charitable activation delivered by Foundation Barossa was delivered within the ALMB22 Festival. **Tour Down Under:** Barossa Australia worked with the Barossa Council team to amplify TDU and also provided event specific reporting via Localis. The event also provided an opportunity for the new South Australian Tourism Commission (SATC) Chief Executive to visit the region. This was coordinated by Barossa Australia and supported by Barossa Council. The Barossa Australia team continues to field enquiries from promoters and event managers exploring the potential of hosting events in the Barossa. The Barossa Australia team plays a role in recommending / matchmaking promoters with venues and providing relevant local information (eg suppliers) as appropriate.
	Collaborate with and communicate to the Tourism Services team on new events	As a result of a collaborative working relationship between BA staff and Council's Tourism Services team, information is shared verbally via monthly meetings or emails on new members, new events and new experiences. New operators, members and event managers that connect

	and connect them with event organisers. Collaborate with and support industry, community and council led events within the Barossa region Attract and support new events aligned with the Barossa Events strategy – assisting them to be unique, bespoke and sustainable whilst ensuring alignment to the Barossa Brand. Amplify event promotion through Barossa Australia channels	with BA are referred to the Barossa Visitor Centre as a valuable resource to help amplify their event/business etc and operators are encouraged to seek information about Council's Participation Agreement. Barossa Australia continued to support local businesses in the development / conceptualisation of events and plays an advocacy role by supporting relevant event grant applications (including through the Regional Event Fund) Barossa Australia assisted in the amplification and promotion of regional events across multiple platforms, communication channels and audiences, including: • Industry e-newsletter • ATDW listings • Barossa.com • MyBarossa social channels • Barossa Stories • Join our Community database • Established media networks and connections • Updates to South Australian Tourism Commission • Barossa Visitor Centre, Gawler Visitor Centre, Kapunda Visitor Centre, • The Barossa Council's media and communications team Support was delivered via amplification, marketing and logistic support and advice across several community and council led events Barossa Australia has re-implemented quarterly regional VIC meetings which has increased the level off collaboration across region generally and specifically in relation to events.
3. Membership and capability development: **a. Annual member survey**	Maintenance of stable membership	Following the merger of BGWA and TBI the membership structure for Barossa Australia changed.

b. Training and development **c. Promotion** d. **One on one support**	Identify industry development and skills needs and in partnership with other stakeholders deliver programs to ensure growth and development of the Barossa tourism industry	In 2022/23 the membership was split into Tourism members and participants in the Cellar Door Program (a bespoke program for Cellar Doors). Tourism Membership was 146 businesses Cellar Door Program was 41 businesses Not unexpectedly the totality of membership following the merger reduced from 251 members in 2021/22 to 187 members in 2022/23. Given the new membership structure and the urgency of other projects including completing the organizational elements of the merger a membership survey on 'satisfaction' was not completed in 2022/23. Two surveys were completed however – one to each cohort. The outcomes were used to guide training and networking opportunities and areas for focus for the coming year. **Support throughout the funding agreement period included:** • One – on – one support of members in specific areas of: ATDW & online digital capacity, marketing strategies, marketing opportunities, Barossa Brand, product development, event planning and execution etc. • Facilitation of training workshops, for identified needs of local tourism businesses most recently in June 2022, co-funded by Tourism Industry Council SA (TiCSA) • Strategic promotion of tourism product, including via South Australian Tourism Commission. • Promotion of the Barossa as a premier events destination through delivery of A Little More Barossa, and support for other key regional events including Barossa Vintage Festival 2023 and TDU • 140 face to face member meetings completed by the new Head of Destination • Dec 2022 a Global Tourism Forum hosted at Barossa Cellar with 84 attendees and presenters from BA, SATC and Tourism Australia • Famil and media opportunities to increase brand awareness for region and individual operators. • Support for grant and funding opportunities for operators.

	Deliver regular intel briefings with tourism operators with consumer insights, state and national marketing campaigns and trade opportunities.	The successful launch and integration of Localis has provided insights and data well beyond what has previously been available. This data has provided valuable intelligence to operators as part of presentations and has been provided monthly to stakeholders since April 2023.
4. Destination & Product Development	Complete a product and experience GAP Analysis and share outcomes within the agreement term	The GAP Analysis was not completed in the 2022/23 year. The reasons for this are: • The level of change resulting from the merger meant that priority was given to organizational planning, funding security, staff recruitment and integration of tourism • The new model to deliver BVF23 was significantly more labor intensive on Barossa Australia than anticipated resulting in a singularity of focus between February – April 2023 including support for Release Creative due to illness and staff resourcing It is recommended that continued focus on identified product and experience needs is maintained but that a formal, wide ranging GAP Analysis is linked to a formal Destination Management Planning (DMP) process likely in 24/25
	Work collaboratively with Local Government and RDA to address product and experience gaps in line with the Regional Visitor Survey 2023 and consumer research focused areas	Barossa Australia works closely with other stakeholders including The Barossa Council and RDA Barossa to identify gaps in skills and capability to deliver individual one on one training or group workshops to grow and develop the industry skill sets. Information on training opportunities from bodies like SATC, Tourism Australia and RDA are shared via fortnightly/weekly newsletters to encourage operator participation.
	Support visitor economy stakeholders to leverage grant funding opportunities	Access to grants and other funding opportunities is regularly communicated via BA comms channels including the fortnight (now weekly) newsletter. Targeted emails to sector/industry groups are also used as another way to communicate state, federal and local funding opportunities.

	Provide Product development support to tourism businesses in the Barossa region	Barossa Australia HOD has a regular briefing with SATC Product Development Manager to identify and refer products that have potential for the travel distribution system. The allocated Destination Development Manager conducted two Barossa visits to meet specific operators identified by BA and to review TIDF funding implementation. These visits were facilitated by Barossa Australia.
	Advocate for State and Federal infrastructure expenditure	Barossa Australia advocated as appropriate.
5. Destination Marketing	Utilising consumer research develop with stakeholders a Destination Marketing Plan, associated creative and deliver campaign activities	The joint project historically referred to as the Destination Marketing Plan (DMP) was finalized in June 2023. In February 2022, the project was split into two parts in consultation with the Project Steering Committee. Part 1 – research phase was awarded to JMP Consultants. This was delivered in July 2022 and provides valuable regional insights and visitor centric data to guide future marketing activities. The survey results were shared. Part 2 – creative phase was awarded to TBWA. The first part of this phase was solid with creative decks providing detail around a multi-channel implementation. Unfortunately, the creative delivered was, after consultation with local stakeholders, BA, SATC not considered suitable. Project leader – Amanda Longworth departed BA in April 2023. On 5 July 2023, the HOD and CEO of Barossa Australia presented to Council Representatives to resolve this project.
	Work collaboratively to actively promote the Epicurean Way	Working with both local councils, the Epicurean Way continues to be developed. Selected products relating the Epicurean Way have been added to the Alpaca itinerary planning tool and the MyBarossa.com trade microsite

		utilized by international agents and presented at the Australian Tourism Exchange. Individual products continue to be linked to the Epicurean Way and supported to connect.
	Deliver of annual updates and re-prints to the Barossa Touring Map and Barossa Visitor Guide and regular updates to Barossa.com in consultation with stakeholders	The update of key consumer collateral is an extensive annual task for the team. This year the focus has been on delivering these projects consultatively and as efficiently as possible. **2023 Barossa Touring Map:** Following the merger and as the Regional Tourism Organization (RTO) Barossa Australia leads and funds the Barossa Touring Map working actively with VIC's in the region. The updated map is continually distributed within and outside the region and is regarded as a highly valued piece of collateral by visitors when arriving in region. 70,000 copies will be printed in 2023. Printing is confirmed for July 2023, with all previous copies expended (no wastage). **2022 Barossa Visitor Guide:** The 2022 Guide is distributed widely both within the region and intrastate. The 2022 Guide went to print in July 2023 – noting the significant change visually and editorially to the new guide in line with recommendations from HWR. Council's Tourism Services Manager and team were engaged in the Visitor Guide process and provided with an opportunity to fact check the proof prior to printing. Barossa.com continues to receive updates following clear analysis and site performance. In excess of $10k has been spent in addition to BA staff time to maximise the User Experience (UX) on the site. The departure of Emily Hay – Digital Marketing Manager did impact some enhancements with these now being addressed in June 2023, following the appointment of her replacement.

	Social media reach and engagement support and collaboration Include Barossa Visitor Centre as a call to action where appropriate	Social media continues to play an important role in Barossa's digital channels with the ongoing co-management of these channels between BA and Barossa Council Tourism Team. Reporting has been provided on the 22/23 period in early July 2023 to Council's tourism manager. Recognising the important role the Barossa Visitor Centre plays in engaging with visitors, both in region and prior to visiting, the Barossa Visitor Guide (existing and new edition) as well as the Touring Map all have a strong call to action back to the Visitor Centre. The Visitor Centre also features on the home landing page of barossa.com 'We're here to help … Advice from a local' encouraging consumers to engage with the Visitor Centre.
6. Collaborate with Council's Tourism services, initiatives, and activities.	Monthly meetings with councils Tourism Services manager Consult with and collaborate on key joint projects including Barossa.com, Touring Map, Visitor Guide, and other as mutually agreed	Completed regularly and productively, these monthly meetings are very valuable to share information, discuss challenges, consumer insights and opportunities for ongoing collaboration. Council's Tourism Services Manager is included in project planning for Barossa Visitor Guide, Barossa Touring Map and any key updates to barossa.com. Barossa Australia recognises and values this collaborative approach, acknowledging the expertise and value the Visitor Centre staff bring from a consumer insight perspective. In the updated Touring Map, Council's Tourism Services Manager and Tourism Services team assisted with proofing and fact checking prior to print.

	Contribute and support Visitor Servicing in the region aiming toward best practice nationally	A key activity has been the re-implementation of the Regional VIC meetings in 2023. Administered by Barossa Australia these meetings bring together the 3 local councils in the area who fund and manage the VIC's and have been confirmed as valuable by attendees.
	Work directly and collaboratively with Councils Tourism services on shared social media in line with agreed MOU	As per the existing MOU between The Barossa Council and Tourism Barossa (MOU to be updated), Council's Services Team monitor the chat bot function via barossa.com and also respond to messages and comments received via the My Barossa Facebook page. Council's Tourism Services Team actively contribute to the development and scheduling of content across the My Barossa FB page three times a week, acknowledging the importance of the call to action back to the Visitor Centre and barossa.com.
	Work collaboratively with councils tourism services team to manage consumer engagement of Barossa.com including live chat, concierge forms, information hub and the integrated booking functionality	Council's Tourism Services team have full control over the management and engagement with consumers on barossa.com via the chat bot functionality, concierge form. The team also manages the information hub pages including development of visitor resources.
	Work actively with council as related to the Barossa regional brand	Council's Tourism Services Manager and Media/Communications team have access to the existing Barossa Brand tools and are briefed accordingly on new messages, campaigns and events to ensure consistency in messaging across the Barossa region. Updates are shared verbally via monthly meetings with Council's Tourism Services Manager and via email with access provided to online content hubs containing approved logos, images etc. Significant recent imagery captured during BVF23 has been shared adding significantly to both organisations current image assets.

	Provide reasonable data including analytics to council as relates to Barossa.com upon request	An annual report on data and analytics from barossa.com has been provided to Council's Manager Tourism Services for the 22/23 period. post June 30. A meeting with BA's new Digital Marketing Manager has been set for July 2023.

BAROSSA VINTAGE FESTIVAL

19TH – 23RD APRIL – 2023

75 YEAR ANNIVERSARY

BAROSSAVINTAGEFESTIVAL.COM.AU

Barossa Council | POST EVENT REPORT

POST EVENT REPORT

CONTENTS

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Tourism & Strategic Relevance	44-46



2023 FESTIVAL
SUMMARY



79

Registered Events



54,901

Attendance



$181,787.50

Gross Box Office



3,368,778

Media Audience



$879,601

Media Value



69.52%

Attendance coming from outside of the Barossa.

2023 FESTIVAL
SUMMARY

Between 19th-23rd April 2023, Barossa Australia partnered with Release Creative to produce the 75th Anniversary of the Barossa Vintage Festival. The five-day Festival is the sole namesake festival hosted by the region and takes place biennially.. Locations for the festival events were spread across the Barossa and Light Council LGA's at a total of 64 different venues.

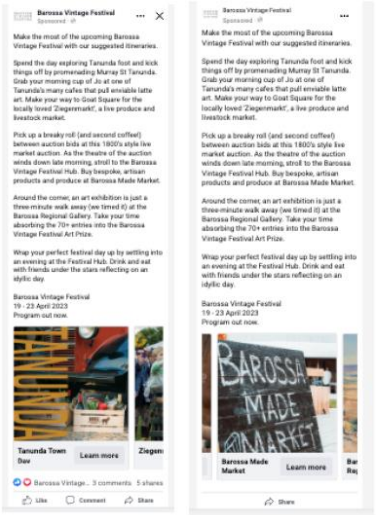
The Barossa Vintage Festival featured events broken down into six categories; Drink, Eat, Music & Arts, History, Explore and Community. There were 79 total registered events. Ticket price points varied: from Free to $1600 per ticket. 19% of events were Free, 33% of events were <$43.50 and 48% of events were >$43.50. The event attracted an estimated 54,901 attendees.

Figure 1: Barossa Vintage Festival Event Summary	
Total Venues	64
Total Events	79
Total VIsitation	54,901
Average Length of Stay	4.3 days
Average Daily Spend	$270.00
Total Media Value	$879.601
Total Media Audience	3,368,778
Visitor Expenditure Impact	$14,801,858

FULL PAGE AD IN PRINTED PROGRAM



SPONSORED SOCIAL MEDIA ADS



LOGO LOCK ON WEBSITE



QUARTER PAGE AD ON WEBSITE



SPONSOR LOGO IN PRINTED PROGRAM



2023 FESTIVAL

PRESENTING PARTNER PLACEMENTS

5



EVENT
SETTING



DATES

- Wednesday 19th – Sunday 23rd April 2023
- Launch event took place on Tuesday evening at the Festival Hub on Tuesday 18th April.

VENUES

- 1918 Bistro
- Artisans of Barossa
- Avenue of Palms
- Barossa Regional Gallery
- Barossa Visitor Centre
- Bethany Lutheran Church Complex
- Brother at War Cellar Door
- Calabria Family Wines
- Château Tanunda
- Coulthard House
- Dimchurch Barn
- FermentAsia
- Fino Seppeltsfield
- Gibson Wines
- Goat Square
- Gomersal Wines
- Greenock Creek Wines
- Hart of the Barossa
- Hayes Family Wines Cellar Door
- Henschke
- Holy Cross Gruenberg Lutheran Church
- Jacob's Creek
- Kaesler Wines
- Kellermeister Cellar Door
- Krondorf Wines
- Lambert Estate Wines
- Langmeil Thanksgiving Church
- Langmeil Winery
- Levrier Wines
- Lou Miranda Estate
- Michael Hall Wines
- Murray Street
- Nuriootpa Main Street
- Nuriootpa Soliders Memorial Hall
- Peter Lehmann Wines
- Provenance Barossa
- Rehn Bier Brewhouse
- Rockford Wines
- Rosenvale Wines
- Rockford Wines
- Rosenvale Wines
- Saltram Wine Estate
- Schild Estate
- Schubert Estate Wines
- Secret Garden
- Seppeltsfield Wines Pty Ltd
- Soul Growers
- St Hallet
- St Hughs Anglican Church Hall
- St Hugo
- St Paul's Hall
- St Petri Lutheran Church
- The Barossa Cellar
- The Barossa Council Public Library
- The Carl Lindner Collection
- The Farm Eatery & Experience Centre
- The Woodcarvers Haven
- Thorn-Clarke Wines
- Torbreck Cellar Door
- Turkey Flat Vineyards
- Whistler Wines
- Yalumba
- Z Wine
- Zion Lutheran Church Hall



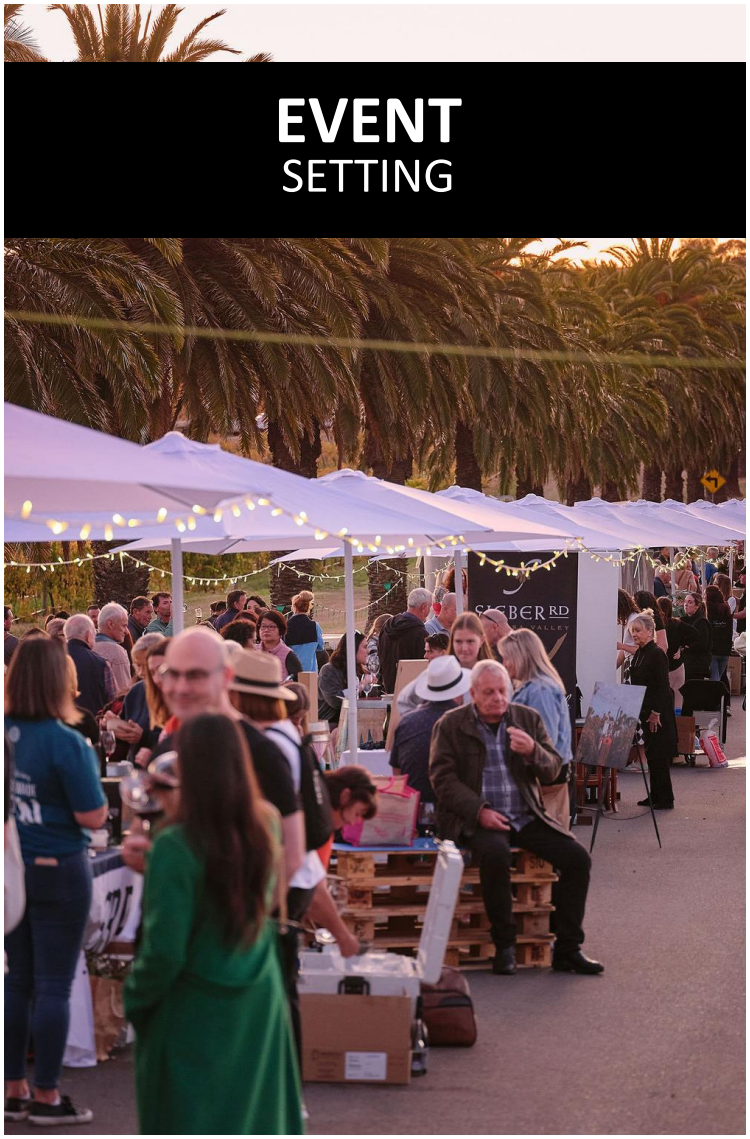
PROGRAM HIGHLIGHTS

The Barossa Vintage Festival garnered an overwhelmingly enthusiastic response following the commencement of our promotional campaign. Alongside the customary community-focused activities such as the Vintage Festival Ball, Scarecrow Trail, The Parade, the Vintage Festival Art Prize, and Ziegenmarkt, which are regularly attended by locals, a deliberate effort was made in 2023 to incorporate fresh events into the program, with the aim of attracting a larger number of visitors to the region from a younger demographic with a discerning interest in cultural and recreational activities.

I SEE YOU LIKE THIS

"I See You Like This" was featured in our BVF23 program after enjoying many successful seasons in Melbourne, Gold Coast, Germany, and Belgium. The event, created by artist Jessica Wilson, was hosted at Jacob's Creek. Participants were immersed in a captivating and interactive photo studio experience where they and their child could switch roles and become each other's photographers. Utilizing exciting props and their imaginations, they captured a special moment together, guided by a professional photographer and artist. The highlight of the experience was the creation of a professional portrait, which was showcased throughout the duration of the festival. It was an incredible opportunity to forge a lasting memory with one's child and gain a unique perspective by seeing the world through their eyes.





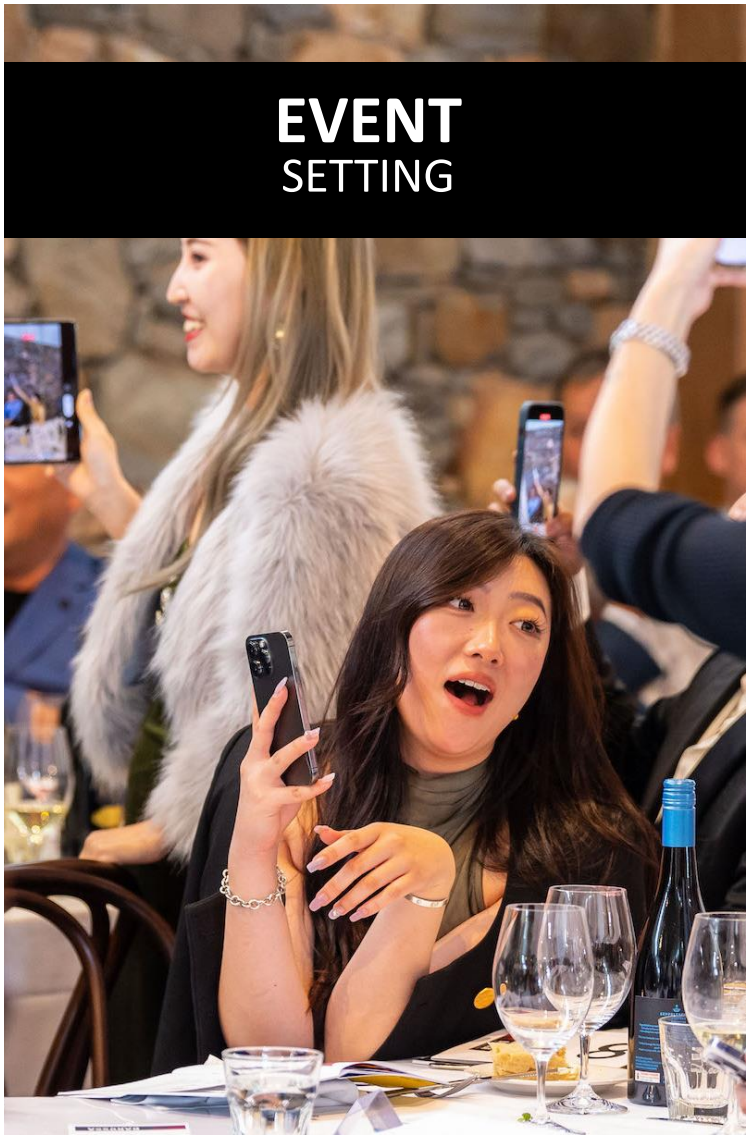
PROGRAM HIGHLIGHTS

SUNSET AT SEPPELTSFIELD ROAD

Sunset at Seppeltsfield Road was an unforgettable evening that took place within the festival. The Avenue of Palms stood tall above the attendees, while they were enveloped by breathtaking panoramic views of the vineyards as the sun set over the rolling hills. It was the epitome of indulgence, with more than 20 of the region's finest wineries and distilleries presenting their exquisite nectars for guests to savor. The event also featured live music and delectable gourmet cuisine to relish. It truly was a priceless experience that left a lasting impression and Seppeltsfield Road Business Alliance has already received multiple requests from attendees to make this a reoccurring event. It's also worth mentioning that this event was sold out.

https://omny.fm/shows/everything-adelaide/sa-uncorked-sunset-at-seppeltsfield-road





PROGRAM HIGHLIGHTS

BAROSSA WINE AUCTION

The Barossa Wine Auction fetched $133,122 in sales – 46 percent above the anticipated high estimate, indicating buyer confidence in the region's wine collectables. Presented by Barossa Australia as part of the 75th Anniversary of the Barossa Vintage Festival, the auction was the first of two live auction events and included 25 lots from the region's most prestigious wineries.

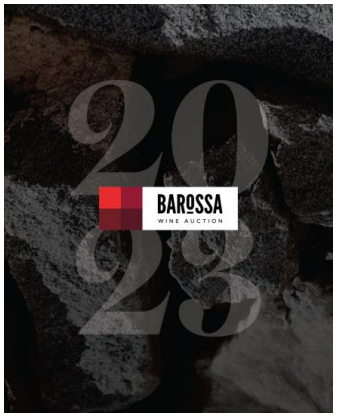
The most hotly contested lots were from Rockford. A double magnum of 2003 Basket Press Shiraz sold for $18,700, 673 percent above its high estimate. This was quickly followed by more competitive bidding for a 12-bottle vertical of Rockford Basket Press covering vintages from 2008 to 2019.

This lot went for $36,300, setting a new Barossa auction record. Both lots were acquired by a Sydney collector. All lots in the auctions are sourced directly from the region's cellars and winemakers' collections.

Large format, back vintage verticals and custom-made cases made an impressive and formidable display this year.









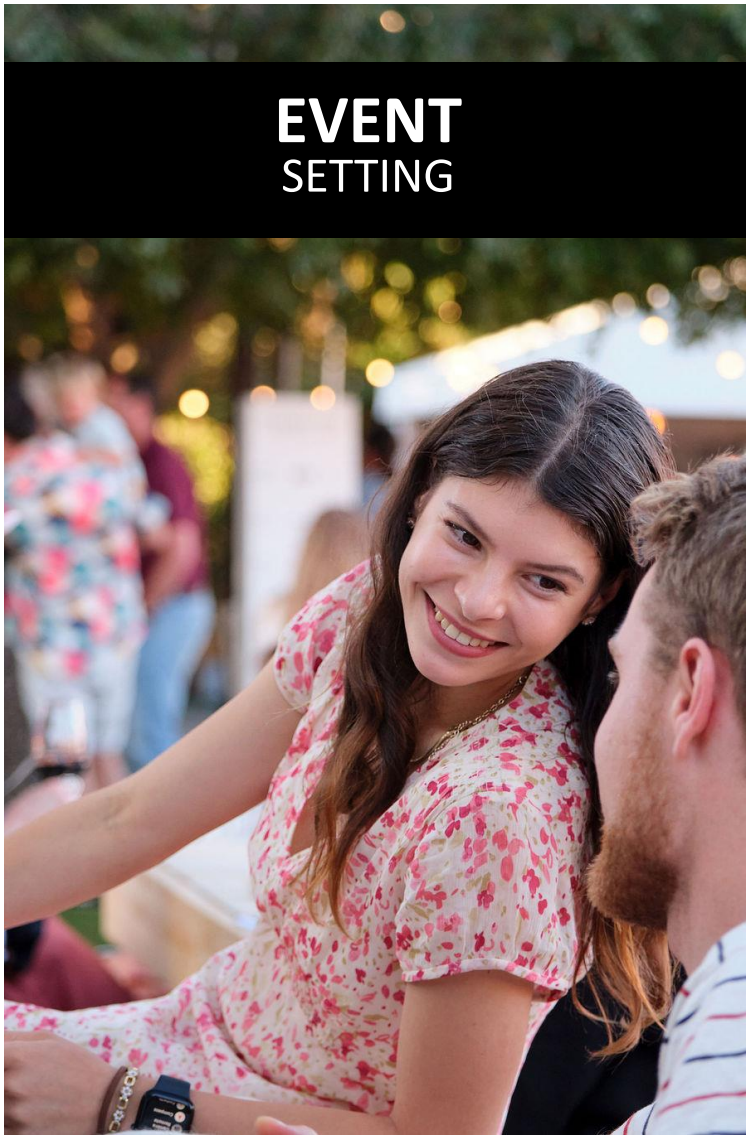
PROGRAM HIGHLIGHTS

LIVE AND LOCAL

Funded by Barossa Council, Music Development Office, and Live Music Office in partnership with Release Creative, Live and Local offered a new micro-music festival experience to a young demographic. This micro-music festival featured local and emerging artists, providing a platform to discover the hidden gems of the community's music scene. Five venues were engaged employing 25 local musicians across the event which took place from 4pm-11pm on Saturday 22nd April. The work achieved to procure the funding and engagement behind this micro music festival has created a template for Barossa Council to commit to delivering two micro music festivals every year with the next festival scheduled to take place in September 2023.







PROGRAM HIGHLIGHTS

FESTIVAL HUB

The Barossa Vintage Festival Management Team made a concerted effort to focus on the festival hub as a more vibrant meeting place for festival attendees. Leveraging the concierge service on site through the Visitor Information Centre, a pop-up bar showcasing a special-edition festival gin and cocktail by Seppeltsfield Road Distillers and local wines (Tomfoolery and Rieslingfreak) complemented the rotating food trucks and live music programmed at the hub. A Shiota inspired vine-laden food hall was designed as a contingency plan for inclement weather. Village Gate designed marquee-lined archway and custom made fencing anchored the brand home for the festival. Bar income tripled at the festival hub in 2023 compared to previous festivals.





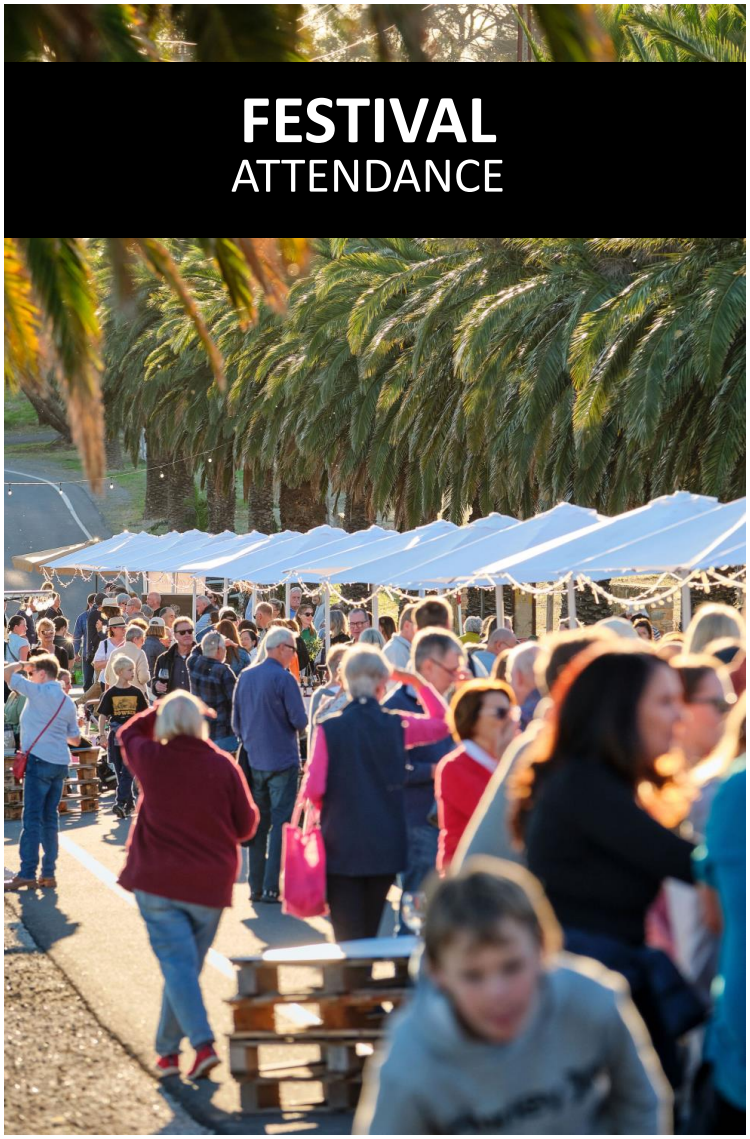






FESTIVAL
ATTENDANCE

13

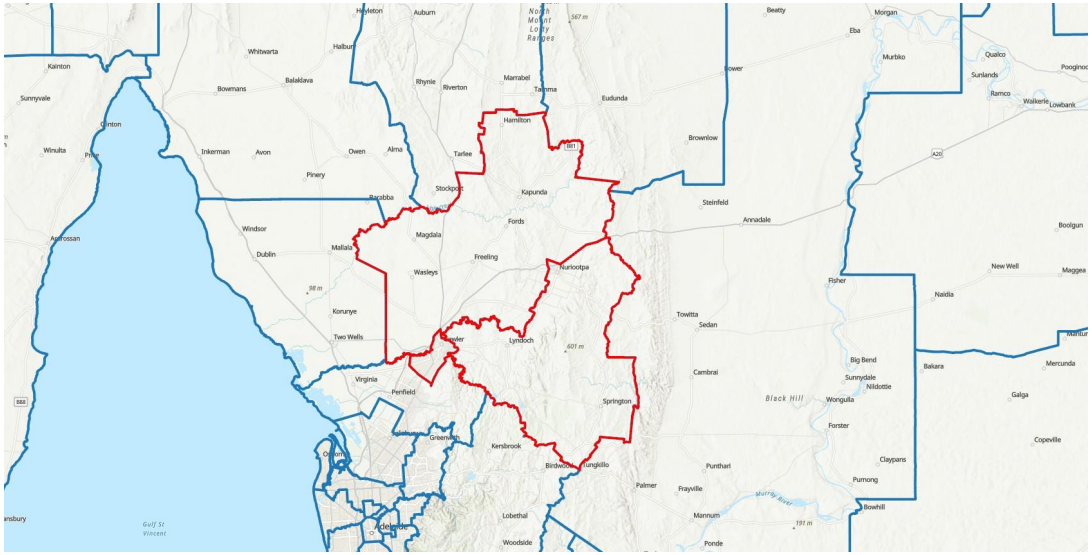


TOTAL ATTENDANCE

GEOFENCED DATA COLLECTION

Using Localis, unique devices were observed in the whole region of Barossa during the 2023 Vintage Festival. **During the festival interstate had the highest increase in local and interstate visitation at 240.81%**

The estimated total unique attendance was between **45,476 - 54,901**, with **69.52% of visitation coming from outside the Barossa region**.



ATTENDANCE | BY ORIGIN

The tables below show the top 5 suburbs that visited broke down into different distance from Barossa.

Top5 Suburbs-2023

Suburb	Percentage of Visitation	Percent Change
Munno Para West	1.09%	55.71%
Blakeview	0.76%	-10.58%
Craigmore	0.64%	-12.32%
Paralowie	0.52%	48.57%
Birdwood	0.51%	167.48%

Top5 Suburbs-2023

Suburb	Percentage of Visitation	Percent Change
Parafield Gardens	0.51%	75.86%
Mawson Lakes	0.42%	2.43%
Andrews Farm	0.37%	85.00%
Para Hills	0.34%	65.52%
Prospect	0.31%	210.52%

Top5 Suburbs-2023

Suburb	Percentage of Visitation	Percent Change
Adelaide	2.04%	223.80%
Morphett Vale	0.48%	54.83%
Mount Barker	0.37%	115.56%
Murray Bridge	0.35%	150.00%
Hallett Cove	0.31%	106.66%

Top5 Suburbs-2023

Suburb	Percentage of Visitation	Percent Change
Adelaide	2.04%	223.80%
Morphett Vale	0.48%	54.83%
Mount Barker	0.37%	115.56%
Murray Bridge	0.35%	150.00%
Hallett Cove	0.31%	106.66%

Top5 Suburbs-2023

Suburb	Percentage of Visitation	Percent Change
Broken Hill	0.11%	10.00%
Mildura	0.09%	-25.00%
Melbourne	0.08%	321.05%
Stuart Park	0.06%	100.00%
Eaton	0.05%	289.65%

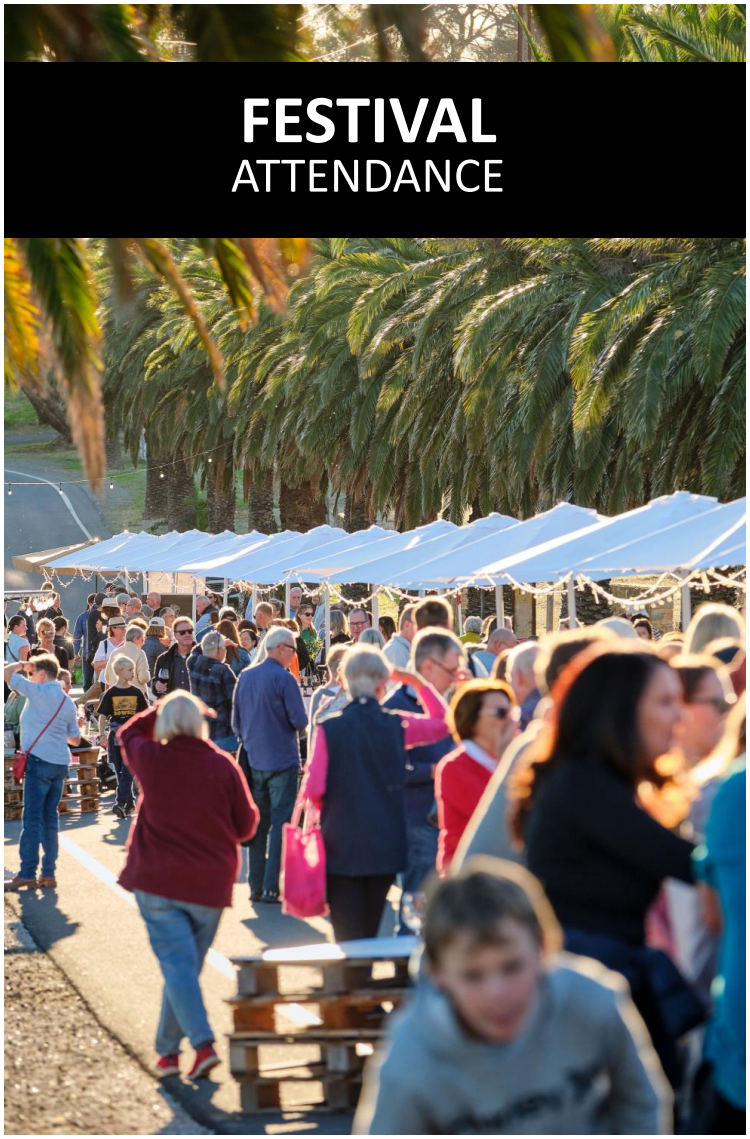
2023

Suburb	Percentage of Visitation	Percent Change
Within 40kms	62.23%	-19.08%
South Australia	26.06%	13.25%
Interstate	11.69%	240.81%

Non Local Visitation 2023

Estimated Total Unique Attendance
45,476-54,901

These estimations include all traffic and pedestrians that passed through the geofence during the event



NATIONAL AND INTERNATIONAL VISITATION

LOCAL TICKET BUYERS

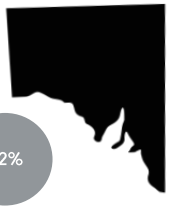
Locals to the Barossa and Light region represented 43% of ticket buyers to the festival.

BAROSSA AUSTRALIA

43%

SOUTH AUSTRALIAN TICKET BUYERS

Intrastate visitors represented 42% of ticket buyers to the festival.



42%

INTERSTATE TICKET BUYERS

Interstate visitors represented 15% of ticket buyers to the festival.



15%

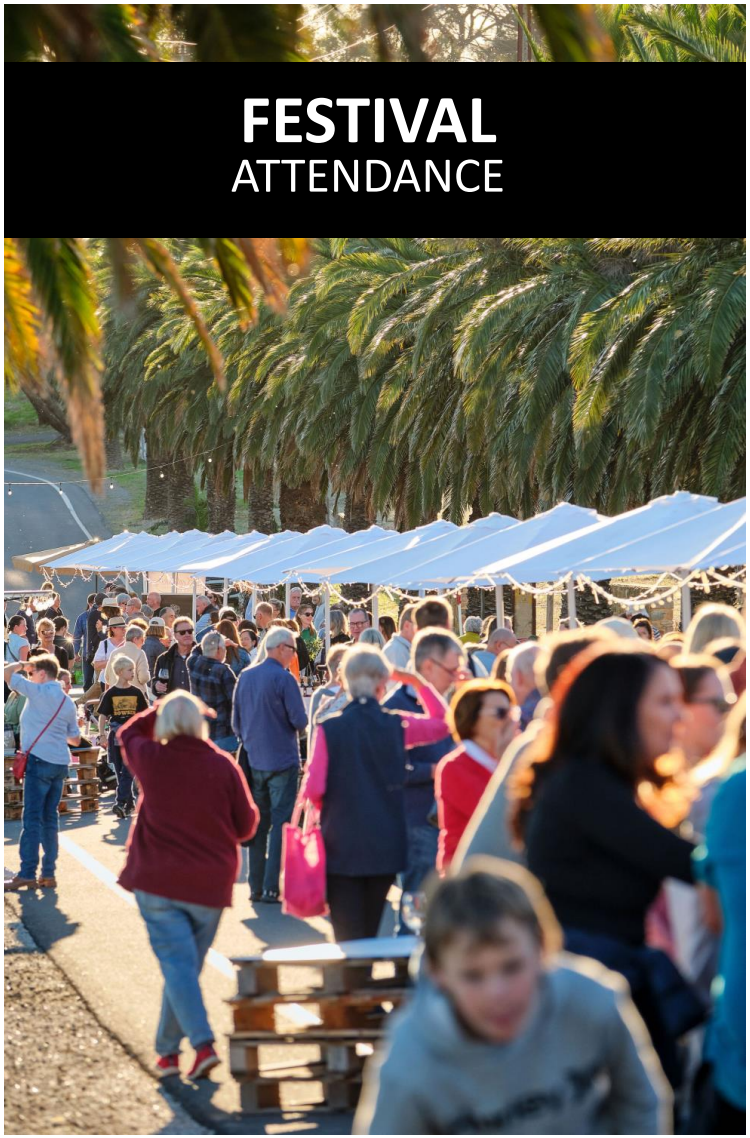
INTERNATIONAL TICKET BUYERS

International visitors represented 1% of ticket buyers to the festival.

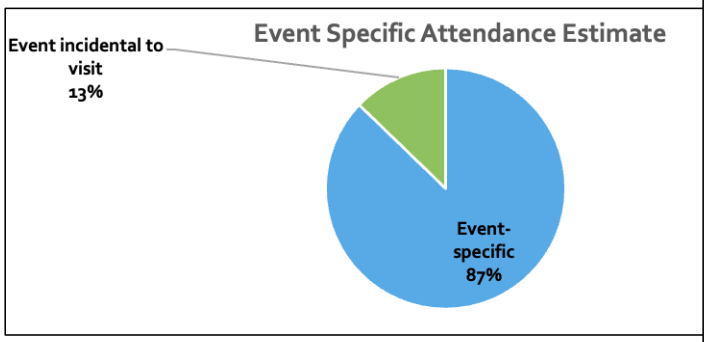


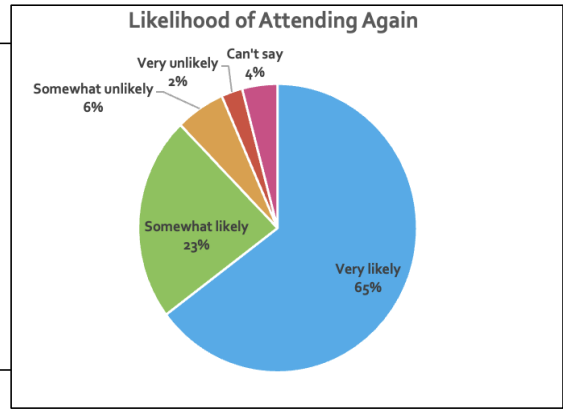
1%

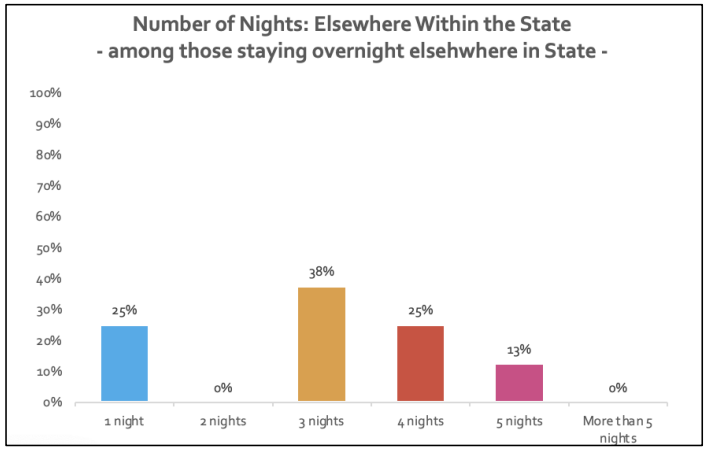
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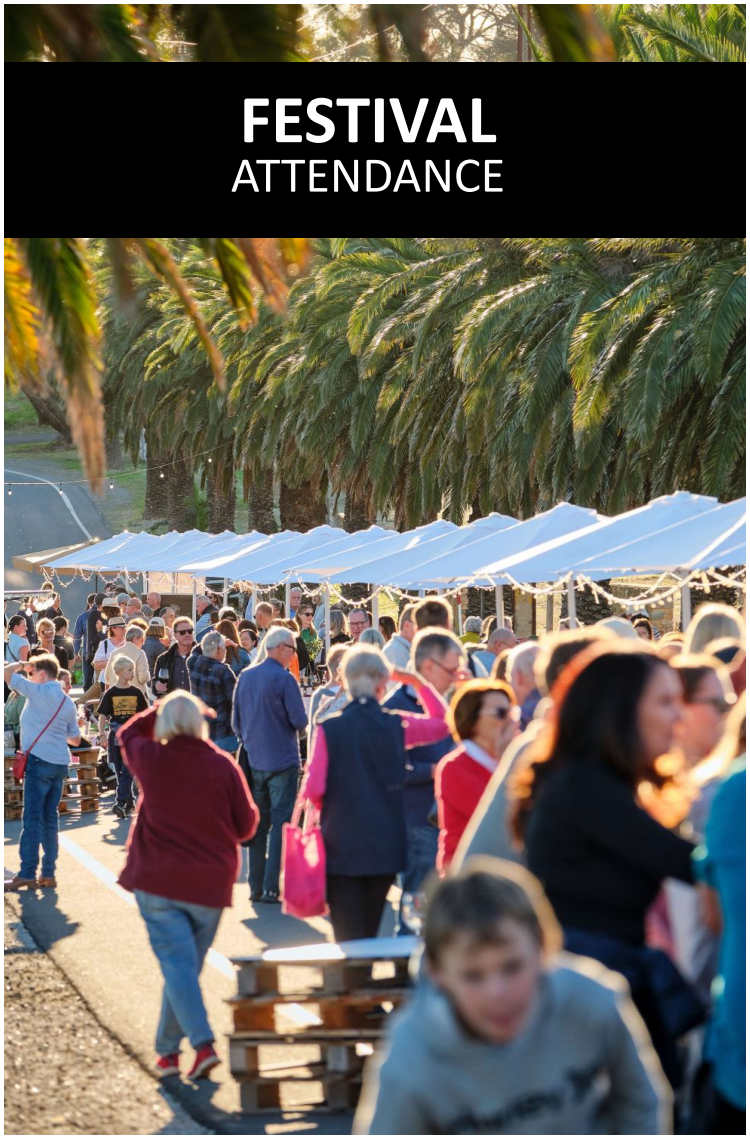
EVENT EVALUATION | DASHBOARD



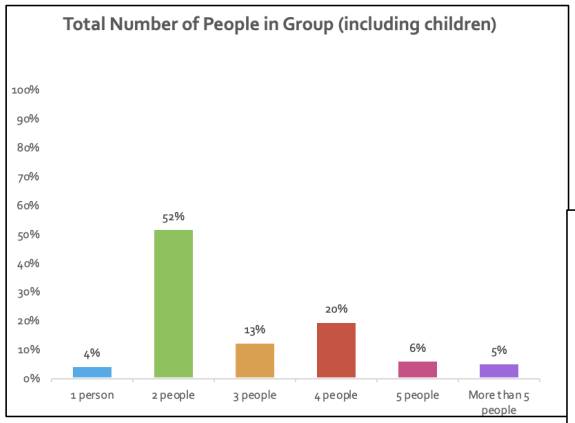


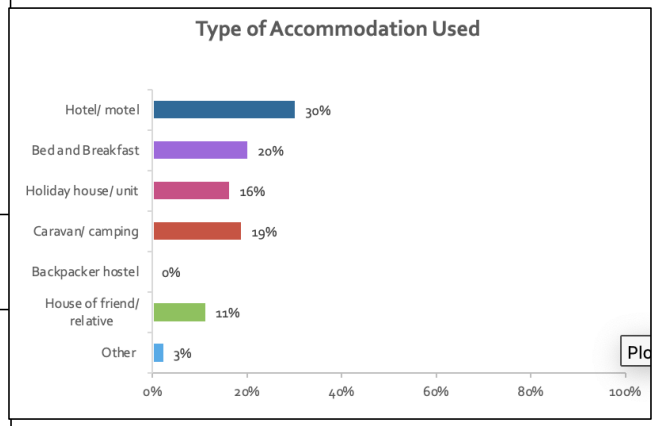


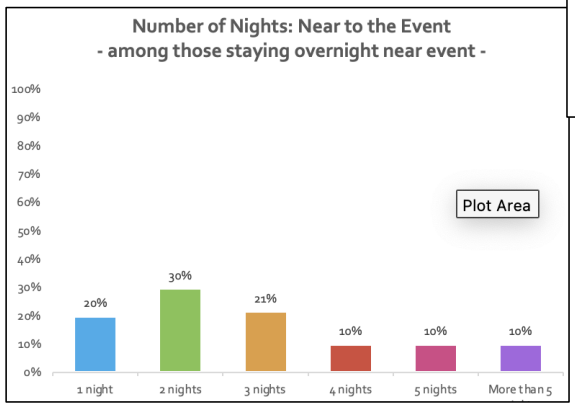
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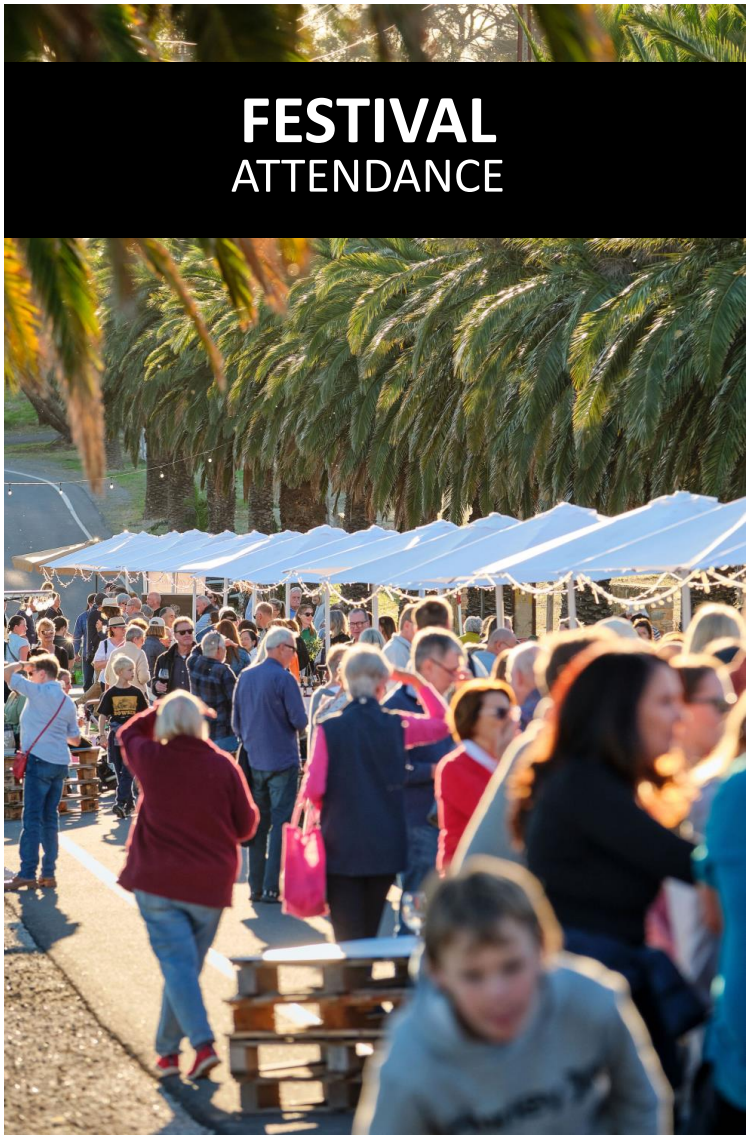
EVENT EVALUATION | DASHBOARD



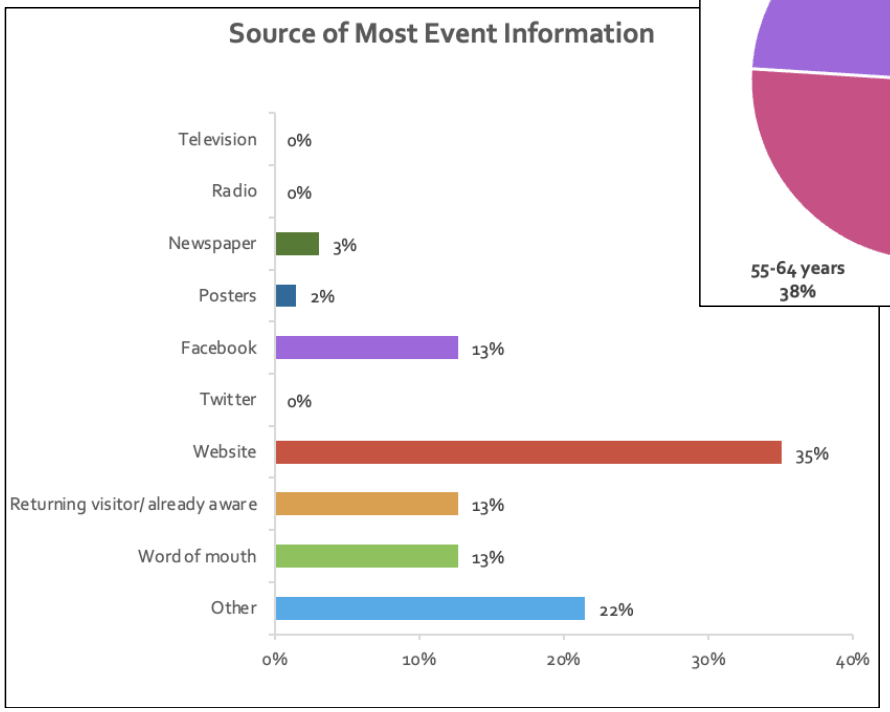


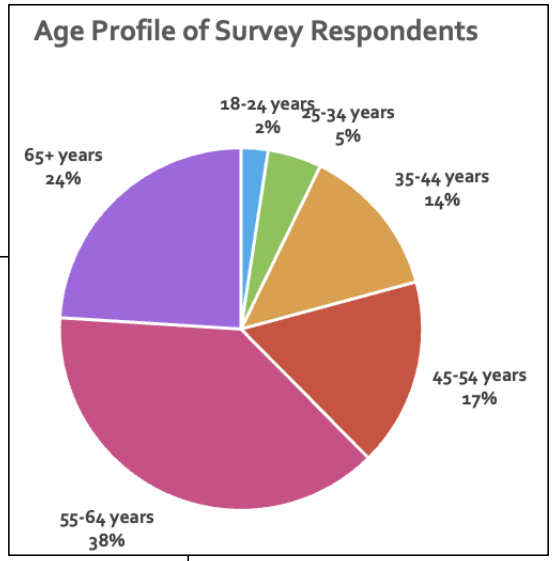


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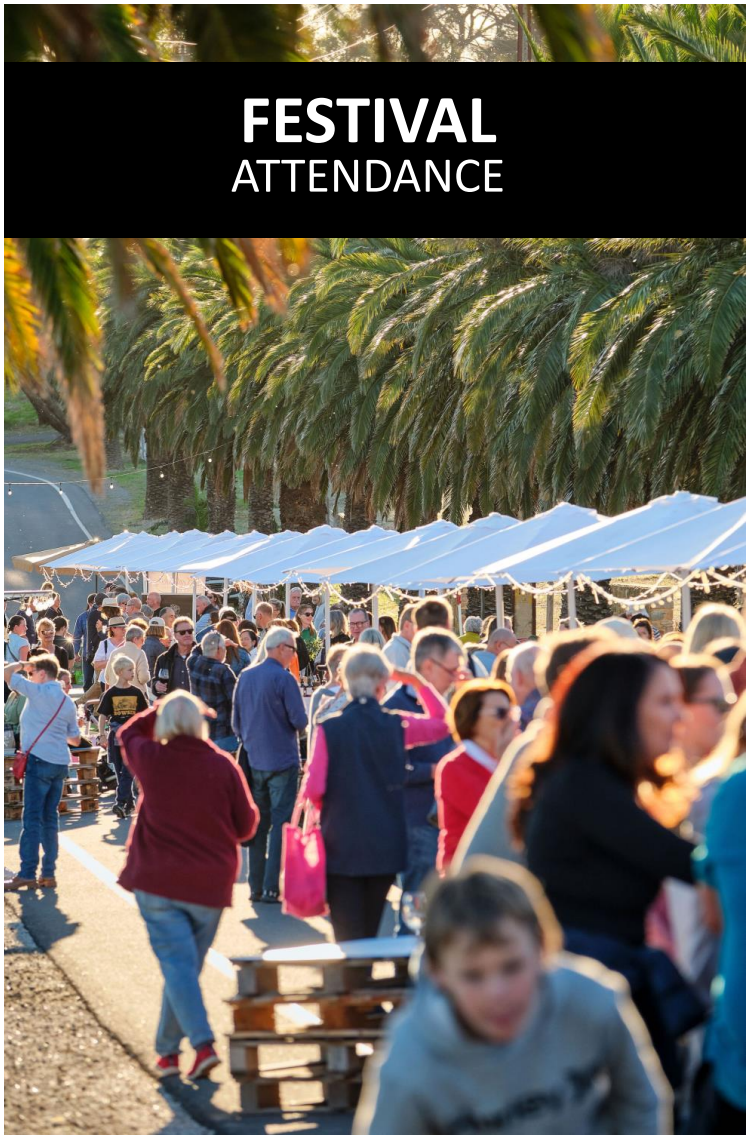


EVENT EVALUATION TOOL OUTCOMES | DASHBOARD

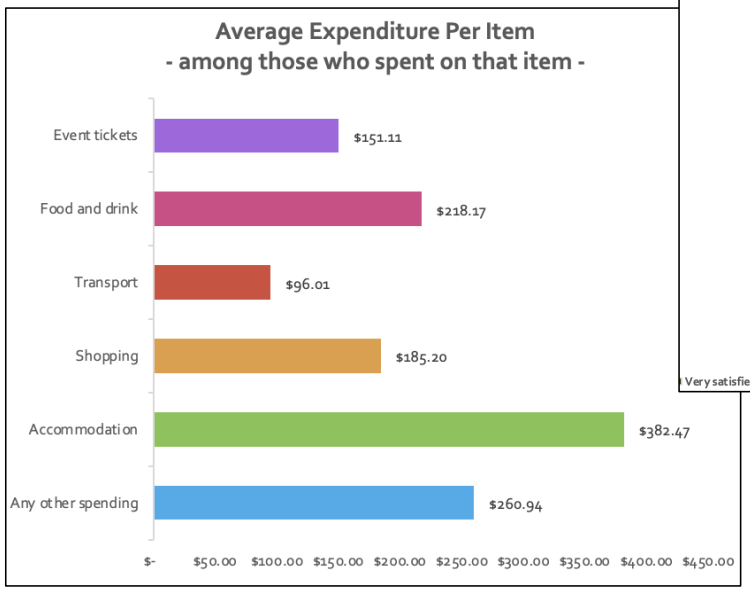


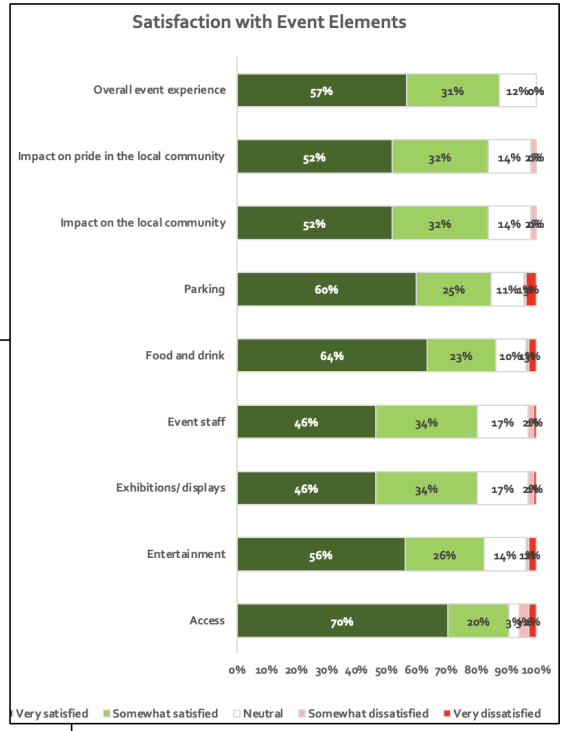


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EVENT EVALUATION TOOL OUTCOMES | DASHBOARD





20



EVENT
OUTCOMES

21



SUCCESSES

MEDIA PARTNERS

Securing five esteemed media partners, including SAFM, HWR Media, Channel 7, The Advertiser/Sunday Mail, and The Leader, was instrumental in achieving the key objective of repositioning the festival with a more professional image, expanding its reach to a broader audience, and countering the perception of it being associated solely with an aging demographic.

FOCUSSED AND EFFECTIVE MARKETING STRATEGY

A focused marketing strategy was implemented, spearheaded by a comprehensive rebranding effort. The strategy included the establishment of clear marketing Key Performance Indicators (KPIs) across digital, print, above-the-line (ATL) channels, and publicity, with a primary objective of engaging a younger audience. By aligning the festival's messaging, visual identity, and promotional activities, the focused strategy aimed to create a cohesive and impactful marketing campaign that resonated with the target demographic. Through targeted marketing efforts and a contemporary approach, the festival sought to captivate the interest and participation of a younger audience, ensuring the longevity and relevance of the event in the evolving cultural landscape.

NEW BRAND IDENTITY

With the transition of ownership to Barossa Australia, the Barossa Vintage Festival underwent a transformative process to reposition its brand in alignment with the brand pillars of both SATC and Barossa Australia. This strategic rebranding initiative aimed to cultivate a sophisticated, clean, and accessible brand identity that resonated with the festival's target audience. By embracing this new brand identity, the festival sought to reflect the values and visions of its stakeholders, presenting itself as a premier cultural event that appealed to a wide range of attendees. The result was a cohesive and contemporary brand that captured the essence of the festival while embracing a fresh and engaging image.

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SUCCESSES

EXECUTION OF NEW SYSTEMS AND PROCESSESS

The successful execution of new systems and processes was evident through the development of a customized website with an integrated ticketing system, providing event producers with access to an event registration platform and a comprehensive database. This resourceful platform empowered regional event producers with valuable tools, including event budgets, Event Accessibility guidelines, Marketing Planning 101 resources, and Ticketing Resources, enhancing their expertise

DATA CAPTURING FOR STRONGER EVALUATION AND ANALYSIS

Utilizing the FringeTIX ticketing system, detailed reports were generated to analyse ticket buyer behaviour, while location analytics captured during the five-day festival allowed for comprehensive monitoring of visitation patterns. The in-kind contribution of Newscorp's Digital Display, valued at $15,000, enabled the measurement of impressions through integrated social display, providing invaluable data for evaluation and analysis.

DIVERSITY OF PROGRAMMING

With a conscious effort to promote inclusivity and cultural growth, the festival producers displayed a commendable commitment to attract a more diverse and interesting program, challenging the region's perceived resistance to change. This statement held significant importance in the cultural context, as evidenced by the introduction of new events in 2023, highlighted earlier in this report, which successfully expanded the program without incurring additional financial risk. These fresh additions showcased a diverse array of performances, exhibitions, and activities, creating an atmosphere that celebrated inclusivity, cultural appreciation, and a wider range of interests.



CHALLENGES

COMMUNITY ENGAGEMENT AND EXPECTATIONS

The departure of Tourism Barossa team members and the arrival of new staff at Barossa Australia created challenges in effectively engaging the community and managing their expectations. Compounded by the lack of file handover and questionable integrity of old data, accurately forecasting and addressing community needs became a complex task. This further complicated expectations for community members who had expectations processes would be the same or similar as in previous years.

SATURATED INTRASTATE MARKET

Operating in a highly competitive intrastate market during the autumn chapter of the calendar so close to Tasting Australia off the back of Adeliade Fringe, Womad and Adelaide Festival being present in the statewide market posed challenges for the Barossa Vintage Festival. The festival had to differentiate itself from other events and attractions within the state, strategically positioning itself to attract attendees amidst numerous options for entertainment and leisure activities.

RELEVANCE TO YOUNGER AUDIENCE

Capturing the interest and relevance of a younger audience proved to be a challenge for the festival which traditionally attracts 55+ audience members. Efforts were made to reposition the festival's brand identity, programming, and marketing strategies to resonate with younger demographics, ensuring that the event remained attractive and appealing to the evolving tastes and preferences of the target audience.

FINANCIAL SUSTAINABILITY WITH REQUIRED INCREASED INVESTMENT

Achieving financial sustainability while necessitating increased investment was a demanding aspect of delivering the Barossa Vintage Festival. Balancing the budgetary constraints with the need for enhanced programming, marketing, and infrastructure required careful planning and strategic decision-making to ensure the long-term viability of the festival.



CHALLENGES

TRUNCATED TIMELINE FOR EVENT DELIVERY

The compressed timeline (nine months instead of two years) for event delivery posed challenges in terms of planning and consultation requiring the festival management team to streamline processes, expedite decision-making, and efficiently coordinate various aspects of the festival to ensure a successful and cohesive event within the limited timeframe. The contract for funding the micro-music festival only being able to go public two weeks before the festival created obstacles from a marketing and audience engagement perspective, diminishing the festival's capacity to position it as the marquee event it had the potential to be.

TRUNCATED TIMELINE FOR SPONSORSHIP PROCUREMENT

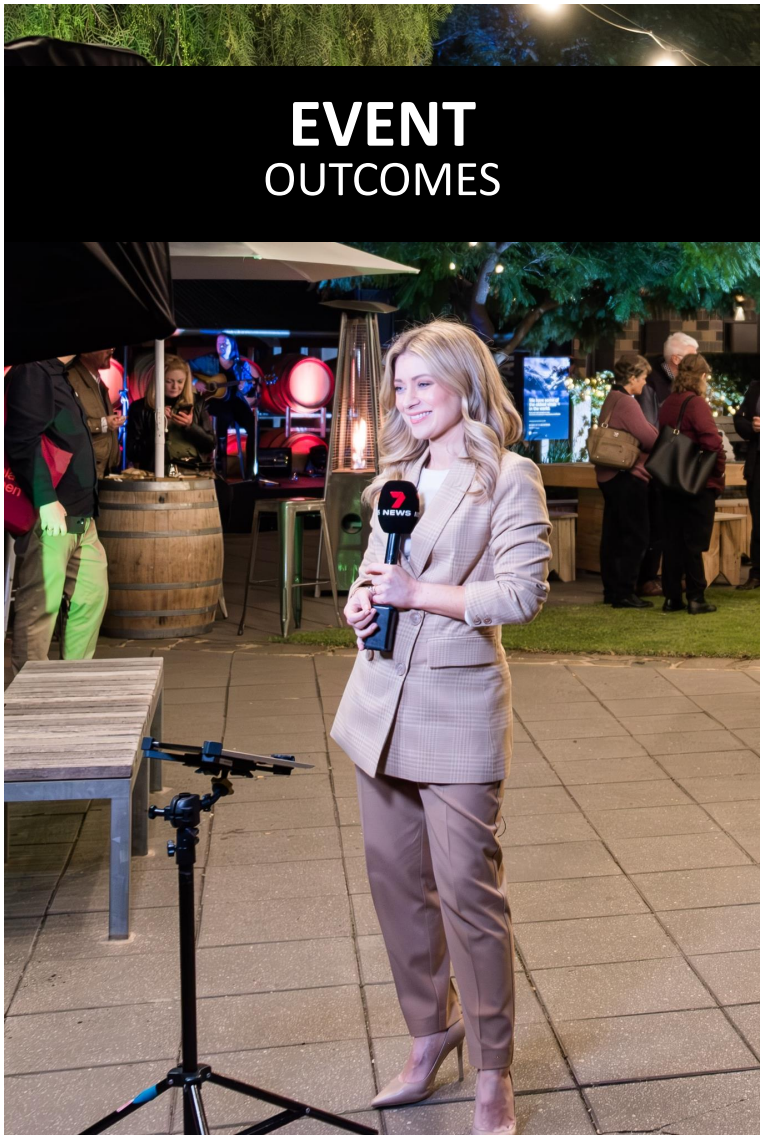
The condensed timeline for sponsorship procurement added complexity to securing financial support and partnerships for the Barossa Vintage Festival. It necessitated efficient and targeted communication with potential sponsors, expedited negotiations, and a strategic approach to effectively convey the value and benefits of sponsoring the event within a shorter timeframe.

LATE VINTAGE RESULTING IN EVENT CANCELLATIONS

The late vintage timing posed challenges for some event producers, leading to the unfortunate cancellation of their events due to factors beyond their control. Adjusting to the unpredictable nature of the vintage and its impact on event planning and execution required flexibility and contingency planning to ensure a diverse and engaging festival program despite the limitations imposed by the late vintage.

BUDGET CHALLENGES

Delivering the Barossa Vintage Festival on an already small budget presented challenges in a year when significant investment was made to update the festival brand and systems. Despite these challenges, the Barossa Vintage Festival remained highly visited and showcased professional execution, highlighting the resilience and dedication of the Festival Management team in delivering a successful event.



MARKETING AND PR | AIM & OBJECTIVES

Our aim was to introduce a Barossa Vintage Festival's 75th year program to its loyal existing audience as well as new audiences to showcase a significant milestone major event for one of Australia's best known regional festivals.

- Increase equity with New Brand
- Improve Customer Journey
- Maintain loyal audience
- Increase new, younger audience

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MARKETING TIMELINE

Using the marketing funnel, the festival targeted visitors from brand awareness through to conversion with the ultimate aim of creating Barossa brand advocates.

MONTHS	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
• Brand Awareness • New Brand & Website • Interstate HVT Targeted	AWARENESS							
• Engage Audience • Tickets on sale 9th Dec • Burst # 1 • Program distribution			CONSIDERATION					
• Retarget abandoned carts • Burst # 2 • Event: 19-23 April • Local and Intrastate Targeted					CONVERSION			
• Evaluation of event • Holding Website launched • Thank you for attending • 2025 Dates Announced							ADVOCACY	

MARKETING & PR

MEDIA PARTNERS



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MARKETING & PR

CONTENT PILLARS



75 YEAS OF MEMORIES

- Celebrating 75 years of BVF
- Archive inspired content
- Link to 2023 theme



PROGRAM PICKS

- Wine Auction
- Community Hallmark Events
- I See You Like This
- Sunset on Seppeltsfield Road
- Paddock to Plate



BEHIND THE BRAND

- New Logo
- Hero Image
- Brand Collaborations
- Behind the scenes
- Previous festival covers



FACES OF THE FESTIVAL

- Past & new faces showcasing the diversity
- Young Ambassadors
- BVF23 Staff and Committees
- BVF Partner Collaborations



HOT OFF THE PRESS

- Editorial exposure
- Ads in situ

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MARKETING & PR

KEY MESSAGES

- Barossa Vintage Festival is one of the **oldest regional festivals** in the country.
- Celebrating **75 events in our 75th year**.
- Barossa stands proudly amongst **the greatest wine regions** of the world.
- Barossa's **distinctly Australian landscape** is a patchwork of textures. So too are the characters that are its community which is showcased through the festival.
- **Barossans love the finer details** and will take the time to attend to the 1%ers which create true excellence.
- Barossa's quest for mastery fuels significant innovations and the festival **nurtures a continual evolution**.
- Barossa's **natural inclination to share** dates to its history of strong community bonds, common endeavour and prosperity, which now extends to the whole world.

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MARKETING AND PR | PR CAMPAIGN SUMMARY

The 75th anniversary of the Barossa Vintage Festival reached an audience of more than 3.3 million people with just over 75 media items with an advertising value worth more than $870,000 with news and feature stories in local and national newspapers, TV, radio and online. The below is the delineation of mediums and values of each. Overall the campaign was a wonderful success with a high reach and a great media value.

Total newspaper audience: 2,395,000

Total newspaper value: $667,467

Total TV audience: 280,000

Total TV value: $36,300

Total radio audience: 20,000

Total radio value: $1,059

Online total audience: 170,778

Online total value: $79,775

Magazine total audience: 503,000

Magazine total value: $95,000

Total audience: 3,368,778
Total value: $879,601

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MARKETING AND PR | PR CAMPAIGN SUMMARY

Newspapers had the biggest audience, and biggest value. With the majority of articles found in local papers The Leader (34 articles) and The Bunyip (six articles), with The Advertiser. Australian Financial Review and News Corp's national Escape insert also covering Barossa Vintage Festival with coverage in Daily Telegraph, Advertiser, Herald Sun and more.

Magazines saw exceptional coverage in local magazines Barossa Mag and SA Life as well as national publications Delicious and Country Style.

Online saw coverage across many titles including Broadsheet, Glam Adelaide, Escape, Play & Go, Fiftyplus, Indaily, Adelady, and Weekend Notes.

For TV, Channel 7's Amelia Mulcahy covered the BVF with a weather cross and story on the Barossa Cellar and radio saw ABC North and West's breakfast program cover the festival with interviews with the Festival Director.

PRINT MEDIA HIGHLIGHTS

SA Life 5-page feature and Wine & Dine Inclusion

Wine & Dine



BEAUTIFUL BAROSSA

Gastronomes and oenophiles will delight in the return of the biennial Barossa Vintage Festival, which runs from April 19 to 23 with a bumper program of 75 events to celebrate the festival's 75-year anniversary. Organisers say significant work has been poured into the development of this year's event which includes hallmark community highlights such as the Vintage Festival Parade, Barossa Made Market, and Vintage Festival Art Prize alongside new events, too. The best of Barossa's celebrated winemakers and chefs have curated showcase events alongside the traditional Barons of Barossa's Ancient Vines Museum Wines dinner and the famous Barossa Wine Auction.

barossavintagefestival.com.au



When you see the transition that has occurred over the fe
what it shows is that this community honours its traditi
wants to move apace with a modern world



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Words Tony Love

LONG LIVE THE VINTAGE QUEEN

As the Barossa Vintage Festival celebrates its 75th anniversary this month, a new book details how the celebration of the once-hallowed Barossa Valley Vintage Queen has evolved and changed as much as the vines that adorn the region's soil.

Those were the days. It had all begun with a tentative Festival Ball in 1947, which was so successful it was decided there should be a more official Barossa Valley Vintage Festival in 1948, which would include a parade of floats and a competition for young women of the district, which was then known as the "Daughter of Bacchus" prize. Joan Hammond was selected as the inaugural winner and crowned in front of a huge audience, estimated at around 16,000 people.

But all was not seen through rose-coloured glasses. Several clergymen of the district were angered at the "Bacchus" reference, describing it as a celebration of paganism.

"It is unbecoming for Christian girls to be referred to as daughters of a heathen idol," Pastor A. G. Simpfendorfer, of Light Pass Lutheran Church, claimed. "Bacchus has an unsavoury history. He was worshipped by drunken people."

The popular-girl contest, as it was considered at the time, was soon renamed as the Barossa Valley Vintage Queen competition, continuing in that guise from 1949 until 1997.

The festival expanded rapidly from its inaugural 1948 year, wit grape picking championships added to the program, along with car and motorcycle races. Tanunda hosted a motor cycle circus and chariot races as part of Saturday night's entertainment. A rodeo then followed in 1950, and in later years a glider pageant, marching girl championships, medieval tournaments, a festival art prize, a rare wine auction, traditional dinners, markets, maypole dancing and scarecrow trail all became part of the festival fabric.

Sadly, the festival was cancelled in 1952 after the death of Kin George VI. The then Princess Elizabeth and her husband Prince

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22 | BARossa VINTAGE FESTIVAL

Traditional flavours bottled in limited edition gin

The Barossa Vintage Festival is renowned for celebrating wine, food, music and culture, and now it will feature a limited-edition gin, thanks to a collaboration with Seppeltsfield Road Distillers.

This year festival organisers have partnered with the team at SRD to create a unique and delicious gin inspired by Bienenstich, a traditional German cake.

The expertly-crafted gin has an infusion of honey, almonds, macadamias and German baking spices, which combine to give the tipple its distinctive character.

Ruth Blythman, Festival Director of the Barossa Vintage Festival says, "We're over the moon to be collaborating with Seppeltsfield Road Distillers to make this one-of-a-kind gin.

"Their mastery in gin-making, combined with their commitment to advocating for local creativity and culture has inspired this special collaboration and makes this an incredibly exciting addition to our festival this year. We're thrilled to showcase this exquisite gin to the lucky few who will be quick enough to secure a bottle."

Only 400 bottles of the gin have been produced and it will be available for tasting and purchase at the Festival Hub and Seppeltsfield Road Distillers' tasting room, while stocks last.

Head Distiller, Nicole Durdin is clearly happy with the final product, which she describes as being akin to eating a Bienenstich from Apex Bakery.

"We're proud to support the Barossa Vintage Festival by honouring traditions of the past and adding a modern twist of our own," Nicole said.

WIN SOME GIN

WITH THE BARossa VINTAGE FESTIVAL COMPETITION

Seppeltsfield Road Distillers have teamed up with the Barossa Vintage Festival to create a limited-edition gin that captures the essence, flavours and memories of the beloved community festival.

For your chance to win a bottle of the limited edition Barossa Vintage Festival Gin, simply scan the QR code or send an email to win@leadernews.net.au with your name, phone number and answer the question - What is your favourite Barossa Vintage Festival Memory?

Entries close 5pm, Wednesday, April 19, 2023. All entrants must be 18 years or older to enter. Photo ID may be required to accept prize. Please drink responsibly.

SRD blends limited edition Barossa Vintage Festival gin - Article



Front cover Image from Barossa Vintage Festival Special Publication

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DIGITAL MEDIA HIGHLIGHTS

Broadsheet Food & Drink feature

MELBOURNE

BROADSHEET

ART & DESIGN | ENTERTAINMENT | FASHION | FOOD & DRINK | HOME & LIFESTYLE | TRAV

And Plenty More Perks JOIN OA

Barossa Vintage Festival 2023

FOOD & DRINK

Wed 19th April, 2023 – Sun 23rd April, 2023
Multiple locations

Buy Tickets



1/3 Photography: Courtesy of Barossa Vintage Festival

The regional festival turns 75 this year, and is celebrating with 75 events, including a sunset night market, special wine dinners, a wine cellar auction and

BROADSHEET

RTAINMENT | FASHION | FOOD & DRINK | HOME & LIFESTYLE | TRA

The regional festival turns 75 this year, and is celebrating with 75 events, including a sunset night market, special wine dinners, a wine cellar auction and more.

After 75 years, the Barossa Valley's end-of-vintage celebration has aged like fine wine. Over five days, the region is being transformed into a cultural and culinary destination – at least, more so than it usually is – with 75 events to mark the occasion.

Sip wines and spirits at sundown in the Avenue of Palms with a special event that brings together more than 20 wineries, distilleries, restaurants, artists and musicians from around Seppeltsfield Road; try 10 decades-aged wines with a five-course lunch in respected wine museum The Barossa Cellar; join a tour that takes you behind the scenes at Seppeltsfield Winery, where you can end with a tasting from the 1948 vintage; and pair Schubert Estate's shiraz with handmade dumplings you make yourself at a special class where you learn to fold jiaozi, then the kitchen finishes it off.

You can also paint your own wine label with artist Karen Nickels, then have it printed on a bottle from Rosenvale Wines; enjoy a guided gin tasting with a gin flight at Gomersal Wines' cellar door; join Rehn Bier Brewhouse's early Oktoberfest celebration with a German lunch, live music and locally brewed German-style beer; take the kids to I See You Like This, an interactive photo studio event where they get to be photographers and you (or another adult) are the subject with fun props; and more.

Longstanding events such as the Vintage Festival Parade, Vintage Festival Ball, the Barossa Wine Auction, Barossa Made Market and Ziegenmarkt are also

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DIGITAL MEDIA HIGHLIGHTS

InDaily Launch Image Gallery









isentia
AUTHOR: JESSICA GALLETLY SECTION: GENERAL NEWS ARTICLE TYPE: NEWS ITEM
AUDIENCE : 227,000 PAGE: 8 PRINTED SIZE: 329.00cm² REGION: SA MARKET: Australia
PUBLISHING FREQUENCY: MTWTFS- ASR: AUD 4,762 WORDS: 196 ITEM ID: 1825111615



13 APR, 2023

Savour sights and smells of Vintage

Adelaide Advertiser, Adelaide



Seppeltsfield Rd Distillers' Bec Henderson, singer Philippa Lynas, Whistler Wines' Sam Pfeiffer and Barons of Barossa's Ruby Stobart get into the spirit of the 75th Barossa Vintage Festival. Picture: Kelsey Zafridis.

Savour sights and smells of Vintage

Jessica Galletly
Lifestyle Editor

MORE than 70,000 people are expected to flock to the Barossa Valley later this month for the 75th anniversary of the Barossa Vintage Festival.

A program of 75 events will take place across April 19-23, from a free family-friendly vintage parade to a $300 rare wine tasting hosted by Barons of Barossa.

Baron of Barossa's Ruby Stobart said locals were already getting into the spirit.

"We always look forward to Vintage Festival to share the best of Barossa's generosity and hospitality with everyone who comes to visit for the weekend or longer," she said.

"The late harvest means the region is alive with the smells and sights of vintage, and the enthusiasm and energy is palpable."

Among the highlights of the five-day festival are a "Create and sip – paint your own wine label" at Rosenvale Wines ($130); cooking classes with chef Tim Bourke at The Farm Eatery ($145-$220); and the Grand Barons Barossa tasting ($300).

For more information and tickets, visit barossavintagefestival.com.au



TELEVISION HIGHLIGHTS
Channel 7 Coverage

Weather Report with Emily states the latest weather updates.

Channel 7 · Rosanna Mangiarelli & Will Goodings · TV · 18 Apr 2023, 6:57 pm

Weather Report Emily is into London tonight ahead of a big weekend for the Barossa and mills. We've got some wet weather on the way tonight. Rosie, we do. We've got showers pushing up from the south tonight...

Stream

Region/Location Adelaide · **ASR** 22,771 · **Program** Seven News · **Duration** 2 mins 11 secs ·

Weather report with Amelia

The annual Barossa Vintage Festival is set to get underway tomorrow.

Channel 7 · Rosanna Mangiarelli & Will Goodings · TV · 18 Apr 2023, 6:24 pm

News Now, the show isn't the only event officially opening tomorrow with the annual Barossa Vintage Festival set to get underway. Millie is in Canada tonight with the details. And Amelia, the festival's cel...

Stream

Region/Location Adelaide · **ASR** 7,377 · **Program** Seven News · **Duration** 59 secs ·

Channel 7 - Barossa Vintage Festival

Weather Report with Amelia live in Elcano Winery Mills are expecting to work well into the night for this week's Reds Week. Austral...

Channel 7 · Rosanna Mangiarelli & Will Goodings · TV · 22 Mar 2023, 6:26 pm

News Also among the honourees were Seinfeld actress Julia Louis-Dreyfus, singer Gladys Knight, and designer Vera Wang. Closer to home and forecast fine weather over the next few days is music to the ears of...

Stream

Region/Location Adelaide · **ASR** 9,185 · **Program** Seven News · **Duration** 1 mins 14 secs ·

Weather Report with Amelia

On the opening night of Barossa Vintage Festival, Amelia from Channel 7 did three media crosses which resulted in a combined media value of $39,333



EVENT
OUTCOMES



MARKETING AND PR | SATC SPONSORSHIP

Barossa Vintage Festival utilized the sponsorship provided by SATC to execute various marketing and PR activities.

PRINTED PROGRAM
Barossa Vintage Festival invested considerable effort in the design of their printed program. The program was meticulously crafted to capture the essence of the festival, featuring attractive visuals and comprehensive event details. Printing and distribution were efficiently handled to ensure widespread access to the program. A targeted distribution strategy was implemented to reach the intended audience, maximizing the program's impact and enhancing the overall festival experience for attendees.

NEWSCORP ADVERTISING
1.Barossa Vintage Festival successfully leveraged their print spend through NewsCorp Advertising's News Connect platform, unlocking additional sponsorship benefits. This strategic partnership enabled the festival to promote interstate visitation and encourage longer stays within the state and region. By utilizing NewsCorp's extensive advertising network, the festival significantly expanded its reach, effectively targeting potential visitors and showcasing the unique offerings of the Barossa Vintage Festival.

PUBLICIST
1.To amplify the festival's publicity efforts, Barossa Vintage Festival enlisted the services of Super Assembly, a renowned publicist. Super Assembly's expertise contributed to generating close to $900,000 worth of media value through extensive media coverage and publicity for the festival campaign. The publicist's efforts helped raise awareness and generate buzz around the festival, attracting a wider audience and increasing the festival's overall visibility and success.

MARKETING & PR

DIGITAL CAMPAIGN SUMMARY

REACH
489,244

IMPRESSIONS
3,953,330

LINK CLICKS
10,182



POST ENGAGEMENTS
83,556

CONVERSION RATE
96%

COST PER CLICK
$0.11

40



MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

Various digital platforms were utilised to advertise the 75th anniversary of the Barossa Vintage Festival namely: Meta, Google, and News Connect.

Below are the total results of the 2023 Barossa Vintage Festival digital campaigns:

Meta

Reach:	489,244
Impressions:	2,220,731
Post engagements:	83,556
Link clicks:	9,462

Google

Impressions:	1,231,326
Clicks:	12,839
Cost per conversion:	A$ 0.11
Conversion rate:	96.97%

News Connect

Booked Impressions:	500,000
Delivered Impressions:	501,273
Clicks:	720

41

MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

TRAFFIC ACQUISITION

	Session source / medium	↓ Users	Sessions	Engaged sessions	Average engagement time per session	Events per session	Engagement rate	Event count All events
		41,544 100% of total	61,553 100% of total	33,582 100% of total	1m 25s Avg 0%	15.58 Avg 0%	54.56% Avg 0%	958,907 100% of total
1	(direct) / (none)	10,416	13,668	6,261	1m 04s	12.53	45.81%	171,273
2	google / cpc	9,952	13,082	7,464	1m 38s	20.70	57.06%	270,770
3	google / organic	8,911	14,998	9,400	2m 12s	20.12	62.68%	301,801
4	m.facebook.com / referral	4,890	5,485	2,630	0m 27s	7.48	47.95%	41,054
5	southaustralia.com / referral	1,662	2,271	1,494	1m 46s	19.97	65.79%	45,359
6	lm.facebook.com / referral	1,617	2,092	993	0m 34s	6.95	47.47%	14,541
7	l.facebook.com / referral	1,399	1,901	1,193	0m 57s	10.81	62.76%	20,548
8	(not set)	744	750	0	0m 24s	3.00	0%	2,250
9	newsletter / email	467	571	339	1m 21s	17.95	59.37%	10,251
10	l.instagram.com / referral	362	382	212	0m 25s	9.40	55.5%	3,592

This table shows a more detailed traffic acquisition data on the Barossa Vintage Festival website and which source/medium redirected the most amount of traffic.

The multiple facebook sources reflects the different devices used and link shim referrals to protect users from malicious and spammy content. It shows that the Meta ads are working as it's in 5 spots within the top sources for traffic acquisition. In total, the Meta ads from both Facebook and Instagram redirected 9,000+ amount of people to the website in total.

The Google Ad campaign also went live at the end of March and yet it redirected almost 10,000 people to the website. This campaign also accumulated the highest events per session meaning that the users spend a long time on the website and are more engaged.

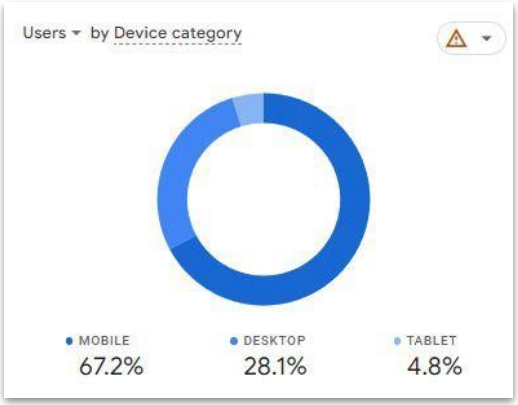
MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

USER DEMOGRAPHICS & TECH

	Gender	Users	New users	Engaged sessions	Engagement rate	Average engagement time	Event count All events
		42,437 100% of total	41,122 100% of total	34,753 100% of total	54.9% Avg 0%	2m 07s Avg 0%	981,561 100% of total
1	unknown	37,568	36,452	29,344	53.62%	2m 03s	844,898
2	female	3,145	2,936	3,324	63.44%	2m 39s	88,981
3	male	1,874	1,734	1,833	63.03%	2m 31s	47,682

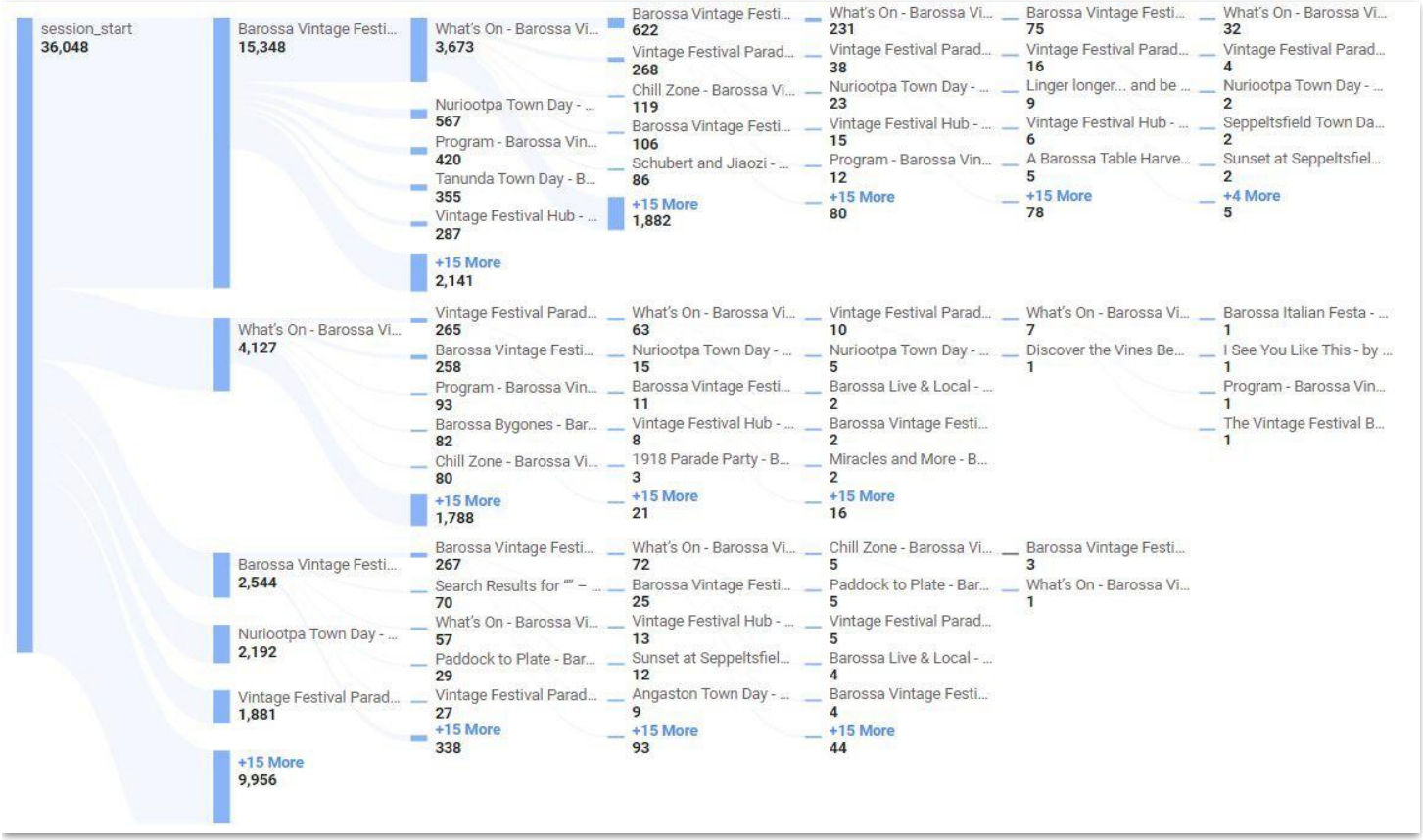
Total site sessions: 63,286 *Total engaged sessions:* 34,753
Average engagement time: 1min 44 seconds
Demographic: Female 60.9% / Male 39.1%

	Age	Users	New users	Engaged sessions	Engagement rate	Average engagement time	Event count All events
		42,437 100% of total	41,122 100% of total	34,753 100% of total	54.9% Avg 0%	2m 07s Avg 0%	981,561 100% of total
1	unknown	37,746	36,603	29,505	53.76%	2m 03s	848,639
2	35-44	1,162	1,029	1,127	62.2%	2m 11s	27,982
3	45-54	1,024	928	943	62.82%	2m 33s	27,096
4	25-34	986	871	1,070	65.48%	2m 32s	28,082
5	55-64	881	766	842	63.79%	2m 30s	22,051
6	65+	586	516	590	68.13%	2m 51s	15,342
7	18-24	447	409	427	64.11%	2m 26s	12,369



MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

WEBSITE PATH EXPLORATION



This shows the path exploration on the Barossa Vintage Festival website demonstrating user experience.

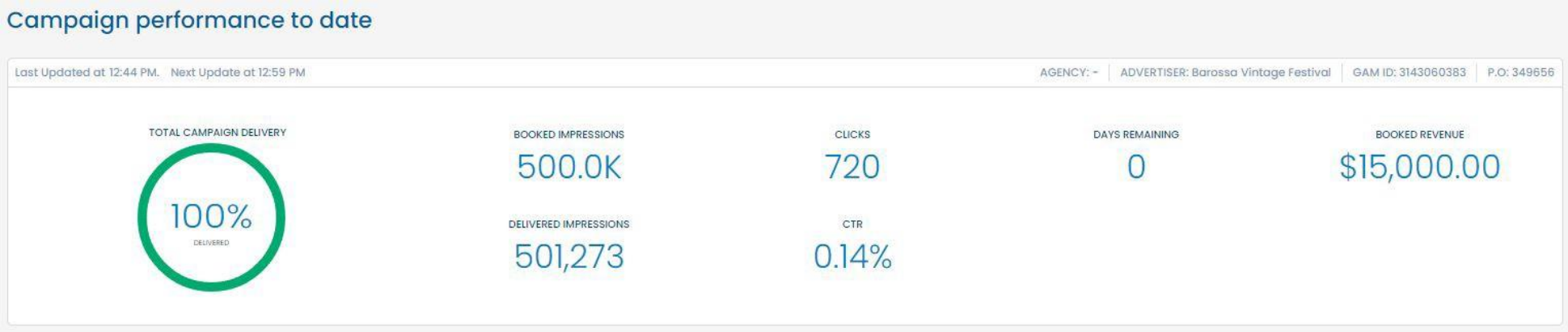
The top path shows that users were visiting back and forth between the home page and what's on page. The what's on page showed all of the Barossa Vintage Festival events.

The individual town days, festival program and the vintage festival hub were common pages that were viewed after visiting the home page.

There were also specific events that users viewed the most such as the Vintage Festival Parade and more.

MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

NEWS CONNECT: NEWSCORP'S SOCIAL MEDIA DISPLAY



This shows the overall News Connect campaign performance. The audience database targeted for this campaign guarantees 500,000 impressions and delivered 501,273 when it ended,

Clicks represent the amount of times a person has been redirected to the Barossa Vintage Festival and there has been 720 in total.

CTR or Click Through Rate is the percentage of people who clicked on the ads over the amount of impressions.

The total spend of $15,000 has been utilised throughout the campaigns.

MARKETING AND PR | DIGITAL CAMPAIGN SUMMARY

NEWS CONNECT: NEWSCORP'S SOCIAL MEDIA DISPLAY

Line Item	Delivery indicator	Line item type	Cost type	Booked revenue (AU$)	Booked impressions	Start date	End date	Delivered impressions	Clicks	CTR
RON Targeted mob CPM - social display medrec mob Geo Targeting SA (1096147) ID: 6206778204	100.01%	Standard	CPM	$2,434.32	81,144	01/04/2023	23/04/2023	81,150	87	0.11%
RON Targeted CPM - social display medrec Geo Targeting SA (1096124) ID: 6208402768	100.03%	Standard	CPM	$2,434.32	81,144	01/04/2023	23/04/2023	81,168	140	0.17%
RON Targeted CPM - social display medrec Geo Targeting SA (1096122) ID: 6208402750	100.05%	Standard	CPM	$2,499.99	83,333	01/03/2023	31/03/2023	83,376	117	0.14%
RON Targeted mob CPM - social display medrec mob Geo Targeting SA (1096141) ID: 6208402924	100.01%	Standard	CPM	$2,499.99	83,333	01/03/2023	31/03/2023	83,338	122	0.15%
RON Targeted CPM - social display medrec Geo Targeting NSW and VIC (1096120) ID: 6206777745	100.85%	Standard	CPM	$1,500.00	50,000	01/02/2023	28/02/2023	50,425	20	0.04%
RON Targeted mob CPM - social display medrec mob Geo Targeting NSW and VIC (1096128) ID: 6206778165	100.19%	Standard	CPM	$1,500.00	50,000	01/02/2023	28/02/2023	50,096	68	0.14%
RON Targeted CPM - social display medrec Geo Targeting NSW and VIC (1096118) ID: 6206777730	101.38%	Standard	CPM	$1,065.69	35,523	24/01/2023	31/01/2023	36,012	25	0.07%
RON Targeted mob CPM - social display medrec mob Geo Targeting NSW and VIC (1096126) ID: 6206778141	100.52%	Standard	CPM	$1,065.69	35,523	24/01/2023	31/01/2023	35,708	141	0.39%

This shows the campaign performance per audience.

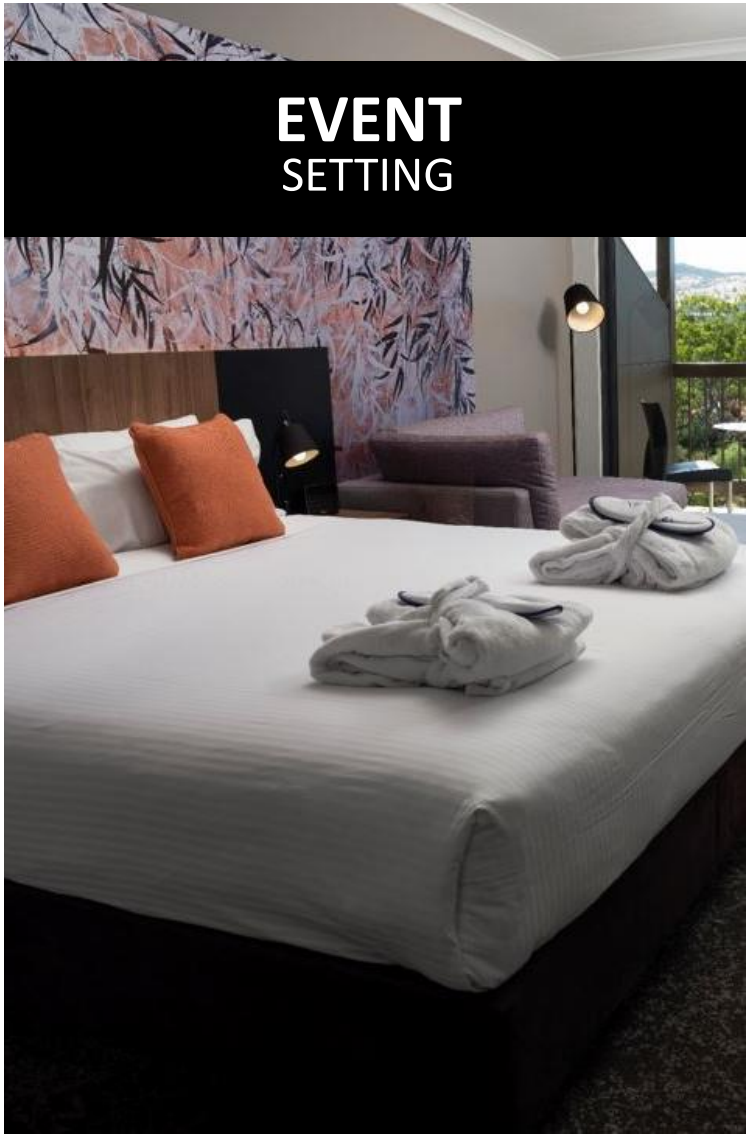
It demonstrates the location-based audience that is targeted during the campaign. One is focusing on NSW and VIC and it was running since January and ended in February.

In March, the SA campaign resulted in 117 and 122 clicks. The final SA focused audience in April resulted in 87 and 140 clicks redirecting people to the Barossa Vintage Festival website.

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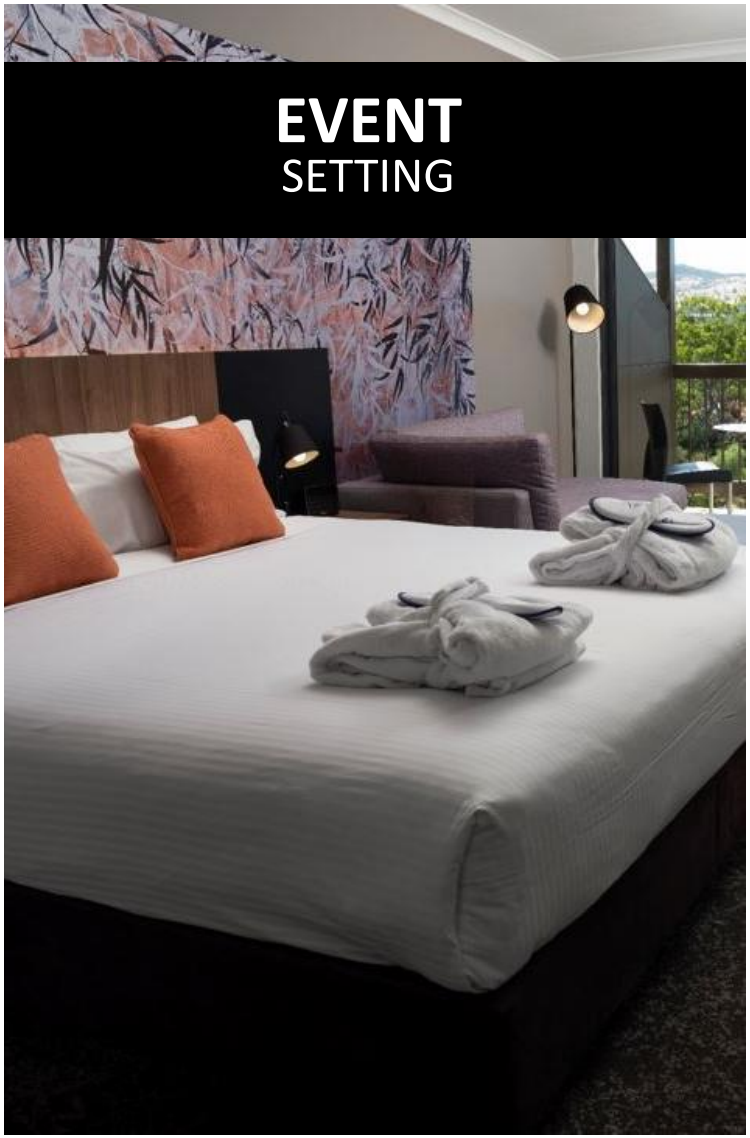


TOURISM
&
STRATEGIC RELEVANCE



ENCOURAGEMENT OF LENGTH OF STAY IN REGION

Barossa Vintage Festival implemented a comprehensive strategy to encourage longer stays in the region, incorporating various elements across digital display advertising and social media targeting. Partner publications such as Vogue, Australian, and Financial Review featured accommodation integrated into their banner advertising, specifically targeting regional Victoria and New South Wales audiences. This approach, implemented for the first time, yielded a value of $15,000 towards the strategy. Moreover, itineraries were prominently highlighted in the printed program and on the festival's landing page, providing visitors with curated suggestions and information on local concierge services. These efforts were aimed at enticing attendees to extend their stay beyond the festival period, maximizing their experience and further exploring the region's offerings.



SUPPORT OF SATC'S KEY STRATEGIC OBJECTIVES

MARKETING

- The festival's focus on encouraging longer stays in the region through integrated accommodations and curated itineraries aligned with SATC's goal of having visitors recommend and promote South Australia as a destination
- Through strategic social media targeting and promotion, Barossa Vintage Festival contributed to establishing and maintaining a strong positive social media presence for South Australia.

INDUSTRY CAPABILITY

- Barossa Vintage Festival actively encouraged and supported tourism businesses to become members of industry associations such as TICSA, Regional Tourism Organisations, ATEC, TTF, AHA, and others, promoting collaboration, knowledge sharing, and professional development within the tourism industry.
- The festival played a role in increasing the number of tourism businesses registered on the Australian Tourism Data Warehouse (ATDW), ensuring comprehensive and up-to-date information about these businesses is accessible to visitors, enhancing the overall visitor experience and supporting the promotion of South Australia as a tourism destination.

EXPERIENCE & SUPPLY DEVELOPMENT

- Barossa Vintage Festival's efforts in registering all events on the Australian Tourism Data Warehouse (ATDW) contributed to SATC's objective of enhancing the overall visitor experience by providing comprehensive and up-to-date information about festival events.
- By integrating diverse and new quality accommodation options into marketing partnerships and promotions, Barossa Vintage Festival supported SATC's goal of developing the supply of experiences, ensuring visitors have a range of high-quality accommodation choices to enhance their festival experience.

LEISURE, BUSINESS EVENTS & TOURISM VALUE

- Barossa Vintage Festival successfully increased the economic impact of the event, as measured by event surveys, with attendees staying an average of 4.3 days in the region and spending $62 per day, contributing to the local economy.
- The festival effectively enhanced the broadcast and public relations value of the event, reaching a substantial media audience of over 3,860,000, generating extensive coverage and publicity that promoted the festival and South Australia as a destination.
- Barossa Vintage Festival demonstrated growth in the business events sector, with a 30% increase in sponsorship investment compared to the previous year (2021), highlighting its increased contribution to visitor expenditure and reinforcing its appeal as a significant event for business travellers and the tourism industry.

COLLABORATION

- Through active involvement and collaboration with local tourism operators, the festival harnessed their expertise, unique offerings, and support to create a vibrant and diverse experience for attendees, ensuring that all sectors of the Visitor Economy played a vital role in the planning and execution of the festival.


This report has been compiled by our
Event Partners from
Release
Creative

Executive Summary

This report is a collation of data from Google Analytics from 1 July 2022 - 30 June 2023 from Barossa.com and

Date period

01/07/2022 - 30/06/2023
Duration: 365 days

Executive Summary

Findings:

1. The growth of Barossa.com has increased over the last financial year with an increase in users and sessions.
2. Most users interact with the website once before moving on to external sources. The low bounce rate and high exit rate on listing pages would indicate leads are leaving the listing pages to go book directly on the company's site.
3. Website users primarily use their mobile phones and are in the South Australians aged between 25-34, with a small majority being female.
4. On social media, users are 35- 64 with 75% of them being female, and most living in South Australia.
5. The most popular features on the Barossa.com website are the experiences and itineraries, which indicate people are coming to Barossa.com for reasons other than accommodation providers and winery information, but to discover more about what the Barossa has to offer.
6. The top performing content on social media is reels and videos, and is based on experiences e.g. bushwalking, and wine tasting, inclusive experiences for people from diverse backgrounds

Sessions
332,028

Users
249,404

Number of Sessions per User
1.33

Avg. Session Duration
00:02:37

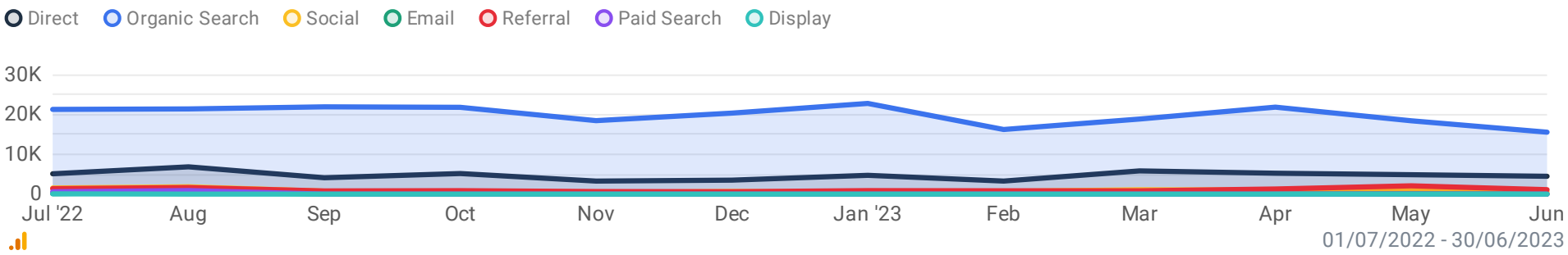
Top Acquisition Channels (Users)

Organic search	179,679 (75.64%)
Paid traffic	1,299 (0.55%)
Direct	47,602 (20.04%)
Social	8,955 (3.77%)



01/07/2022 - 30/06/2023

Traffic channels



Google Analytics Behaviors Overview

Overview of your user behaviours

Avg. time on page
00:00:41

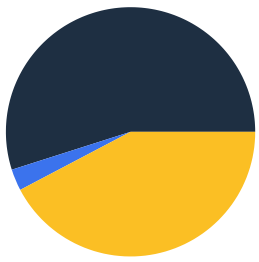
Exit rate
20.93%

Bounce rate
3.20%

Page views per session
4.78

What device are people using?

Mobile	193,130	(54.9%)
Tablet	9,828	(2.8%)
Desktop	148,726	(42.3%)



01/07/2022 - 30/06/2023

Returning and new visitors

User Type	Sessions	Users
New Visitor	251,062	247,949
Returning Visitor	80,966	43,850

01/07/2022 - 30/06/2023

Google Analytics Audience Overview

User Demographic - Gender

User gender	Users	Sessions
female	37,142	49,739
male	28,496	37,675

01/07/2022 - 30/06/2023

User Demographics - Age

User age bracket	Users	Sessions
18-24	9,113	12,034
25-34	16,730	22,440
35-44	12,910	17,267
45-54	10,648	13,729
55-64	7,661	9,825
65+	5,910	7,739

01/07/2022 - 30/06/2023

Sessions by Country

Country	Sessions
Australia	286,744
United States	13,389
New Zealand	5,177
Germany	3,896
United Kingdom	3,455
China	2,867
Singapore	2,082
Canada	1,754
India	1,173
Hong Kong	907

01/07/2022 - 30/06/2023

Sessions by City

City	Sessions
Adelaide	126,173
(not set)	44,622
Melbourne	33,877
Sydney	31,722
Brisbane	15,310
Perth	9,117
Union Township	3,730
Darwin	3,029
Hillcrest	2,580
Ashburn	2,492

01/07/2022 - 30/06/2023

User Demographics - Interest affinity category

Interest affinity category	Users	Sessions	Avg. Session D
Food & Dining/Cooking Enthusiasts/30 Minute Chefs	29,563	39,794	00:03:06
Lifestyles & Hobbies/Green Living Enthusiasts	23,568	32,365	00:03:19
News & Politics/Avid News Readers	23,311	31,098	00:03:05
Travel/Travel Buffs	20,773	28,909	00:03:26
Sports & Fitness/Health & Fitness Buffs	21,477	28,704	00:03:14
Media & Entertainment/TV Lovers	21,293	28,186	00:02:59
Shoppers/Value Shoppers	20,356	26,961	00:03:03
Sports & Fitness/Sports Fans	20,222	26,779	00:03:06
Lifestyles & Hobbies/Outdoor Enthusiasts	19,603	26,624	00:03:16
Lifestyles & Hobbies/Family-Focused	17,815	23,570	00:03:06

01/07/2022 - 30/06/2023

Traffic breakdown by traffic source and medium

Traffic driven to the website by source/medium

Source medium	Users	Bounced	Views per	Avg. Session Duratic
google / organic	172,457	0.93%	5.15	00:02:56
(direct) / (none)	47,602	13.45%	3.68	00:01:36
bing / organic	4,928	0.84%	6.00	00:04:07
m.facebook.com / referral	3,702	0.40%	3.52	00:01:03
Yahoo native / Still	2,055	6.48%	2.38	00:00:28
lm.facebook.com / referral	1,516	0.80%	3.83	00:01:07
google / cpc	1,299	1.10%	5.56	00:02:25

01/07/2022 - 30/06/2023

Top Pages by page title

Page title	Page views	Sessions	Bounce rate	Exits
Home | Barossa	153,662	51,555	3.68%	38,828
Our wineries | Barossa	60,084	21,832	0.79%	14,662
What's on - Barossa Events | Barossa	46,976	16,306	0.90%	12,163
1 new message	44,032	610	23.77%	7,371
Accommodation - Barossa | Barossa	39,872	9,585	0.42%	3,099
Best places to eat - Barossa Food | Barossa	34,482	7,218	0.75%	4,597
Things to See & Do - Barossa | Barossa	30,603	7,737	0.94%	3,572
Top 10 things to do in the Barossa with kids | Barossa	26,206	9,350	0.75%	6,360
A Little More Barossa A Food and Wine Festival | Barossa	25,936	9,713	0.80%	5,738
Barossa Restaurants - where to eat in the Barossa | Barossa	24,060	6,799	1.09%	4,107
Barossa information | Barossa	22,629	5,988	2.47%	5,253
Things to Explore - Barossa | Barossa	21,490	5,481	1.93%	3,397
Tours & Transport | Barossa	20,617	7,122	0.74%	3,498
Experience the Barossa | Barossa	20,613	1,631	4.72%	2,735
Road Trips and Self Drive | Barossa	20,408	6,337	1.61%	4,940
Page not found.	17,673	3,926	9.04%	5,106
Barossa Cellar Doors with light meals | Barossa	16,034	4,614	0.56%	2,529
Barossa Be Consumed | Barossa	15,961	6,726	1.20%	6,285
Luxury Accommodation - Barossa | Barossa	15,746	4,951	0.79%	2,347
Suggested Itineraries | Barossa	14,436	1,729	2.60%	2,115
Events in the Barossa | Barossa	14,261	2,398	1.54%	2,840
Barossa Visitor Information Centres | Barossa	13,054	4,197	1.24%	2,907

01/07/2022 - 30/06/2023

Social Media

MyBarossa Facebook and Instagram data

Total Page likes
21,337

Instagram Followers
25,860

Impressions
575,428

Website click funnel



Impressions	575,428	(100.00%)
Reach	394,294	(68.52%)
Engagement	17,374	(4.41%)
Website clicks	1,067	(6.14%)

Total conversion rate 0.19%

01/07/2022 - 30/06/2023

Page views
8,185

Reach
2,711

Clicks
44,360

Fans that saw any posts
6,567,016

Page posts impressions
1,567,916

Fan distribution by gender

Page fans / Gender

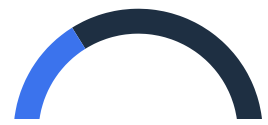
Female	15,325	(71.81%)



Fan distribution by age

Page fans / Age

35-44	7,232	(33.89%)



Male	4,930	(23.10%)
Unknown	1,086	(5.09%)



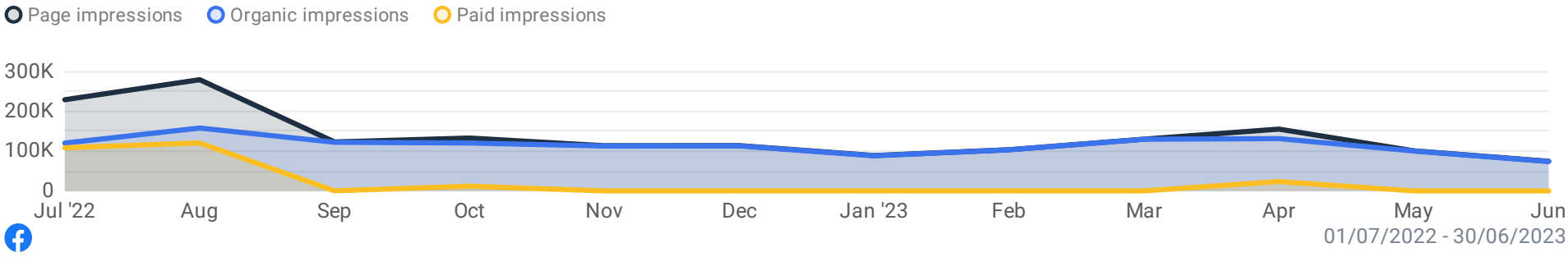
01/07/2022 - 30/06/2023

45-54	5,623	(26.35%)
55-64	3,289	(15.41%)



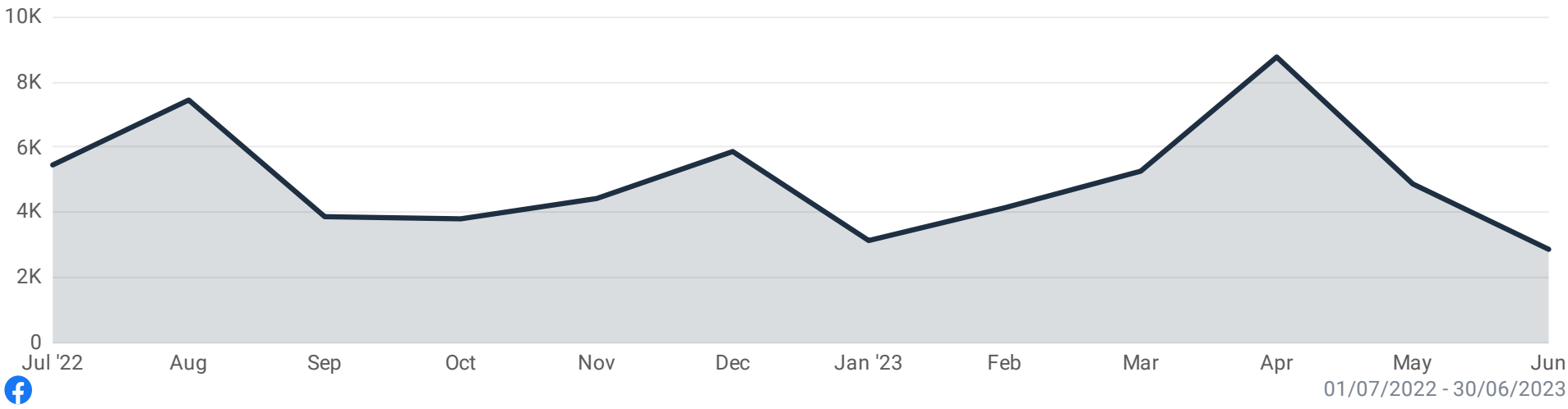
01/07/2022 - 30/06/2023

Page Impressions over Time



01/07/2022 - 30/06/2023

Post Engagements over Time



01/07/2022 - 30/06/2023

Top Performing Posts

Message	Post unique impre	Post clicks	Post reactions	Post comment	Post shares
Foodie Friday! □ This time with a sneaky hot chocolate just for …	17,143	290	102	51	8
Say hello to Neo and Koby from Seppeltsfield! If you want to t…	16,948	414	220	4	7
Whether you're a solo walker or want to get the whole family i…	16,562	700	172	54	22
Need to take the kids out and burn off some energy? The Bar…	16,249	1,217	129	17	31
Whether you're a solo walker or want to get the whole family i…	12,709	922	126	10	15

Whether you're a solo walker or want to get the whole family i...	13,729	933	136	19	15
Trevor (Skip) Skipsey Tour Guide Travelled by motorcycle aro...	11,913	392	249	7	22
The excuse for an August holiday you were looking for... A Lit...	11,811	35	16	0	2
Foodie Friday - from bakeries to quick meals Barossa bakeri...	10,037	352	207	3	9
Celebrate 75 years of the Barossa Vintage Festival with 75 epi...	9,278	488	111	5	15
Barossa... for the non-wine drinkers! Yes, it's true, Barossa is ...	9,232	116	40	0	3
Gin Masters! Seppeltsfield Road Distillers Native Ground Gin...	9,231	24	23	1	3
The 2022 South Australian Tourism Award Winners have bee...	8,702	436	155	4	10
"They're the cream of the crop, the top tier of dining in South ...	8,664	315	74	8	12
If you want to take your furry friend(s) out for a day (or a stay...	8,657	330	53	16	7
[What's On] in the Barossa this weekend... We are in the last ...	8,219	359	73	11	9
Cassaly Fitzgerald Sommelier, pub owner Serial Student "I be...	8,196	413	283	19	7
Last night our wine community celebrated the best of Baross...	8,142	559	75	0	3

01/07/2022 - 30/06/2023

MATTERS FOR INFORMATION

6.4 WILLIAMSTOWN AND LYNDOCH LANDCARE GROUP INC

Author: Executive and Project Support Officer
23/43306

Minutes of the Williamstown, Lyndoch Landcare Group Inc. meeting held 26 July 2023 are attached for information.

ATTACHMENTS

Attachment 1 Williamstown and Lyndoch Landcare Group Inc Minutes of meeting held 26 July 2023 ⇩

SUPPORTING REFERENCES

Nil

WILLIAMSTOWN & LYNDOCH LANDCARE GROUP INC.
LANDCARE SOUTH AUSTRALIA

Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose	**General Meeting**		
Prepared by	Terry Redman	**Phone No.**	0418 857 915
Location	Council Rooms, 29 Barossa Valley Way, Lyndoch, SA 5351	**Date**	26 July 2023
Attendees	Angus Atkinson (Chair) Terry Redman Elke Wiese Joerg Wiese Pam Cross		Kym Burton Maria Burton Phil Godly Margaret Puddy
Distribution	All current & life members, Chris Kruger (Executive Assistant, Development and Environmental Services, The Barossa Council) and Kim Thompson		
File	20230726_GeneralMeetingMinutes.docx		

Item			Action by	Date Due
1		**Meeting Opened** 7.30 pm.		
2		**Apologies –** Tina Woods, Tracy Sinclair, Peter Henshaw, Nelly Van den lessel, Mick Kobryn, Colleen Godley, Brian & Margaret Teskey, Don & Shirley Wegener.		
3		**Minutes of previous Meeting** held 22 June 2023 – Accepted. Moved by Phil Godly, seconded by Elke Wiese – Carried.		
4		**Business Arising last meeting:**		
4.1		**Actions now closed:**		
		ACTION: Emergency and Evacuation Signs - two signs have been picked up and will be installed on the container and entrance gate in the near future.		
		ACTION: Reserve Notice Board – Notice regarding availability of toilet at local church has been removed.		
		ACTION: Chainsaw and Pole saw – Brushcutter and Pole saw have been sold for $110.		
		ACTION: Management Agreement – Council has a copy of the Agreement.		

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LANDCARE SOUTH AUSTRALIA

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		ACTION: First Aid kit for tractor - Metal container has been obtained, to be placed on tractor in the near future.		
4.2		**Actions still open:**		
		ACTION: Wildlife Camera: 1. Discuss with Amanda from Environmental Weed Control & Revegetation if she has any experience in cameras in her business. 2. Provide contact from Friends of Kaiser Stuhl ***Update:*** *Peter offered a cheaper alternative sourced from Anaconda - still meeting requirements for being weatherproof and with motion detector.*	Angus Atkinson Terry Redman	July 23 July 23
		ACTION: Altona CSR Landcare Reserve Open Day 2023 – Sub-committee met 20 July 2023. Open Day poster has been finalised, copies to be printed for dissemination throughout the local area. Interested parties emailed seeking attendance on the day.	Angus Atkinson	July 23
		ACTION: Yearly Council Tour – Angus to follow up with Council.	Angus Atkinson	Sept 23
		ACTION: Fox Control – Contact The Barossa Council later in year closer to fox breeding season to discuss who will be responsible for cost of the fox control.	Angus Atkinson	Sept 23
		ACTION: Care for Landcare Grant – Email to all members a list of what was submitted as part of grant application for purchase – in next meeting members to make suggestions for spend. Tina Woods suggested for consideration an upgrade of displays for Open Day.	Tina Woods	August 23
		ACTION: Bioweed a substitute for Roundup 1. Seek guidance from Bioweed manufacturer of how this substance can be used to combat the High / medium impact weeds as documented in Appendix C of Management Plan. Table in Appendix D will need to be replaced in substitute is to be made. 2. Request a demonstration on site from Manufacturer. 3. Seek comments from both Amanda Pearce, Environmental Weed Control & Revegetation and Kim Thompson of TBC. *Update: Information from Peter Henshaw that Company has not responded to phone calls or email enquiries. Suggest undertaking an internal trial of various "glyphosphate free" weedicides to confined areas to determine effectiveness.*	Peter Henshaw	August 23
5		**New Actions from Business arising this meeting:**		
		• **Indigenous Contact** – Discussion on who is the appropriate indigenous contact for the "Welcome to Country" for Open Day with further discussion to take place with the Barossa Council.	Angus Atkinson	August 23

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		• **Finance** – Joerg Wiese advised that following his discussion with Beyond Bank, it will still be some time before cheques are phased out. Further enquiries will be made in relation to how WLLG can move to electronic payments.	Angus Atkinson	August 23

6		**Correspondence:**
		In:
		• **Birds SA: Ali Ben Kahn**
		  • Re Open Day Happy to publicise but unavailable that day.
		  • Would like to conduct a bird walk (as part of the Nature Festival) on 7th or 8th October. Registration necessary. Further detail to be provided.
		• **Barossa Council:**
		  • Ashleigh Duncan - Notification that Public Liability Insurance Certificate expired 30/6/2023.
		  • Kim Thompson:
		  o 4 July – Altona volunteer Plant ID training workshop on Thursday 31 August 2023, 10am to 12 noon.
		  o Volunteers to find a plant they don't recognise for identification.
		  o "Walk and Talk with Barossa Councils Brayden Fitzpatrick".
		• **Friends of Parks SA:**
		  • 26 Jun - Defibrillator kit available to loan when undertaking approved activity in remote areas
		  • 10 July - First Aid courses available, 2 members per group to be conducted at St Johns headquarters in Unley. Various times.
		  – Free CPR training is also available.
		  • 12 July – Latest Landcare News.
		  • 19 July - Friends of Tote bags - extra available upon request.
		• **Green Adelaide -** Monthly Newsletter
		• **Landscape SA - Northern and Yorke:**
		  • Monthly Newsletter Yakka News
		  • Liz Ninnes:
		  o 23 June – List of first nations cultural educators for Welcome to Country for Open Day.
		  o 10 July – Developing a Report on the state of Volunteering for SA, asking for volunteers and Managers to complete a survey to assist.		

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- **Landcare Association SA (LASA):**
  - Monthly SA members Newsletter.
  - Natalia Diaz, State Landcare Coordinator – 22 June –confirmation of Membership renewal with LASA for 2023/24.

Out:

- **Barossa Council:**
  - Ashleigh Duncan:
    - 22 July –Re Public Liability insurance - awaiting letter of cover from SAFA.
- **WLLG:**
  - Distribution of General Meeting Minutes and other monthly newsletters
  - Info regarding Open Day to Bushgardens, Landscape SA, Amanda Pearce, Birds SA,

7 **Chair Report**:

- Continued wet weather has been hindering the weekly working bees.
- Sub-committee to continue the detailed planning for the Open Day in October.
- Weed identification protocol to be discussed when Council Environmental officer is available to provide guidance on site (likely in 3-4 weeks time once Kim Thompson returns from leave).

8 **Monthly Volunteer Hours:**

Tasks	YTD	Jun 22	July 26 (to date)
1. Admin Duties (Committee Members)[2]	218.5	10	26.5
2. Meetings, home & away	180	nil	nil
3. Promotions. (Tours, demos, etc.)	138	42	nil
4. Propagation (Sowing, planting out, seed collection, etc.)	nil	nil	nil
5. Weed & Pest Control	738	18	48
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	147	nil	nil
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)	24	nil	nil
8. Monitoring	217	53	nil

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Totals	**1662.5**	**123**	**70.5**	

9 **Treasurers Report** – as presented by Joerg Wiese:
Moved that report be accepted by Margaret Puddy, seconded by Phil Godly - carried.

- **Monthly Income & Expenditure** – since last General Meeting

	July 26
Balance Brought Forward	$4,963.18
Income	$0.39
Expenses	$721.60
End Month Balance	**$4,243.19**

- **Account Balances** – since last General Meeting

	July 26
Administration	$1,269.20
Credit Union Share	$2.00
Project No.2 (Altona)	$1,162.49
Project No.X	$1,809.50
Total End Month Balance	**$4,243.19**

Note:
Project X has been set up to track the Care for Landcare Grant.

10 **Work Health and Safety**

- **Safety Induction** – a full induction of all members will be undertaken - Angus Atkinson to schedule for a Thursday morning working bee.

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11	**Publicity:** • **Facebook:** o Regular updates being made following working bees. Site now has 533 followers. • **Lyndoch Grapevine:** o Standing WLLG advertisement in each monthly edition. • **Willy Wagtail:** o Standing WLLG advertisement in each monthly edition. • **The Bunyip:** o Terry Redman to liaise with The Bunyip regarding promoting the Open Day.
12	**General Business:** • **German Language Association** – Joerg Wiese provided an update re his talk to the Barossa German Language Association on Monday 26 June. His talk was very well received generating a lot of interest and discussion. • **Lyndoch Market**:- Attendance at Lyndoch Market on 7 October 2023 as promotion for Open Day. • **Petty cash** - Petty cash duties have been handed to Phil Godly. • **Finance** – Joerg Wiese advised that following his discussion with Beyond Bank, it will still be some time before cheques are phased out. Further enquiries will be made in relation to how WLLG can move to electronic payments. • **AGM -** The AGM is scheduled for August to coincide with the August 2023 General Meeting. Members are reminded that all committee positions are open for review and members are encouraged to volunteer for positions into 2024. (NB: Tina Woods and Tracy Sinclair are still absent but have stated their willingness to continue in either the current positions, or alternates, as required.)
13	**Key Dates for 2023:** • **Sunday 15 October** - 2023 Reserve Open Day • **Lyndoch Markets** – 14 October 2023 (NB: Changed date from meeting. Use as promotion for the Open Day) • **Altona Volunteers Plant ID Training workshop -** 31st August (Kim Thompson & Brayden Fitzpatrick) • **Saturday Busy Bees** – TBA

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LANDCARE SOUTH AUSTRALIA

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14	**Next Meeting** – Next meeting will be **Wednesday 23 August 2023**, 7.30pm Council Rooms, 29 Barossa Valley Way, Lyndoch, SA. Social coffee, port and cake will be shared by members and visitors following the formal meeting proceedings (in an COVID safe manner). All welcome.		
15	**Meeting Closed** 8.12pm		

MATTERS FOR INFORMATION

CONSENSUS AGENDA

6.5 LOCAL GOVERNMENT FINANCE AUTHORITY ANNUAL GENERAL MEETING NOTICE

Author: Director Corporate Services and Business Innovation
23/44570

Correspondence, as *attached,* has been received notifying Council that the Annual General Meeting of the Local Government Finance Authority (LGFA) will be held on Thursday 26 October 2023. Mayor Lange is Council's representative.

Notices of Motion must be submitted by Friday 18 August 2023 if Council wishes to make a submission.

Should a member wish to nominate please contact the Acting Chief Executive Officer and the matter would need to be withdrawn.

ATTACHMENTS

Attachment 1 Local Government Finance Authority - Annual General Meeting 2023 - Notice ⇩

SUPPORTING REFERENCES

Nil

Local Government Finance Authority

TO: **Chief Executive Officers, Member Councils**

RE: **Annual General Meeting – Thursday 26th October 2023**

Advance notice is hereby given that the Annual General Meeting of the **Local Government Finance Authority of South Australia** will be held on **Thursday 26 October 2023** at the National Wine Centre. This meeting will again coincide with the Annual General Meeting of the Local Government Association of S.A. with the commencement time and other details to be advised closer to the time.

1. Appointment of Council Representative

Section 15(1) of the Local Government Finance Authority of South Australia Act 1983, provides that: -
" Every council is entitled to appoint a person to represent it at a general meeting of the Authority."

As the meetings of the Local Government Association of South Australia (LGA) will also be held on the same day, it is suggested that the same person be appointed to represent your council for the LGA and the Authority. It is, however, our requirement that our form provided is filled out and returned to us. A copy of the Council Representative form is attached for your convenience. (Appendix 1)
Please return same to this Authority **no later than Friday 18 August 2023**.

2. Nominations for Members of the Board

A representative member of the Board currently holds office for a term of two years and, as an election took place last year, nominations for members of the Board are not being sought this year.

3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or strictly prior to Friday 18 August 2023.

Member councils are requested to lodge the Notice of Motion in the following manner: -

(a) Notice of Motion
(b) Reason
(c) Suggested Action

A copy of the Notice of Motion form is attached for your convenience. (Appendix 2)

DAVIN LAMBERT
Chief Executive Officer
Local Government Finance Authority of SA

3 July 2023

Local Government Finance Authority of South Australia
Suite 1205, 147 Pirie Street, Adelaide SA 5000
P: 08 8223 1550 E: admin@lgfa.com.au W: www.lgfa.com.au ABN: 80 189 672 209

Appendix 1

APPOINTMENT OF COUNCIL REPRESENTATIVE

LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

2023 ANNUAL GENERAL MEETING

I advise that Mayor / Councillor / Officer / or any other person
is appointed council representative to the Local Government Finance Authority of South Australia.

Council Name	
Council Delegate (Full Name)	Mayor / Councillor / Officer
Delegate Home Address	
Delegate Email Address	
Name of **Chief Executive Officer**	
CEO Email Address	
Signature of **Chief Executive Officer**	

Please return completed Appointment of Council Representative Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 18 August 2023**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Appendix 2

NOTICE OF MOTION

LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

2023 ANNUAL GENERAL MEETING

NAME OF COUNCIL: ……..

NOTICE OF MOTION:

……

REASON:

……

……

……

……

SUGGESTED ACTION:

……

……

……

……

Please return completed Notice of Motion Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 18 August 2023**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

DEBATE REPORTS

7.1 Office of the Mayor and CEO Report

7.1.1 CODE OF PRACTICE FOR MEETING PROCEDURES

Author: Executive Business Partner
22/66346

PURPOSE

The *Local Government Act 1999* and *Local Government (Procedures at Meetings) Regulations 2013* provide the legislative meeting procedure framework for the conduct of Council and Committees meetings. A review of the Code of Practice for Meeting Procedures has been undertaken, in accordance with the legislation and taking into consideration Council's meeting practices and needs.

RECOMMENDATION

That Council adopts the proposed Code of Practice for Meeting Procedures as at Attachment 1.

REPORT

Background
Chapter 6 of the *Local Government Act 1999* (the Act) and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) govern Council and Committee meetings. The rules set out in the Act and Regulations are generally mandatory, with some exceptions. Council may establish discretionary procedures under the Regulations that alter or substitute specific regulation.

In accordance with Section 86, of the *Local Government Act 1999*, the procedure to be observed at a meeting of a Council is to be as prescribed by regulation. The *Local Government (Procedures at Meetings) Regulations 2013* details the minimum meeting procedures Council must observe, and provide for Council to determine procedures not prescribed within the *Local Government (Procedures at Meetings) Regulations 2013.*

Introduction
The Code of Practice is a public document, available for inspection by members of the public. The adoption of a Code of Practice provides transparency to the community with respect to meeting procedures, and a consistent framework for Elected Members, Council staff, Committee Members and community members. Further it allows rules governing meeting procedures, variations and any guidance notes to be collated in one document.

Discussion
The Code of Practice for Meeting Procedures has been reviewed for Council consideration as at Attachment 1.

The revised Code of Practice has been formulated in accordance with the *Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013*, taking into consideration meeting practices of Council and Committees.

Section 4 – Guiding Principles of the *Local Government (Procedures at Meetings) Regulations 2013* sets out the principles that need to be taken into consideration when formulating meeting procedures:

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

(a) procedures should be fair and contribute to open, transparent and informed decision-making;
(b) procedures should encourage appropriate community participation in the affairs of council;
(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
(d) procedures should be sufficiently certain to give the community and decisionmakers confidence in the deliberations undertaken at the meeting.

The Code of Practice relates to Council and Committee Meetings as governed by the *Local Government Act 1999*. The Barossa Assessment Panel is established under the *Planning, Development and Infrastructure Act 2016* and operates under its own Terms of Reference and has its own operating procedure to guide its procedures.

A list of changes made to the Code of Practice are outlined below:

- Updated references within Clause No 4 - Related Policies and Documents to include requirements under the Local Government Reform including under Division 2 – Member Behaviour.

- Replaced reference to Informal Gatherings to Information or Briefing Sessions.

- Updated the Notice of Motion to seven (7) clear days in line with the Regulations.

- Removed reference to livestreaming of Council Meetings from page 21.

- Removed requirement to complete a form to declare a conflict of interest.

- Replaced the Mayor's report being recorded in Minutes to Agenda.

<u>*Summary and Conclusion*</u>
A comprehensive review of the Code of Practice has been undertaken. The recommendation reflects this thorough review and ensures Council meets its legislative requirements regarding meeting practices and procedures.

The endorsement of the Code of Practice provides the framework for meetings to be conducted in accordance with legislative requirements.

Pursuant to Regulation 6, a resolution supported by at least two-thirds of members of the Council entitled to vote on the resolution is required to alter, substitute or revoke the Code of Practice.

Council is presented with the draft Code of Practice for Meeting Procedures as attached at Attachment 1 for endorsement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Code of Practice for Meeting Procedures ⇩

Supporting references
Local Government Act 1999 (legislation.sa.gov.au)
Local Government (Procedures at Meetings) Regulations 2013 | South Australian Legislation

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

Legislative Requirements
Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no additional financial or resource implications associated with the endorsement of the Code of Practice for Meeting Procedures.

Risk is mitigated by adopting a Code of Practice that sets out in one place, all rules, variations and guidance notes with respect to meeting procedures, meeting legislative requirements and improving transparency to community members and additionally providing a consistent framework for Elected Members and officers.

COMMUNITY ENGAGEMENT

There is no requirement to consult the community on the Code of Practice for Meeting Procedures.

THE BAROSSA COUNCIL
CODE OF PRACTICE FOR MEETING PROCEDURES

1.	Purpose

1.1 Council and Committee meeting procedures are governed by Chapter 6 of the *Local Government Act* 1999 (the Act) and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

1.2 Regulation 6 of the Regulations allows for Councils to adopt a Code of Practice for Meeting Procedures, and in particular, vary any discretionary procedures set out in the Regulations, or establish its own procedures for any matter not included in the Act or Regulations. A Council resolution to adopt this Code of Practice must be supported by at least two-thirds of the Elected Members entitled to vote on the resolution.

1.3 The purpose of this Code of Practice is to document the meeting procedures that apply to Council and Committee meetings, provide transparency and a consistent framework for Elected Members, Council Workers, Members of Committees and community members.

1.4 This Code of Practice should be read in conjunction with Council's *Code of Practice for Access to Council and Committee Meetings and Associated Documents*, the Act and Regulations.

1.5 This Code of Practice does not apply to the Barossa Assessment Panel (BAP) which has its own BAP Operating and Meeting Procedures.

2.	Scope

2.1. This Code of Practice applies to Council Meetings and Committee Meetings, including Committees performing regulatory activities. All Elected Members, Committee Members and Council Employees are expected to comply with this Code and associated legislation.

2.2. This Code of Practice outlines the meeting procedures set out in the Regulations with annotations in highlighted text boxes in this Code. In addition, where the Council has varied a procedure set out in the Regulations (being a procedure that is capable of variation) or has adopted a procedure in circumstances where the Act or Regulations do not prescribe a procedure, this Code of Practice sets out those varied or additional procedures (as the case may be) in highlighted text boxes.

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3. Policy Statement

3.1. The rules that govern Council and Committee Meetings are set out in the Extract of the *Local Government (Procedures at Meetings) Regulations 2013* at Appendix 1 to this Code of Practice. Any variations made to the meeting procedures are indicated in Appendix 1.

3.2. In accordance with Regulation 4 of the Regulations, when using this Code of Practice, the following guiding principles should be applied with respect to meeting procedures.

3.3. Council and Committee meeting procedures should:

3.3.1. be fair and contribute to open, transparent and informed decision-making;

3.3.2. encourage appropriate community participation in the affairs of Council;

3.3.3. reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

3.3.4. be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

4. Related Policies and Documents

Code of Practice for Public Access to Meetings and Meeting Documents (Ref: 23/30184)
Behavioural Standards for Council Members (Ref: CD/22/25)
Behavioural Management Policy (Ref: CD/22/26)
Customer Service Policy (Ref 22/32237)
Application to make a Deputation (online form on Council's website)
Petition Template (Ref: 17/16066)

5. Legislation and References

Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2013

6. Review

Pursuant to Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*, this Code will be reviewed by the Council once every financial year or more frequently if legislation or Council require changes.

7. Further Information

7.1. This Code is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's Principal Office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Code can be obtained at those venues upon payment of a fixed fee.

7.2. Complaints regarding this Code or its application can be made to the Customer Experience team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy*.

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8. Document Control

Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Document Owner:	Chief Executive Officer	**Document Control Officer:**	Executive Business Partner

Version history

Version No.	Date	Description of Change
1.0	18/05/2021	New Code of Practice adopted by Council
2.0	21/06/2022	Revised Code of Practice adopted by Council to remove reference to the Emergency Declaration and conditions therein.
3.0	15/08/2023	Updated references within Item 4 Related Policies and Documents to include requirements under the Local Government Reform.

9. Definitions

Act	*Local Government Act 1999*
CEO	Chief Executive Officer of The Barossa Council
Clear Days – in relation to giving notice before a Meeting	Does not include the day on which the notice is given, and the day on which the meeting occurs, but includes Saturdays, Sundays and Public Holidays. If notice of a meeting is given after 5:00pm on a day, the notice will be taken to have been given on the next day.
Committee	As defined by Section 41 of the Act
Council	The Barossa Council
Deputation	A person or group of persons who wish to appear personally before Council or a Committee in order to address Council or Committee on a particular matter.
Elected Member or Council Member	All Elected Members of The Barossa Council, and includes the Mayor or the Presiding Member of a Committee (unless stated otherwise). Council Member is commonly used to refer to Elected Member.
Guiding Principles	As defined by Regulation 4 of the *Local Government (Procedures at Meetings) Regulations 2000*.
Information or Briefing Session	An Information or Briefing Session is held under Section 90A of the *Local Government Act 1999*. A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the council or a council committee is invited to attend or be involved in for the purposes of providing.
Leave of the Meeting	A vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing prevents a division being called in relation to the vote).
Member	A member of the Council or Council Committee

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Petition	A petition is a document that contains the names, signatures and addresses of a group of people who have a common issue of concern or idea to bring to council for consideration. Refer Regulation 10.
Presiding Member	The person who is the presiding member of a Council or Council Committee, or acting in the role.
Regulatory Activity	An activity which involves the making or enforcement of by-laws, orders, standards or other controls under the Local Government Act or another Act.
Written Notice	Includes a notice given in a manner or form determined by Council.
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.

DRAFT

Appendix 1	Extract of the Local Government (Procedures at Meetings) Regulations 2013

All variations to the Regulations and notes are marked in this manner.

Contents

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5 Application of Part
6 Discretionary procedures

Division 2—Prescribed procedures

7 Commencement of meetings and quorums
8 Minutes
9 Questions
10 Petitions
11 Deputations
12 Motions
13 Amendments to motions
14 Variations etc
15 Addresses by members etc
16 Voting
17 Divisions
18 Tabling of information
19 Adjourned business
20 Short-term suspension of proceedings
21 Chief executive officer may submit report recommending revocation or amendment of council decision

Part 3—Meetings of other committees

22 Application of Part
23 Notice of meetings for members
24 Public notice of committee meetings
25 Minutes

Part 4—Miscellaneous

26 Quorum for committees
27 Voting at committee meetings
28 Points of order
29 Interruption of meetings by members
30 Interruption of meetings by others

DRAFT

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5—Application of Part

The provisions of this Part apply to or in relation to—

(a) the meetings of a council; and

(b) the meetings of a council committee performing regulatory activities; and

(c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

***NOTE:** For the list of Committees that perform regulatory activities, please refer to the Code of Practice for Access to Council and Committee Meetings and Associated Documents.*

Where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

6—Discretionary procedures

(1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

(2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.

(3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.

(4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

(5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.

(6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.

(7) Regulation 12(4) does not apply to a motion under subregulation (3).

(8) This regulation does not limit or derogate from the operation of regulation 20[1].

Note—

1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—

(a) as determined by the council; or

(b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

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Division 2—Prescribed procedures

7—Commencement of meetings and quorums

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.

(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the chief executive officer must—

(a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and

(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

ACKNOWLEDGEMENT OF COUNTRY

At the discretion of the Mayor, The Barossa Council will acknowledge the First Nations People with an acknowledgment of country as part of the 'Welcome'.

SPECIAL COUNCIL MEETING

Special Council meetings may be called in accordance with the requirements detailed under Section 82 of the Act.

The Council may only consider at a Special Council Meeting those items as appearing on the agenda provided to the Chief Executive Officer in requesting a Special Meeting.

INFORMATION BRIEFING SESSION

Elected Member Workshops are deemed an Information Briefing Session.

QUORUMS

A quorum of the Council is calculated by dividing the total number of Council members for the time being in office by two, ignoring any fraction and adding one.

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8—Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the presiding member will—

(a) initial each page of the minutes, which pages are to be consecutively numbered; and

(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

(4) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(b) in relation to each member present—

(i) the time at which the person entered or left the meeting; and

(ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

(c) each motion or amendment, and the names of the mover and seconder; and

(d) any variation, alteration or withdrawal of a motion or amendment; and

(e) whether a motion or amendment is carried or lost; and

(f) any disclosure of interest made by a member; and

(g) an account of any personal explanation given by a member; and

(h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and

(j) details of any adjournment of business; and

(k) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

(n) any other matter required to be included in the minutes by or under the Act or any regulation.

***NOTE:** In accordance with clause 4.5 of Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents, Minutes of a meeting of Council or a Committee will be available at Council's Principal Office and on its website www.barossa.sa.gov.au within 5 days after the meeting.*

MINUTES

The format of the minutes of a meeting is at the discretion of the Chief Executive Officer. However, the content of the minutes must meet the requirements of the Act and Regulations.

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MAYOR'S REPORT

At an Ordinary Council Meeting, the Mayor may provide a report on any activities of the Mayor for the previous month. A summary of the Mayor's Report will be included in the Agenda.

Clarification: The Mayor may also draw to the attention of the Members any matter or issue they believe is necessary for the Members to be aware.

LEAVE OF ABSENCE

A Council Member may request leave of the Council to be absent from one or more meetings of the Council.

The request for leave must be made in writing and provided to the Mayor and Chief Executive Officer who will arrange for the request of leave to be considered by the Council as soon as possible.

A Council Member must advise of the specific dates that they will be absent.

APOLOGIES

If a Council Member becomes aware of a situation or circumstance that will prevent that Member's attendance at a Council or Committee Meeting, they should provide an apology either in person, by phone or by email to one of the following people:

- *Mayor (in relation to a Council Meeting),*
- *Presiding Member of the Committee,*
- *CEO,*
- *If in regards to a Committee meeting, then to the relevant officer(s) providing administrative support to the Committee.*

Apologies will be noted in the minutes provided the meeting is made aware of the apology.

If an apology is not recorded and notified to the meeting, the Member's non-attendance will be recorded as Not Present.

Clarification: If a Council or Committee Member is incapacitated due to serious illness or injury, an apology on their behalf can be made by a family member or close associate.

CHANGE IN ORDER OF DISCUSSING AGENDA ITEMS

The Presiding Member of the Council or a Committee, at their discretion, may change the order of discussion of agenda items during the meeting to bring agenda items forward to an earlier time or defer an agenda item to a later time in the meeting.

The following justifications (not limited to this list) may be utilised for re-ordering of agenda items:

- *The attendance of an external visitor to the Meeting.*
- *Community attendance at the Meeting for a particular item.*
- *If community members present a deputation on a specific agenda item, that item may be brought forward to immediately follow the deputation.*

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9—Questions

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under subregulation (1)—

(a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(3) A member may ask a question without notice at a meeting.

(4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

ADDITIONAL PROCEDURES

(7) Members are encouraged to seek answers to questions prior to the meeting wherever possible. Please contact the Chief Executive Officer, Directors and authorised officers for any agenda enquiries.

(8) Members of the public are welcome to sit in the public gallery, but are not permitted to take part in the debate or ask questions.

10—Petitions

(1) A petition to the council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

(d) be addressed to the council and delivered to the principal office of the council:

- ***at 43-51 Tanunda Road, Nuriootpa SA 5355, or***
- ***by post to PO Box 867, Nuriootpa SA 5355, or***
- ***by email to barossa@barossa.sa.gov.au***

(2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

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(3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

ADDITIONAL PROCEDURES

A petition will be placed on the agenda for the next available Ordinary Council Meeting. There are deadlines that Council officers work towards with respect to the publication of meeting agendas. If these deadlines are missed, the petition will be placed on the agenda for the next available Ordinary Council Meeting. Petitions will not normally be placed on the agenda for a Special Council Meeting.

Petitions may be redacted in accordance with Council's Privacy Policy.

A petition will not be placed on the agenda for a Council meeting if, in the opinion of the Chief Executive Officer, it is defamatory.

When the petition is submitted to Council, the person submitting the petition will be informed that the petition will become a public document.

When Council considers a petition submitted and included in an agenda, Council will receive the petition and if necessary resolve any further action regarding the petition.

It should be noted that a template petition document has been designed and available on Council's website along with the relevant guidelines. The petition template is the preferred format for Council to receive petitions from the community.

11—Deputations

(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council:

- ***by completing the electronic form on Council's website www.barossa.sa.gov.au; or***
- ***by delivery to Council's principal office located at 43-51 Tanunda Road, Nuriootpa SA 5355, or***
- ***by post to PO Box 867, Nuriootpa SA 5355, or***
- ***by email to barossa@barossa.sa.gov.au***

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

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A person requesting to appear as a deputation at a meeting must submit a request to the Council 5 (five) business days prior to the meeting to which the deputation relates. The Deputation Application Form is available on the Council website www.barossa.sa.gov.au.

Deputations provide an opportunity for the community or interested persons to bring a matter to the attention of the Council. At all times, appropriate behaviour shall be maintained by the deputation and the Council Members with all persons being considerate of other people's points of view.

DEPUTATION PROCESS

- ***Handouts or presentations may be provided as part of the deputation but must be included in the Application to Make a Deputation, or if this is not possible, then emailed to Council officers at least 5 (five) business days prior to the meeting.***
- ***A person appearing as a deputation can speak for no more than 10 (ten) minutes, unless an extension is granted by the meeting.***
- ***The content of deputations will not be included in the minutes. Only the names of those persons appearing as a deputation at the meeting will be recorded along with the topic or reference to the relevant agenda item.***
- ***Elected Members may ask questions of the deputation at the discretion of the Presiding Member.***
- ***The person appearing as a deputation is not permitted to take part in the debate, or ask questions during that time.***

12—Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.

(3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

(4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next general election,

whichever is the sooner.

(5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

(6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion,

(10) A member may only speak once to a motion except—

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(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

***NOTE:** A Member may ask a question in relation or seek clarification to the item at any time in the debate. These questions for clarification will not be captured under clause 9 of this Appendix 1.*

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is—

(a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

(b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or

(c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

(d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

(e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost—

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

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(20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

(21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

13—Amendments to motions

NOTE: ***The purpose of an amendment is to alter or modify the wording of a motion before the meeting, not to substantially change the intention of the motion.***

Amendments may be used to insert, delete or substitute words in the motion or to add to or detract from the substantive purpose of the motion.

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion

ADDITIONAL PROCEDURES

(1a) An amendment to a motion is not a motion in its own right and must neither substantially alter or contradict the intent of the original motion. The presiding member will not accept a proposed amendment to a motion that directly contradicts (a direct negative) of the original motion.

(1b) An amendment to a motion shall be relevant to the motion and shall be:

- ***(a) to leave out words;***
- ***(b) to insert or add words;***
- ***(c) to leave out words and insert and insert or add other words;***
- ***(d) to refer a matter or the subject of debate to a committee for consideration or reconsideration.***

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

However additional amendments may be moved with the leave of the meeting.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

However additional amendments may be moved with the leave of the meeting.

(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

14—Variations etc

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

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15—Addresses by members etc

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.

NOTE

Each Member shall speak for no more than five (5) minutes unless the Presiding Member rules otherwise.

(2) A member may, with leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) The contribution of a member must be relevant to the subject matter of the debate.

(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

ADDITIONAL PROCEDURES

"Other Business" should not be used as a forum or opportunity to discuss matters not on the Agenda, to provide information or to Members to make statements of any nature.

16—Voting

(1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.

(2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

(4) Subregulation (3)—

(a) may be varied at the discretion of the council pursuant to regulation 6; and

(b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

TIED VOTE

In the event that a tied vote on a matter at Council Meeting occurs, the Presiding Member shall advise the meeting that they are exercising their right to use a casting vote motion.

SECRET BALLOT PROCEDURES

Secret Ballots are used when appropriate in Council meetings, for example when electing the Deputy Mayor.

These procedures will govern, generally, how secret ballots work.

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1. ***Where a matter has been identified as requiring a private ballot, the Mayor will call for nominations from the floor, and Council Members may nominate themselves if they wish. A secret ballot shall be carried out where there are two or more nominations to a position.***
2. ***In the event that there are two or more candidates for the position, a Secret Ballot will be conducted by the CEO, generally using preferential voting (unless the Council decides to use a different method).***

   Example of preferential voting:

   A preferential system with the elimination of the candidate with the lowest vote until a preferred candidate is left.

   Candidate 1 5 votes

   Candidate 2 4 votes

   Candidate 3 3 votes

   Candidate 3 is eliminated and those three votes are distributed to the second preference demonstrated on the ballots. Let's assume candidate 3's second preferences all went to candidate 2, then the result will be:

   Candidate 1 5 votes

   Candidate 2 7 votes

   Candidate 2 would be elected with a majority of the total votes cast on a preferential basis.
3. ***In the event of a tied vote, lots shall be drawn by the CEO, to determine who is excluded from the ballot. This is done by placing the tied nominee's names on identical pieces of paper, placing them in a receptacle so that no one can see the names on the paper and the CEO drawing names until only one nominee remains (of those on the tied vote). The name of the candidate/s withdrawn will be the one/s excluded from the ballot.***
4. ***Secret ballots should be undertaken in adjourned Council so that nominees and the Mayor may cast a ballot. Once the result is determined, the adjournment ends and the result is confirmed by a formal resolution of Council.***
5. ***While a ballot is undertaken, no conflict of interest arises for the nominees. For avoidance of doubt, the Mayor will be provided with a ballot, and may cast a ballot.***
6. ***Once the result it determined and formal meeting procedures resume, the successful nominee may have a conflict of interest based on the position to which they have been nominated. All conflicts of interest must be declared at the appropriate time in accordance with legislative requirements.***

17—Divisions

(1) A division will be taken at the request of a member.

(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows:

(a) the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the presiding member will count the number of votes and then declare the outcome.

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(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

NOTE: Once the votes have been recorded, the Presiding Member will then declare the vote.

18—Tabling of information

(1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

19—Adjourned business

(1) If a formal motion for a substantive motion to be adjourned is carried—

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

20—Short-term suspension of proceedings

(1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

(2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

(3) If a suspension occurs under subregulation (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed[1]; and

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(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if—

(i) the presiding member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

(1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.

(2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

(3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Part 3—Meetings of other committees

22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

(a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;

(b) that notice need not be given for each meeting separately;

(c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;

(d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

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24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) and (3) provided as follows:

(a) that public notice need not be given for each meeting separately; and

(b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

***NOTE:** In accordance with Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents, Committee meeting calendars are published on Council's website www.barossa.sa.gov.au.*

See also Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents for information on topics such as Public Access to Meetings and the Use of the Confidentiality Provisions.

25—Minutes

(1) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(b) each motion carried at the meeting; and

(c) any disclosure of interest made by a member; and

(d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

(2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4—Miscellaneous

26—Quorum for committees

(1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

(2) For the purposes of this regulation, the ***prescribed number*** of members of a council committee is—

(a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or

(b) a number determined by the council.

Note—

See also section 41(6) of the Act.

27—Voting at committee meetings

(1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

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(2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28—Points of order

(1) The presiding member may call to order a member who is in breach of the Act or these regulations.

(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The presiding member will rule on a point of order.

(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.

(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—

(a) the ruling has no effect; and

(b) the point of order is annulled.

29—Interruption of meetings by members

(1) A member of a council or council committee must not, while at a meeting—

(a) behave in an improper or disorderly manner; or

(b) cause an interruption or interrupt another member who is speaking.

(2) Subregulation (1)(b) does not apply to a member who is—

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

(6) A member who—

(a) refuses to leave a meeting in contravention of subregulation (4); or

(b) enters a meeting in contravention of a suspension under subregulation (5),

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is guilty of an offence.

Maximum penalty: $1 250.

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

(a) behave in a disorderly manner; or

(b) cause an interruption.

Maximum penalty: $500.

MOBILE DEVICES

Any mobile devices brought into Council or Committee Meetings are to be switched to silent or off.

RECORDING AND PHOTOGRAPHY AT MEETINGS BY THIRD PARTIES

Audio, video or photographic recording devices are not permitted to be used by third parties during any Information Briefing Sessions, Ordinary Council, Special Council or Committee Meetings except with Council's permission.

However, it should be noted that Council and Committee meetings and Informal Briefing Sessions may be recorded and uploaded to the internet. Links to recordings are available on Council's website www.barossa.sa.gov.au.

DRAFT

DEBATE REPORTS

7.1 Office of the Mayor and CEO Report

7.1.2 AUDIT AND RISK COMMITTEE MEMBERSHIP - EXTENSION OF APPOINTMENT FOR INDEPENDENT MEMBER

Author: Chief Executive Officer
23/39121

PURPOSE

To approve the proposed extension of appointment of the Audit and Risk Committee for one Independent Member, for a further two-year term.

RECOMMENDATION

That Council approve the extension of the appointment of Mr Ian Swan for a further two years commencing on 28 January 2024 and concluding on 27 January 2026.

REPORT

Introduction
Mr Ian Swan has expressed interest to continue as an appointee to Council's Audit and Risk Committee. Mr Swan has been previously extended in this role.

His current term expires in January 2024 and has requested an extension for a period to be determined by Council up to two further years. His correspondence is at Attachment 1.

Discussion
Mr Ian Swan has been an Independent Member of the Audit and Risk Committee (prior to recent legislative change the Audit Committee) since his original appointment on 28 January 2018. His current appointment concludes on 27 January 2024.

The other Members of the committee are Mr Peter Brass, Mrs Ellen Ewing, currently appointed until 27 January 2025 and our two Council Members, appointed in November 2022 for the term of Council, Cr Heidi Thompson and Cr Bruce Preece.

As outlined, for the recent extension of the other two independent members the same justification holds true, as follows:

1. The level of legislative change being implemented with the committee requires in my view continuity and understanding of The Barossa Council environment.

2. There are two new Councillors that are investing their time in training and support, retaining the knowledge and experience is in my view more valuable

in this case and continuation of experience is considered important in these circumstances.

3. Prior calls for applications have not seen many applications and in my assessment of the market this would not be an efficient use of resources when those with the necessary capabilities are currently on the committee.

Should Council wish to go to the market this will be schedule late this year.

The Audit and Risk Committee critical terms of reference clauses are:

5.1.2 Member to the Committee shall be appointed by Council.

and

5.2.3 Unless otherwise determined by Council, the Independent Members will be appointed for a 2-year term with a right of extension of the appointment by resolution of Council.

The clauses support Council making the appointments and provided a right of extension, there is in my view no limit to the number of extensions that apply, just that it is done by resolution of Council. Further clause 5.2.3 has a broad application through the application of the words "Unless otherwise determined by Council". It is therefore open to Council to determine the recommended extension.

Summary
The current makeup of the committee is a sound mix of experience and new members, an approach to the market is not considered necessary and presents greater risk.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application for Extension to Audit and Risk Committee - Mr Ian Swan

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work - Good Governance

Corporate Plan
6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements
Section 126 of the Local Government Act 1999.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
Costs related to advertising for the Independent Members are allowed for in the Budget.

Resource
Managed within existing officer resources.

Risk Management
The consideration and adoption of recommendations of Council committees and adherence to their Terms of Reference is a risk management tool.

COMMUNITY ENGAGEMENT

There is no legal or policy requirement to consult with the community prior to consideration of this matter.

SWAN BUSINESS ADVISORY
ABN: 64 098 365 729

4 July 2023

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355

[redacted]

[redacted]

Offices in
- Adelaide
- Darwin

Dear Martin

AUDIT AND RISK COMMITTEE

I write in respect of my position as an Independent Member of Council's Audi & Risk Committee and respectfully request that Council considers my desire to have my current term extended for a further two years from 24 January 2024. I enjoy my time serving on this Committee very much and believe I have more to offer in the future.

I sold my practice as a Chartered Accountant and Registered Company Auditor nearly two years ago and now am focused solely on my work in Local Government, in which I have been engaged for sixteen years.

I addition to The Barossa Council, I currently serve as an Independent Member or Chair on the following Council Audit and Risk Committees:

- City of Port Lincoln (Member)
- Lower Eyre Council (Member)
- District Council of Tumby Bay (Member)
- District Council of Kimba (Member)
- District Council of Mount Remarkable (Member, former Chair)
- Northern Areas Council (Chair)
- Goyder Regional Council (Chair)
- Roper Gulf Regional Council (Katherine, NT) (Chair)
- Coomalie Community Government Council (Batchelor, NT) (Chair)
- Belyuen Community Government Council (Belyuen, NT) (Chair)

SWAN BUSINESS ADVISORY

ABN: 64 098 365 729

I have also served on a number of other Audit and Risk Committees as a Member or Chair over the years, which have expired due to effluxion of time.

I trust that Council considers this request favourably. Should you or Council require further information or clarification, please let me know.

Sincerely

IAN SWAN

[redacted]

Offices ir
- Adelaide
- Darwir

DEBATE REPORTS

7.1 Office of the Mayor and CEO Report

7.1.3 BAROSSA AUSTRALIA - 2023-2024 FUNDING AGREEMENT

Author: Manager, Tourism Services
23/43869

PURPOSE

To seek endorsement of the draft Funding Agreement between Barossa Australia and The Barossa Council for 2023-24.

RECOMMENDATION

That Council approve the Funding Agreement between Barossa Australia and the Barossa Council, authorising the Chief Executive Officer to make any minor final amendments and execute the agreement as presented at Attachment 1.

REPORT

Background
Council has been a long-term funder of Tourism activity through its previous relationship with Tourism Barossa Inc. Tourism Barossa Inc and Barossa Grape and Wine Association merged in January 2022 and a new agreement and relationship has formed with Barossa Australia.

Introduction
Barossa Australia fulfils the role of the Regional Tourism Organisation (RTO) for the State government defined Barossa tourism region - a role that was previously carried out by Tourism Barossa Inc.

Barossa Australia has carefully reviewed its resources, capability and governance to meet this vital role for the region and aims to work collaboratively for greater alignment across the wine, food and tourism industries. The organisation is committed to partnering with local government to continue to deliver value to The Barossa Council and grow the visitor economy in line with the Regional Visitor Strategy 2025.

In early 2023, the South Australian Tourism Commission (SATC) engaged with external consultants to conduct an independent review of regional tourism with an aim to identify an optimum structure that will support growth of the visitor economy of South Australia.

In June 2023 an initial report was provided by SATC to the Regional Tourism Organisation Chairs and Regional Managers to share the key findings and to outline the next steps. The review investigated opportunities for increased strategic and operational alignment between and across regional tourism organisations, industry stakeholders, and state and local government, as well as opportunities in resourcing,

management, marketing, product development and industry capability building. It outlined five possible business models, with a recommendation that the preferred options be explored further.

In addition to the ongoing SATC review, Council has also committed to a review of its own Tourism strategy and resourcing model which will inform its ongoing relationship with Barossa Australia and roles and responsibilities for regional and local tourism activation.

In light of this, a one-year agreement is proposed whilst further work is undertaken over the next 9-12 months to determine which models to take forward at both State and Council level, including preparing a business and financial case for possible future structures, with a likely model to be confirmed by June 2024.

Barossa Australia are committed to working through the outcomes with The Barossa Council and other key stakeholders in the region to ensure that the best possible outcomes are achieved.

Discussion

There are no significant changes within the draft agreement with Barossa Australia compared to the previous agreement. Key dates have been updated and some minor grammatical changes have been made. A summary of additional changes is outlined in the below table.

2022-23 Funding Agreement	**2022-24 Funding Agreement**
3.3 Term, page 3	Amendment to 90 days – more time will be required to consider findings of the State Regional Tourism Review
Barossa Australia signatory, page 10	Updated to new Barossa Australia CEO, Scott Hazeldine
Schedule 1, page 11	Funding amount updated to $49,133 to allow for Adelaide CPI All groups June Quarter index of 6.9%
Schedule 2, item 2, Delivery of Key Events, page 13	Barossa Australia announced cancellation of 2023 'A little More Barossa' due to significant changes and resourcing levels. Delivery of this event in 2023/24 has been removed. However Barossa Australia have committed to plan for delivery of 2024 winter event and Barossa Vintage Festival (both events fall outside of funding term).
Schedule 2, item 4, Destination and Product Development, page 14	Removal of: "Complete a product and experience Gap analysis and share outcomes within the agreement term". Covered in existing clause: "Work collaboratively with Local Government and Regional Development Australia to address product and experience gaps in line

	with Regional Visitor Survey 2025 and consumer research focused areas".
Schedule 2, item 5, Destination Marketing, page 14	Removal of: "Utilising consumer research develop with stakeholders a Destination Marketing Plan, associated creative and deliver campaign activities." Amend to: "Deliver Marketing Activities as outlined in the Barossa Australia annual operating plan with specific focus on Destination."
Schedule 2, item 6, Destination Management, page 15	Added: "Complete two-phase Barossa Vintage Festival review in consultation with stakeholders." "Deliver the Destination Barossa training program to enhance visitor experience and staff retention. International Trade Ready (ITR) – deliver the ITR Roadmap in partnership with ATEC to grow internationally bookable product, includes the MyBarossa.com microsite and BA's attendance at ATE on behalf of region." "Agri-tourism – working with RDA Barossa engage directly with the SA Agri-tourism action plan and the opportunity presented for Barossa." "Engage with the State Government 'Regional Tourism Review' process and partner with local government to review outcomes in early 2024 to facilitate planning for 2024/25 year." "Actively engage with the Barossa Council Tourism Services Review as appropriate." "Clarify Events position on Barossa.com and support the increase of region wide events being inputted into ATDW."
Schedule 2, item 7, Collaboration with Council Tourism Services, initiatives and activities, page 16	Added: "Review and update the digital (website and socials) MOU between Council and Barossa Australia. "Provide Monthly Reporting from Localis and event reporting upon mutual agreement"

Summary and Conclusion
The draft Agreement has been negotiated, revised and endorsed by Council's Manager Tourism Services and representatives of Barossa Australia and as such is at a level of maturity for it to be considered formally by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Australia Funding Agreement - 2023-24 - Final Draft

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Business and Employment

Goal
12. We are a visitor destination of choice.
11. The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.

Strategies
12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.
12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.
11.1. Work closely with State Government, Federal Government and other key stakeholders to support economic growth, development and job creation.
11.3. Promote the Barossa as a place for business's to thrive, invest, innovate, take measured risks and prosper.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Funding of $48,720 has been budgeted in 2023/24. A minor budget adjustment of $413 will be facilitated in Quarter 1 to provide for the application of the Adelaide CPI all groups June quarter index increase of 6.9%, with total funding increasing from $45,962 (excl. GST) in 2022/23 to $49,133 (excl. GST) in 2023/24.

COMMUNITY ENGAGEMENT

Consultation and engagement at officer level has taken place to develop the new agreement, there is no requirement for public consultation.

FUNDING AGREEMENT

BETWEEN

BAROSSA AUSTRALIA (BA)

AND

THE BAROSSA COUNCIL (Council)

2023 / 2024

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THIS AGREEMENT is made the day of 2023

BETWEEN:

BAROSSA AUSTRALIA, an incorporated association pursuant to the Association Incorporation Act 1985, whose registered office is situated at The Barossa Cellar, 991 Stockwell Road, VINE VALE SA 5352 **(BA)**

AND

THE BAROSSA Council a local authority established pursuant to the *Local Government Act 1999* (the Act) empowered to support and encourage economic development through various business sectors whose office is situated at 43-51 Tanunda Road, Nuriootpa, SA 5355. **(Council)**

RECITALS

A. BA's function as relates to this agreement is to promote the Barossa tourism region and to support tourism related activities with the goal of sustainably growing the visitor economy within the Region.

B. Council and BA wish to cooperate with respect to Recital A in the Region.

C. Council have agreed to provide funding to BA to assist BA to implement tourism related activities as determined by an approved business plan on the terms and conditions of this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. **DEFINITIONS**

In the Agreement, unless the contrary intention is apparent:

1.1 **"Agreement"** means this Agreement including the Schedule.

1.2 **"BA"** means Barossa Australia

1.3 **"Council"** means the The Barossa Council.

1.4 **"Parties"** means Council and BA, their respective successors and permitted assigns and **"Party"** means any one of them.

1.5 **"Purpose"** means the facilitation of the measurable growth in tourism development including cooperative marketing, business investment and employment creation and retention in the Region in a manner consistent with the Strategic Plan.

1.6 **"Region"** means together Council Local Government areas and the Barossa Region.

1.7 **"Term"** means the term of this Agreement as specified in Clause 3.

1.8 **"Funding Guidelines"** means guidelines in relation to the expenditure of the funds to be provided by Council to BA, pursuant to this Agreement which may specify certain marketing activities that BA will be required to undertake during the financial year to which the guidelines relate.

1.9 **"Insolvency Administration"** means:

1.9.1 BA has proposed a compromise or arrangement with its creditors;

1.9.2 an administrator is appointed to BA;

1.9.3 BA resolves to be wound up voluntarily;

1.9.4 BA appoints a liquidator to wind up its affairs;

1.9.5 BA is wound up by the Supreme Court, voluntarily or under the Associations Incorporation Act 1985 or the Corporations Law;

1.9.6 BA ceases to carry on business; or

1.9.7 BA is unable to pay its debts.

1.10 **"Commencement Date"** means 1 July 2023.

1.11 **"Intellectual Property Rights"** means any patent, copyright, trademark, trade name, design, trade secret, know how, semi-conductor, circuit layout or other form of confidential information or any right to registration of such rights and any other form of intellectual property right whether arising before or after the execution of this Agreement and the right to registration and renewal of those rights.

1.12 **"Funding"** means the sum payable by the Council pursuant to Clause 4.

1.13 **"ANTS GST Act"** means the A New Tax System (Goods and Services Tax) Act, 1999.

1.14 **"Taxable Supply"** has the meaning attributed to it in the ANTS GST Act.

1.15 **"Tax Invoice"** has the meaning attributed to it in the ANTS GST Act.

1.16 "Strategic **Plan**" is a plan not being less than one year in duration outlining the vision, strategies and goals of the organisation and supported by financial estimates to achieve the outcomes anticipated in the plan. The Plan will set performance targets and ensure it aligns with State, Federal and Local Government tourism strategies and goals.

1.17 "**CPI**" means the Consumer Price Index as published by the Australian Bureau of Statistics, or its successor and shall be applied to this agreement utilising the Adelaide CPI All Groups June quarter index.

1.18 "**Council Representative**" shall be the officer nominated by the Chief Executive Officer of The Barossa Council as the officer responsible for the management of this Agreement, as outlined at Schedule 3 of this Agreement.

2. INTERPRETATION

In the Agreement, unless the context otherwise requires, the following rules of interpretation of the Agreement apply:

2.1 words importing the singular number or plural number include the plural number and single number respectively;

2.2 words denoting any gender include all genders;

2.3 headings are for convenience only and do not affect interpretation;

2.4 words denoting individuals include corporations and vice versa;

2.5 a reference to a Recital, Clause, Sub-clause or Schedule is a reference to a recital, clause, sub-clause or schedule of the Agreement; and

2.6 a reference to any Act, regulation or by-law shall be deemed to include all amendments thereto and all statutory provisions substituted thereafter.

3. TERM

3.1 This Agreement is for a term of one (1) year commencing on the Commencement Date unless terminated earlier pursuant to this Agreement.

3.2 The Parties agree the intent is to provide for extended term for two (2) periods of one (1) year right of renewal on mutual agreement.

3.3 No less than 90 days prior to the expiry of the Term, the Parties agree to meet to negotiate in good faith with respect to a possible further funding agreement on terms and conditions to be agreed.

3.4 Nothing in Sub-clause 3.3 shall be deemed to require the Parties to enter into any further agreement upon the expiry of the Term.

4. **FUNDING AND FUNDING GUIDELINES**

4.1 Subject to this Clause 4, Council shall provide funding to BA in the amounts and in the manner specified in Schedule 1.

4.2 The provision of the funding by Council to BA for each financial year during the Term shall be subject to:

4.2.1 the receipt by Council of an Annual Operating plan and Financial Summary for BA in accordance with Clauses 7.1 and 7.2;

4.2.2 the receipt of audited financial statements and an annual report, including reporting against the performance targets contained in Schedule 2, of BA for the preceding financial year which, in the reasonable opinion of the BA Board, demonstrate BA to be in a sound position financially and reporting achievements against the approved Strategic Plan;

4.2.3 the compliance of BA with Clause 5.

5. PLANNING AND SERVICE PROVISION

5.1 BA shall prepare an Annual Operating Plan (the Plan) to guide the operations of the organisation and this plan shall be supported by an annual budget for each financial year during the Term.

5.2 The Plan must establish clear tourism priorities and actions for BA, which will help to achieve clear and measurable visitor economy growth within the Region and address the required performance targets at Schedule 2 of this Agreement.

5.4 BA shall provide the Plan and supporting budget to Council no later than 30 days after their adoption.

5.5 BA shall offer to present a deputation to Council on the activities and future direction of the organisation annually.

5.6 Nothing in this Agreement limits Council or BA from negotiating additional services in a fee for service basis negotiated in good faith by the Parties for items that are in addition to the Plan and the Purpose.

5.7 The Parties agree any additional services included in this Agreement are included in the funding amount provided and those additional services may differ for Council.

6. OBLIGATIONS OF BA

In consideration of the Council providing funding to BA, BA agrees to:

6.1 Expend the funding provided by Council pursuant to this Agreement for the Purpose;

6.2 Consult with and obtain the approval of Council if BA proposes to make any significant departure from any approved Annual Operating Plan (the Plan);

6.3 Comply with the requirements of the Council Funding Guidelines;

6.4 Ensure that any activity carried out by it in connection with its use of the funding provided by Council complies with the laws from time to time in force in South Australia;

6.5 Acknowledge Council in all marketing, communications, documents and other relevant public documents and records as a key funding partner including display of Council's logo.

7. RECORD KEEPING AND REPORTING

7.1 BA must provide to Councils Representative final authorised copies of .

7.1.1 the annual budget after its adoption;

7.1.2 the minutes of BA's board/committee meetings;

7.1.3 the AGM minutes.

7.2 BA must prepare an annual report including audited financial statements, summary of its activities and general operations. A separate report against the performance targets outlined at Schedule 2 of this agreement each financial year during the Term and submit it to Council after their completion after the end of the financial year.

8. PERFORMANCE REVIEW

The BA Committee shall meet at least 4 times every 12 months during the Term to formally review BA's performance of its obligations under this Agreement and as against the performance targets of the relevant Strategic Plan, the Purpose and targets outlined at Schedule 2.

9. GST

9.1 The Parties acknowledge that compliance with obligations or the grant of rights under this Agreement by BA may give rise to a liability on the part of BA to pay GST.

9.2 If and to the extent that a Taxable Supply is made by BA under this Agreement:

9.2.1 it is the responsibility of BA to pay any GST imposed on that Taxable Supply;
9.2.2 the funding to be provided by Council, as specified in Schedule 1, will be increased by an amount equivalent to the amount payable to BA for GST.

9.3 If any supply under this Agreement is a Taxable Supply then:

9.3.1 BA must provide a Tax Invoice in respect of that supply;
9.3.2 Council is not obliged to make any payment under this Agreement unless BA has provided a Tax Invoice, in respect of that payment.

10. INDEMNITY AND INSURANCE

10.1 BA shall indemnify and shall keep indemnified Council from and against any cost, loss, expense or liability or any kind howsoever suffered or incurred by Council (as the case may be) in respect of any loss of life, personal injury or disability, loss or damage to property or any other loss whatsoever arising out of:

10.1.1 any negligence or wrongful act or omission by BA, it's employees, agents or sub-contractors in connection with or incidental to this Agreement; or
10.1.2 arising out of any breach by BA of this Agreement, except to the extent that such loss of life, personal injury and/or loss or damage to property is occasioned by any neglect, default or omission by BA and Council (as the case may be), their officers, employees, contractors or agents.

10.2 The terms of this Clause 10 will survive any expiry or termination of this Agreement.

10.3 BA will maintain in force at its own expense during the Term:

10.3.1 public liability insurance in the name of BA for not less than $20,000,000 for any one occurrence or such other amount as Council may require for any one event;
10.3.2 professional indemnity insurance in the name of BA for not less than $5,000,000 for any one event and in the aggregate in any one policy period;
10.3.3 insurance for assets and operations at a level determined adequate by BA; and
10.3.3 worker's compensation insurance in accordance with the applicable worker's compensation legislation.

10.4 BA will, without limiting the operation of clause 10.5, ensure that the insurance policy referred to in Clause 10.3.1:

10.4.1 includes and names of the Council and as third-party interests.
10.4.2 provides that any misrepresentation, non-disclosure, breach or other vitiating conduct by any person or a party named in the insurance policy, will not affect or diminish the cover afforded by the insurance policy in respect of the other party;
10.4.3 provides that a party may, separately and individually make a claim under, use, enforce of have the benefit of the insurance policy as if it had been solely issued in its name;
10.4.4 provides that if the insurance policy covers more than one insured, all insuring agreements and endorsements with the exception of limits of liability will operate as if there were a separate policy of insurance covering each insured; and
10.4.5 provides that the insurer waives all rights, remedies or relief to which it might become entitled by way of subrogation against any of the persons comprising the insured and that failure by any of the insured to observe and fulfil the terms of the insurance policy shall not prejudice the insurance or availability to claim under the insurance policy by the other insured.

10.5 The insurances to be maintained by BA pursuant to this Clause 10 shall be with insurers satisfactory to Council Representative.

10.6 Before the Commencement Date, BA shall provide the Council with the insurance certificates as provided by this agreement fully completed by BA's insurers or insurance brokers in respect of the insurance policies described in this Clause 10, or such other evidence of those insurances as Council reasonably requires and BA shall provide such certificates on an annual basis to Council.

10.7 Council in specifying the levels of insurance in this Agreement accept no liability or the completeness of their listing, the adequacy of the sum insured, limit of liability, scope of coverage, conditions or exclusions of those insurances in respect to how they may or may not respond to any loss, damage or liability.

10.8 BA acknowledges and agrees that it is BA's responsibility to assess and consider the risks and scope of insurances required under this Agreement.

11. TERMINATION

11.1 Any of the Parties may terminate this Agreement by notice in writing, not giving less than 30 days' notice, to the other Parties if a Party breaches any of its obligations under this Agreement and has not rectified such breach within the time frame specified, which notice shall not provide less than 30 days' notice to rectify said breach, in a notice given in writing to that Party by either or both of the other Parties requiring rectification of the breach.

11.2 Council may terminate this Agreement by notice in writing to the other Parties if BA commits an act or enters into any form of Insolvency Administration or in the opinion of Council Representative BA can no longer trade due to impending bankruptcy.

11.3 Council may terminate this Agreement by notice in writing to the other Parties in the event that as a result of a review of BA's performance undertaken in accordance with Clause 8, Council is of the reasonable opinion that BA's performance has been unsatisfactory.

11.4 Council reserve the right to terminate this Agreement without notice should BA be found in breach of any law applicable.

11.5 Council reserve the right to terminate this Agreement, not giving less than 30 days' notice, if there is a loss of confidence with the ability of the Board to deliver upon the approved Strategic Plan, Purpose or achievement of the performance targets outlined in Schedule 2 including but not limited to structural changes within the organisation or other changes within the industry and or State Government that render the delivery of services unachievable.

12. CONSEQUENCES OF TERMINATION

In the event that this Agreement is terminated pursuant to Clause 11:

12.1 Council's obligation to pay BA any part of the funding unpaid at the date of termination will cease; and

12.2 BA shall pay to Council a pro-rata reimbursement of funds contributed in the financial year, on the basis of the percentage of the financial year completed, and shall collect them as a debt owed to Council. BA may make representations as to initiatives undertaken at the commencement of the year that dis-proportionately have applied Council funds upfront and thus the pro-rata reimbursement be reduced, both Council reserve the right to accept or reject BA's representations. Allowances to be made for BA complying with any residual contractual commitments approved by the Board.

13. INTELLECTUAL PROPERTY RIGHTS

13.1 BA warrants that in performing its obligations under this Agreement and in undertaking the activities associated with the Purpose it shall not infringe the Intellectual Property Rights of any person.

13.2 BA shall indemnify and shall keep Council indemnified from and against all costs, expenses and liabilities whatsoever arising out of or in connection with any claim that in undertaking the activities associated with the Purpose BA infringes the Intellectual Property Rights of any person.

13.3 If in the implementation of the Purpose and Strategic Plan BA develops intellectual property (including visual, branding or other products) it retains all rights to the property, however shall allow Council to utilise any intellectual property at no cost.

14. LEGAL RELATIONSHIP

14.1 The Parties mutually acknowledge and declare that nothing may be deemed or construed to constitute any of the Parties a partner, principal, agent, joint venturer, trustee (whether expressed or implied) of the others or create any relationship of employer or employee between them or renders them liable for the debts or liabilities incurred by each other.

14.2 No Party has the authority to bind the other Parties in any manner whatsoever except with the express approval by notice in writing of the other Party or Parties.

15. WAIVER

15.1 A waiver of any provision of the Agreement must both be in writing and be signed by the Parties or by persons duly authorised to execute such a document on a Party's behalf.

15.2 No waiver by a Party of a breach of a term or condition of the Agreement operates as a waiver of another breach of the same or of any other term or condition of the Agreement.

15.3 No forbearance, delay or indulgence by a Party in enforcing the provisions of the agreement may prejudice or restrict the rights of that Party in any way.

16. MODIFICATION

No amendment or variation of the Agreement binds the Parties unless made in writing and unless any such writing is signed by each Party or by a Party's duly authorised agent (being Councils Representative for Council) and is expressed to be supplemental to or in substitution for the whole or a part of the Agreement.

17. FURTHER ASSURANCES

The Parties must do all such acts, matters and things and sign, execute and deliver all such documents as may be reasonable necessary to expedite or effect efficaciously the provisions of the Agreement.

18. SEVERABILITY

If any provision of the Agreement is for any reason unlawful, void, invalid or unenforceable then the offending provision must be severed from the Agreement without affecting the validity or enforceability of the remainder of the Agreement.

19. NOTICE

19.1 Notice must be in writing and signed either by the Party or by the agent of that Party.

19.2 Notice can be given to a Party as outlined in Schedule 1:

19.2.1 personally;

19.2.2 by email;

19.2.3 by registered mail in which case the notice is deemed to be received at the time at which it would be delivered in the ordinary course of the post.

19.3 The addresses and numbers for service are those specified in the Schedule 1.

19.4 A Party may from time to time change its address or number for service by notice to the other Parties.

20. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws at the time being in force in the state in South Australia.

21. COSTS AND STAMP DUTY

21.1 Each party must bear its own legal costs of an incidental to the negotiation, preparation and execution of the Agreement and any other document to be executed pursuant to the Agreement or to give effect to the provisions of the Agreement except as is otherwise provided for herein.

21.2 The Parties will equally bear and pay all stamp duty and other Government fees, charges and levies in respect of the Agreement and any other document to be executed pursuant to the Agreement.

22. ENTIRE AGREEMENT

22.1 This Agreement contains the entire agreement between the parties with respect to its subject matter.

22.2 This Agreement supersedes any prior agreement, understanding or representation of the Parties on the subject matter.

EXECUTED AS AN AGREEMENT on the…….....day of …….....2023

……..

Mayor

Mr Michael (Bim) Lange

……..

Chief Executive Officer

Mr Martin McCarthy

BAROSSA AUSTRALIA

…….

Tourism Committee Chair

Mr Jon Durdin

…….

Chief Executive Officer

Mr Scott Hazeldine

SCHEDULE 1 – FUNDING AND SERVICING OF NOTICES

FUNDING AMOUNTS

YEAR	2023/24
Council (excluding GST)	$49,133

MANNER OF PAYMENT

Subject to this Agreement, the First Instalment of the funding payable by Council to BA in each year of the Term shall be paid within 60 days of the Commencement Date or date of entering into the agreement which ever shall occur first, in the first year of the Term.

Contact Details for the Service of Notices:

Council

Mr Martin McCarthy, Chief Executive Officer

The Barossa Council

PO Box867

NURIOOTPA SA 5355

Phone: (08) 8563 8444

Fax: (08) 8563 8461

BA

Mr Ben Patten

Head of Destination

Barossa Australia

PO Box420

TANUNDA SA 5352

Phone: (08) 8563 0650

SCHEDULE 2 – PERFORMANCE TARGETS

Ongoing Deliverables and Targets

In formulating the Performance Targets six clear principles have been established to guide Council expectations and the agreed deliverables, they are:

Agreed Deliverable	Performance Target
1. Sound but not excessive governance and planning arrangements encased within the Agreement which include simple engagement processes of Council.	Strategic, Business or Annual Operating Plan. Annual Presentation. Annual Report. Utilise Regional Visitor Strategy 2025 as the Destination Management Plan.
2. The delivery of key events.	Plan for the delivery of 2024 Winter event activation (A Little More Barossa or similar) and 2025 Barossa Vintage Festival and support the Tour Down Under 2024. Collaborate and communicate with the Tourism Services and Customer Support teams on new events and connect them with event organisers. Collaborate with and support industry, community and council led events within the Barossa region. Amplify event promotion through BA communications channels. Attract and support new events aligned with the Barossa Events strategy - assisting them to be unique, bespoke and sustainable whilst ensuring alignment to the Barossa Brand.
3. Membership support: a. Survey Members b. Training c. Promotion d. One on one support	Complete member surveys as appropriate to guide Barossa Australia activities and share information with Barossa Council upon request or where appropriate Identify industry skills/needs of tourism members and provide (or in partnership with other stakeholders) at least 4 training opportunities in region annually. Deliver regular intelligence briefings providing tourism operators with consumer insights and data, updates on state and national marketing campaigns and trade opportunities
4. Destination and Product Development	Work collaboratively with Local Government and Regional Development Australia to address product and

	experience gaps in line with Regional Visitor Survey 2025 and consumer research focused areas Support visitor economy stakeholders to leverage grant funding opportunities Provide Product development support to tourism businesses in the Barossa region Advocate for State and Federal infrastructure expenditure
5. Destination marketing.	Deliver Marketing Activities as outlined in the Barossa Australia annual operating plan with specific focus on Destination Work collaboratively to actively promote the Epicurean Way Delivery of annual update to the Barossa Visitor guide, Barossa Touring Map (delivery calendar year 2024) and regular updates to Barossa.com in consultation with stakeholders. Social media reach and engagement support and collaboration. Include Barossa Visitor Centre as a call to action where appropriate
6. Destination Management	Complete two-phase Barossa Vintage Festival review in consultation with stakeholders Deliver the Destination Barossa training program to enhance visitor experience and staff retention International Trade Ready (ITR) – deliver the ITR Roadmap in partnership with ATEC to grow internationally bookable product, includes the MyBarossa.com microsite and BA's attendance at ATE on behalf of region Agri-tourism – working with RDA Barossa engage directly with the SA Agri-tourism action plan and the opportunity presented for Barossa Engage with the State Government 'Regional Tourism Review' process and partner with local government to review outcomes in early 2024 to facilitate planning for 2024/25 year Actively engage with the Barossa Council Tourism Services Review as appropriate

	Clarify Events position on Barossa.com and support the increase of region wide events being inputted into ATDW
7. Collaboration with Council Tourism Services, initiatives and activities	Monthly meetings with councils Tourism Services manager or as mutually agreed Consult with and collaborate on key joint projects including Barossa.com, Touring Map (delivery in calendar year 2024) Visitor Guide and others as mutually agreed Contribute and support Visitor Servicing in the region aiming toward best practice nationally Maintain quarterly VIC meetings while the majority of the group agree they are valuable Working collaboratively with Councils Tourism services review and update the digital (website and socials) MOU between Barossa Council and Barossa Australia on shared social media in line with agreed MOU Work collaboratively with councils tourism services team to manage consumer engagement of Barossa.com including live chat, concierge forms, information hub and the integrated booking functionality or as defined by an updated MOU. Work actively with council as relates to the Barossa regional brand Provide reasonable data including analytics to council as relates to Barossa.com upon request. Provide reporting monthly from Localis and event reporting upon mutual agreement

SCHEDULE 3 – Council REPRESENTATIVE

In accordance with Clause 1.17 the Councils hereby nominate the following Representative: Manager Tourism Services

Mrs Joanne Seabrook

jseabrook@barossa.sa.gov.au

Ph: 8563 8469

DEBATE REPORTS

7.2 Corporate Services and Business Innovation Report

7.2.1 REVIEW OF COUNCIL DELEGATIONS

Author: Governance and Information Management Officer
23/42451

PURPOSE

For Council to review delegations in force under section 44 of the *Local Government Act 1999* (the Act).

RECOMMENDATION

That Council, having reviewed the delegations in force under section 44 of the *Local Government Act 1999*, confirm no changes are made to the delegations to the Chief Executive Officer.

REPORT

Background
Council has powers and functions that must be performed under a range of legislation. In most cases, the relevant Acts grant these powers and functions directly to Council. The ways in which Council may exercise its powers and functions are:

- when the Council itself exercises the power or function at a formally constituted meeting; and

- where the legislation enables it, a power or function may be delegated to a Council employee, in most cases being the Chief Executive Officer.

Delegations enable Council to apportion its powers and functions to the Chief Executive Officer (CEO) who in turn may sub-delegate to Council staff who have the relevant expertise and experience to improve the efficiency and timeliness of carrying out Council's decisions.

Under Section 44 of the Act, Council must within 12 months of a periodic election, review the delegations in force.

This report does not include legislation changes or pending updates but is a review of delegations currently permitted to the Chief Executive Officer including those that either have or have not been delegated.

Introduction
The Council may delegate its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999* and powers of delegation under other legislation.

These are delegated to the Chief Executive Officer who enacts their powers under section 101 of the Act to sub-delegate further to employees or authorised persons, enabling Council to operate as an effective entity.

Without these powers being delegated, Council ceases to achieve its required functions of council under section 7 of the Act.

Discussion
The statutory power of delegation under section 44 of the *Local Government Act 1999* enables the delegation of the statutory powers and functions vested or conferred on a council. Other statutory delegation powers permit the delegation of powers or functions vested in a council in a particular capacity (eg as a relevant authority under the *Safe Drinking Water Act 2011* or an enforcement agency under the *Food Act 2001*).

A column providing for the capacity in which the Council is acting is included in the tables of delegable statutory powers and functions. This is to assist Governance Officers to identify the powers and functions which are relevant to the council and which the council wants to delegate. It will also assist Council in ensuring the correct powers of delegation are referenced in the instrument of delegation.

Council may not delegate:

(a) power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the council;

(b) power to declare rates or a charge with the character of a rate;

(c) power to borrow money or to obtain other forms of financial accommodation;

(d) power to adopt or revise a strategic management plan of the council;

(da) power to adopt or revise an annual business plan or budget of the council;

(e) power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council;

(g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;

(h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;

(i) power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;

(j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);

(ja) the power to revoke the classification of land as community land under section 194;

(k) a power or function excluded from delegation by the regulations.

Delegations are subject to condition and limitations determined by the Council or specified by regulations and are revocable at will. Delegations do not prevent Council from acting in a matter.

Summary and Conclusion
Council is now asked to review, and confirm the delegations as attached, no alterations to the current delegations are recommended at this time.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Delegations to Chief Executive Officer ⇩

Supporting references
Local Government Act 1999 (legislation.sa.gov.au)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.12. Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

In considering this report, Council will have completed its legal requirement under Section 44 of the Local Government Act 1999.

COMMUNITY ENGAGEMENT

The is no requirement to consult with the community on this matter. The community may access the delegations register via the Council website.

Delegations to the Chief Executive Officer

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Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s6(3)	1. Concept of Change in the Use of Land 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	
s6(3)	1. Concept of Change in the Use of Land 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: 1.1.2 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.	
s18(1)	2. Appointment of Authorised Officers 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.	
s18(2)	2. Appointment of Authorised Officers 2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	
s18(3)	2. Appointment of Authorised Officers 2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s18(5)	2. Appointment of Authorised Officers 2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	
s20(8)	3. Delegations 3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	
s24(1)(a)(i)	4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	
s24(1)(b)(i)	4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	
s24(1)(b)(ii)	4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s24(1a)	4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	
s24(1)(a)(iva)	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	
s 24(1b)	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	
s24(2a)	4. Council or Minister May Amend a Development Plan 4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	
s 25(1)	5. Amendments by a Council 5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(1)	5. Amendments by a Council 5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	
s25(4) and 25(5)	5. Amendments by a Council 5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements: 5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit; 5.3.2 the DPA must include an assessment of the extent to which the proposed amendment: 5.3.2.1 accords with the Planning Strategy; and 5.3.2.2 accords with the Statement of Intent; and 5.3.2.3 accords with other parts of the Development Plan; and 5.3.2.4 complements the policies in the Development Plans for adjoining areas; and 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);	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	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 Regulations.	
s25(3)(a)	5. Amendments by a Council 5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	
s25(4)	5. Amendments by a Council 5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.	
s25(5)	5. Amendments by a Council 5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(6)	5. Amendments by a Council 5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	
s25(6)	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	
s25(7)(a)	5. Amendments by a Council 5.9 Process A 5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	
s25(7)(b)	5. Amendments by a Council 5.9 Process A 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s 25(7)(c)	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	
s25(7)(c)(i)	5. Amendments by a Council 5.9 Process A 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.	
s25(10), 25(11), 25(12) and 25(12a)	5. Amendments by a Council 5.9 Process A 5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(8)(a)	5. Amendments by a Council 5.10 Process B 5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration. 5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister. 5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA. 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(9)(a)	5. Amendments by a Council 5.11 Process C 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: 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(10)	5. Amendments by a Council 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.	
s25(11)	5. Amendments by a Council 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(12)	5. Amendments by a Council 5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice: 5.14.1 informing the owner of the proposed amendment, and 5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	
s25(12a)	5. Amendments by a Council 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.	
s25(13)(a)	5. Amendments by a Council 5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25(13)(b)	5. Amendments by a Council 5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	
s25(13)(a);	5. Amendments by a Council 5.18 The duty to send to the Minister: 5.18.1 a copy of a report under Section 25(13)(a); and 5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.	
s25(15)(d) and 25(15)(f)	5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	
s25(21)	5. Amendments by a Council 5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	
s25(23)	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s26(5)(d)(i)	6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	
s26(5a)(a)	6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	
s26(5b)(a)	6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	
s26(12)	6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	
s26(12)	6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	
s27(6)	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s30(1)	8. Strategic Directions Reports 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 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s30(2)	8. Strategic Directions Reports 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.	
s30(3)	8. Strategic Directions Reports 8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to: 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.	
s30(4)	8. Strategic Directions Reports 8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s30(5)	8. Strategic Directions Reports 8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	
s30(6)	8. Strategic Directions Reports 8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to: 8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and 8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	
s30(7)	8. Strategic Directions Reports 8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	
s30(8)	8. Strategic Directions Reports 8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the 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).	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s30(9)	8. Strategic Directions Reports 8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council: 8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or 8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.	
s30(12)	8. Strategic Directions Reports 8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	
s30(13)	8. Strategic Directions Reports 8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.	
s30(14)	8. Strategic Directions Reports 8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s30(15)	8. Strategic Directions Reports 8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	
s31(3)	9. Copies of Plans to be Made Available to the Public 9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	
s33(1)(a)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;	
s33(1)(b)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.2 the provisions of the Building Rules;	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s33(1)(c)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	
s33(1)(d)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	
s33(1)(e)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	
s33(1)(f)	10.Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s33(3)	10.Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	
s33(1)	10.Matters Against Which Development Must be Assessed 10.3 If: 10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and 10.3.2 the Council: 10.3.2.1 is the relevant authority; and 10.3.2.2 is to make the assessment under that paragraph; and 10.3.3 the Council determines to grant consent under that paragraph, the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	
s34(1)(b)(iii)	11. Determination of Relevant Authority 11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s34(1a)	11. Determination of Relevant Authority 11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 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.	
s34(8a)	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	
34(27)(a) 34(23)	11. Determination of Relevant Authority 11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	
34(27)(b) 34(27)(a)	11. Determination of Relevant Authority 11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s35(1)	12. Special Provisions Relating to Assessment Against Development Plans 12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	
s35(1b)	12. Special Provisions Relating to Assessment Against Development Plans 12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	
s35(1d)	12. Special Provisions Relating to Assessment Against Development Plans 12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	
s35(2)	12. Special Provisions Relating to Assessment Against Development Plans 12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
35(6)	12. Special Provisions Relating to Assessment Against Development Plans 12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	
s36(1)	13. Special Provisions Relating to Assessment Against the Building Rules 13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	
s36(2)	13. Special Provisions Relating to Assessment Against 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	
s36(3a) 36(3)	13. Special Provisions Relating to Assessment Against the Building Rules 13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	
s36(4)(a) 36(4)(b)	13. Special Provisions Relating to Assessment Against the Building Rules 13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that: 13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or 13.5.2 such compliance is certified by a private certifier.	
s36(6)	13. Special Provisions Relating to Assessment Against the Building Rules 13.6 The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
37(1)(a) 37(1)(b)	14. Consultation With Other Authorities or Agencies 14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to: 14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and 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).	
s37(5)(a)	14. Consultation With Other Authorities or Agencies 14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	
s37(6)	14. Consultation With Other Authorities or Agencies 14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	
37AA(2)(e) 37AA(2)(c)	15. Preliminary Advice and Agreement 15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s37AA(4)	15. Preliminary Advice and Agreement 15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	
s37A(1)	16. Proposed Development Involving Creation of Fortifications 16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').	
s37A(2)(b)	16. Proposed Development Involving Creation of Fortifications 16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	
s37A(5)	16. Proposed Development Involving Creation of Fortifications 16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to: 16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or 16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s37A(6)	16. Proposed Development Involving Creation of 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.	
s38(3)	17. Public Notice and Consultation 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s38(3a)(a)	17. Public Notice and Consultation 17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, - 17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to: 17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of each piece of adjoining land; and 17.2.1.2 give any other person of a prescribed class, 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.	
s38(4)	17. Public Notice and Consultation 17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s38(5)	17. Public Notice and Consultation 17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	
s38(8)	17. Public Notice and Consultation 17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.	
s38(10)(a)	17. Public Notice and Consultation 17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	
s38(10)(b)	17. Public Notice and Consultation 17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.	
s38(11)	17. Public Notice and Consultation 17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s38(12)	17. Public Notice and Consultation 17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	
s38(17)	17. Public Notice and Consultation 17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	
s38(18)	17. Public Notice and Consultation 17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s39(2)	18. Application and Provision of Information 18.1 The power pursuant to Section 39(2) of the Act to request an applicant to: 18.1.1 provide such additional documents or information to enable assessment of the application; 18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act; 18.1.3 consult with an authority or body prescribed by the Regulations; 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.	
s39(2a)	18. Application and Provision of Information 18.2 If: 18.2.1 a development is of a kind that is complying development; and 18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and 18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d), the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s39(2b)	18. Application and Provision of Information 18.3 If: 18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and 18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to; 18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the duty pursuant to Section 39(2b)(d) of the Act, to; 18.3.4 make that request within a period prescribed by the Regulations.	
s39(3)	18. Application and Provision of Information 18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to: 18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and 18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
39(3a)	18. Application and Provision of Information 18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	
s39(3b)	18. Application and Provision of Information 18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	
s39(4)(a) s39(5)	18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	
s39(4)(b) s39(5)	18. Application and Provision of Information 18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	
s39(4)(c) s39(5)	18. Application and Provision of Information 18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s39(4)(d)	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	
s39(4)(e)	18. Application and Provision of Information 18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	
s39(7)	18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	
s39(7)(c)	18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s39(7)(d)	18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	
s39(7a)	18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	
s39(8)	18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	
s39(9)	18. Application and Provision of Information 18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	
s40(1)	19. Determination of Application 19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s40(3)	19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	
s41(1)	20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	
s41(1)	20. Time Within Which Decision Must be Made 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.	
s42(1)	21. Conditions 21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s42(4)	21. Conditions 21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	
s42(6) s42(4)	21. Conditions 21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	
s42(8)(b)	21. Conditions 21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	
s43	22. Cancellation by a Relevant Authority 22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s45A(2)	23. Investigation of Development Assessment Performance 23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	
s45A(14)	23. Investigation of Development Assessment Performance 23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.	
s45A(12) 45A(11)	23. Investigation of Development Assessment Performance 23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	
s49(4a)	24. Crown Development and Public Infrastructure 24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	
s49(5)	24. Crown Development and Public Infrastructure 24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s49(9)	24. Crown Development and Public Infrastructure 24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	
s49A(4a)	25. Electricity Infrastructure Development 25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	
s49A(5)	25. Electricity Infrastructure Development 25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.	
s49A(9)	25. Electricity Infrastructure Development 25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s50(1)	26. Open Space Contribution System 26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require: 26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or 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.	
s50(1)	26. Open Space Contribution System 26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.	
s50(3)	26. Open Space Contribution System 26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s50(3a)	26. Open Space Contribution System 26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	
s50(10)	26. Open Space Contribution System 26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	
s50(11)	26. Open Space Contribution System 26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the 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.	
s50A(1)	27. Carparking Fund 27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	
s50A(1)	27. Carparking Fund 27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s50A(5)(c)	27. Carparking Fund 27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	
s50A(5)(d)	27. Carparking Fund 27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	
s50A(5)	27. Carparking Fund 27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	
s50A(6)	27. Carparking Fund 27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.	
s50A(7)	27. Carparking Fund 27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s50A(8)	27. Carparking Fund 27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	
s50B(1)	28. Urban Trees Fund 28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	
s50B(2)	28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	
s50B(3)	28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	
s50B(5)	28. Urban Trees Fund 28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s50B(6)	28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to: 28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	
s50B(7)	28. Urban Trees Fund 28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act: 28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act; 28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	
s51(2)	29. Certificate in Respect of the Division of Land 29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.	
s52(4)	30. Saving Provisions 30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s52A(2)(a)	31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	
s52A(2)(b)	31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	
s52A(2)(c)	31. Avoidance of Duplication of Procedures Etc 31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s52A(5)	31. Avoidance of Duplication of Procedures Etc 31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	
s52A(6)(a)	31. Avoidance of Duplication of Procedures Etc 31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act: 31.5.1 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	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s52A(6)(b)	31. Avoidance of Duplication of Procedures Etc 31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act: 31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	
s53A(1)	32. Requirement to Upgrade Building in Certain Cases 32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	
s53A(2)	32. Requirement to Upgrade Building in Certain Cases 32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s54(2)(d)	33. Urgent Building Work 33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	
s55(1)	34. Action if Development Not Substantially Completed 34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	
s55(5)	34. Action if Development Not Substantially Completed 34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	
s55(6)	34. Action if Development Not Substantially Completed 34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under 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.	
s56(1)	35. Completion of Work 35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56(2)	35. Completion of Work 35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	
s56(3)	35. Completion of Work 35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	
s56(4)	35. Completion of Work 35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not 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.	
s56A(3)	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	
s56A(3)	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56A(3)(d)	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	
s56A(3)(e)	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	
s56A(3)(f)	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56A(3)(g)	36. Council to Establish Development Assessment Panels 36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for: 36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or 36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	
s56A(5)	36. Council to Establish Development Assessment Panels 36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	
s56A(15)(b)	36. Council to Establish Development Assessment Panels 36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.	
s56A(20)	36. Council to Establish Development Assessment Panels 36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56A(22)	36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	
s56A(23)	36. Council to Establish Development Assessment Panels 36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	
s56A(27)	36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	
s56A(28)	36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	
s56B(2)	37. Building Rules Assessment Audits 37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56B(5)	37. Building Rules Assessment Audits 37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	
s56B(10)	37. Building Rules Assessment Audits 37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	
s56B(14)	37. Building Rules Assessment Audits 37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	
s56B(16)	37. Building Rules Assessment Audits 37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	
s56C(2)	37A. Development Plan Assessment Audits 37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s56C(10)	37A. Development Plan Assessment Audits 37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	
s56C(14)	37A. Development Plan Assessment Audits 37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.	
s56C(15) 56C(12)(a)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	
s56C(15)	37A. Development Plan Assessment Audits 37A.4 The power pursuant to Section 56C(15) of the Act to, if 37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister.	
s57(2) and 57(2a)	38. Land Management Agreements 38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s57(2c)	38. Land Management Agreements 38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	
s57(2e)	38. Land Management Agreements 38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.	
s57(3)	38. Land Management Agreements 38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	
s57(5)	38. Land Management Agreements 38.5 The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	
s57(8)	38. Land Management Agreements 38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s57(11)	38. Land Management Agreements 38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	
s57A(1)	39. Land Management Agreements - Development Applications 39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	
s57A(3)	39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to: 39.2.1 the provisions of the appropriate Development Plan. 39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	
s57A(5)	39. Land Management Agreements - Development Applications 39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	
s57A(6)	39. Land Management Agreements - Development Applications 39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s57A(7)	39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	
s57A(8)	39. Land Management Agreements - Development Applications 39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	
s57A(14)	39. Land Management Agreements - Development Applications 39.7 The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	
s57A(16)	39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s57A(18)	39. Land Management Agreements - Development Applications 39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	
s59(3)	40. Notification During Building 40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	
s66(2)	41. Classification of Buildings 41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with 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.	
s67(2), (3), (4), (5) (6)	42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	
s67(3)(a)	42. Certificates of Occupancy 42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s67(10)	42. Certificates of Occupancy 42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	
s67(13)	42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	
s68(1),(2)	43. Temporary Occupation 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.	
s68(3)	43. Temporary Occupation 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.	
s69(1)	44. Emergency Orders 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s71(18), (19)	44A Fire Safety 44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	
s71(19)(a)(i)	44A Fire Safety 44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	
s71(19)(a)(ii)	44A Fire Safety 44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	
s71(19)(a)(iii)	44A Fire Safety 44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	
s71(19)(a)(iv)	44A Fire Safety 44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s71(19)(b)	44A Fire Safety 44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	
s71(19)(d)	44A Fire Safety 44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	
s71(19)(e)	44A Fire Safety 44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	
s71A	45. Building Inspection Policies 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.	
s74(1)	46. Advertisements 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).	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s74(3)	46. Advertisements 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.	
s84(2)	47. Enforcement Notices 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.	
s84(3)	47. Enforcement Notices 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.	
s84(2)(b)	47. Enforcement Notices 47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act: 47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and 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.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s85(1)	48. Applications to Court 48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	
s85(6)(d)	48. Applications to Court 48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	
s86(1)(e)	49. General Right to Apply to Court 49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	
s93(1)(b)(iii)	50. Authority to be Advised of Certain Matters 50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	
s94	51. Referrals 51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	

Development Act 1993		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s101(1)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	
s101(2)	52. Professional Advice to be Obtained in Relation to Certain Matters 52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.	

Development (Development Plans) Amendment Act 2006		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 1	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	
Schedule 1	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.2 constitute a breach of any other law; or	
r8A(1)(a)	53A. Complying Development – Development Plan Consent 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).	
r8A(1)(b)	53A. Complying Development – Development Plan Consent 53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to: 53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and 53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r8B(1)	53B. Complying Building Work – Building Rules 53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2).	
r9A(1)	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	
r10A(1)	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25,26	56. Public Consultation - Section 25 & 26 56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice: 56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and 56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and 56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the 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).	
s25,26	56. Public Consultation - Section 25 & 26 56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s25,26	56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	
s25,26	56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	
r12	57. Public Meeting 57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	
r12(4)	57. Public Meeting 57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	
r15(1)(c)	58. Application to Relevant Authority 58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r15(4)	58. Application to Relevant Authority 58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	
r15(5)	58. Application to Relevant Authority 58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.	
r15(7)(b)	58. Application to Relevant Authority 58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	
15(7b)	58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier: 58.4A.1 the Development Assessment number assigned to the development proposed under the application; and	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r15(7b)	58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier: 58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant: 58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and 58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point. 58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.	
r15(8)	58. Application to Relevant Authority 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).	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r15(11)	58. Application to Relevant Authority 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 residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act; 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).	
r15(12)	58. Application to Relevant Authority 58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	
r16(1)	59. Nature of Development 59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r16(2)	59. Nature of Development 59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	
r16(3)	59. Nature of Development 59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.	
r16(4)	59. Nature of Development 59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	
r17(3)	60. Non-Complying Development 60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to: 60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r17(3)	60. Non-Complying Development 60.1.2 resolve to proceed with an assessment of the application.	
r17(4)	60. Non-Complying Development 60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	
r17	60. Non-Complying Development 60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	
r18	61. Notification of Application for Tree-Damaging Activity to Owner of Land 61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations: 61.1.1 to give the owner of land notice of the application; and 61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r20(4)	62. Amended Applications 62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	
r20(5)	62. Amended Applications 62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	
r22(1)	63. Withdrawing/Lapsing Application 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.	
r22(2)	63. Withdrawing/Lapsing Application 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r22(2)	63. Withdrawing/Lapsing 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.	
r23(2)	64. Contravening Development 64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	
r24(1)	65. Referrals 65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.	
r25	66. Procedure Where Concurrence Required 66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r27(1)	67. Additional Information or Amended Plans 67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	
r28(3)	68. Special Provisions - Referrals 68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that: 68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or 68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or 68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.	
r28(4)	68. Special Provisions - Referrals 68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r28	68. Special Provisions - Referrals 68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority: 68.3.1 recommends against the granting of building rules consent; or 68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate: 68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or 68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to: 68.3.5 refer the application to the Building Rules Assessment Commission; and 68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	
r28(6)	68. Special Provisions - Referrals 68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r28(7)	68. Special Provisions - Referrals 68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the 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.	
r29(1)	69. Land Division Applications 69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.	
r29(1)	69. Land Division Applications 69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.	
r30(1)	70. Underground Mains Area 70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	
r30(2)	70. Underground Mains Area 70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r30(4)	70. Underground Mains Area 70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	
s37AA	71. Preliminary Advice and Agreement - Section 37AA 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.	
s37AA	71. Preliminary Advice and Agreement - Section 37AA 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s37AA	71. Preliminary Advice and Agreement - Section 37AA 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.	
r31A(8)	71. Preliminary Advice and Agreement - Section 37AA 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.	
r31A(9)	71. Preliminary Advice and Agreement - Section 37AA 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r32(5)	71A. Public Notice Categories 71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.	
r34(1)	72. Public Inspection of Certain Applications 72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	
r34(2)	72. Public Inspection of Certain Applications 72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	
r34(3)	72. Public Inspection of Certain Applications 72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r34(4)	72. Public Inspection of Certain Applications 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.	
r36	73. Response by Applicant 73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	
s34(1)(b)	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act: 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	
s34(1)(b)	74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act: 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).	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s34(1)(b)(iv)	74. Determination of Commission as Relevant Authority 74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.	
r39	75. Assessment in Respect of Building Rules Referred to the Council 75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.	
r42	76. Notification of Decision to Applicant (Including Conditions) 76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	
r43	77. Notification of Decision to a Prescribed Body 77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r43(3)	77. Notification of Decision to a Prescribed Body 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.	
r44	78. Notification of Decision to Owner of Land 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r45(2)	79. Scheme Description - Community Titles 79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms: 79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted. OR 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. 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. Signed: Dated:	
r45(2)	79. Scheme Description - Community Titles 79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r46(1)	80. Special Provisions Relating to Staged Consents 80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.	
r47	81. Endorsed Plans 81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	
r47A	81A. Minor Variation of Development Authorisation 81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	
r48(2)	82. Lapse of Consent or Approval 82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r51(4)	83. Width of Roads and Thoroughfares 83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	
r51(6)	83. Width of Roads and Thoroughfares 83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	
r52(1)	84. Road Widening 84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	
r53(1), (2)	85. Requirement as to Forming of Roads 85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	
r53(4)	85. Requirement as to Forming of Roads 85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r53(6)	85. Requirement as to Forming of Roads 85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	
r54(1)	86. Construction of Roads, Bridges, Drains and Services 86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	
r55(1)	87. Supplementary Provisions 87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	
r55(2)	87. Supplementary Provisions 87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	
r55(4)	87. Supplementary Provisions 87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r58(1)	88. General Land Division 88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	
r58(2)	88. General Land Division 88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	
r59(1)	89. Division of Land by Strata Title 89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment 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.	
r60(1)	90. General Provisions 90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r60(7)	90. General Provisions 90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	
r60(9)	90. General Provisions 90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	
s46	91. Declaration by The Minister - Section 46 91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	
s46	91. Declaration by The Minister - Section 46 91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s46	91. Declaration by The Minister - Section 46 91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	
s48	92. Referral of Assessment of Building Work 92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.1 provide the certification in the form set out in Schedule 12A; and	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2 to the extent that may be relevant and appropriate:	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.2 assign a classification to the building under the Regulations; and	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r64(1)	92. Referral of Assessment of Building Work 92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to: 92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.	
r64(3)(a)	92. Referral of Assessment of Building Work 92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.	
r74(1)(b)	93. Notifications During Building Work 93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or 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.	
r74(1)(c)	93. Notifications During Building Work 93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r74(4)	93. Notifications During Building Work 93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	
r76(4)	94. Essential Safety Provisions 94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	
r76(10)	94. Essential Safety Provisions 94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	
r76D(4a)	94A Swimming Pool Safety 94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r78(1)	95. Building Rules: Bushfire Prone Areas 95.1 Where: 95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and 95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and 95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction), the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.	
r79(2)	96. Construction Industry Training Fund 96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	
r79(4)	96. Construction Industry Training Fund 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r79(5)(b)	96. Construction Industry Training Fund 96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	
r80(1a)	96A Requirement to Up-grade Building in Certain Cases 96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent: 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 Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).	
r82(3)(b)(i)	97. Classification of Buildings 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r82(4)	97. Classification of Buildings 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.	
r82(4a)	97. Classification of Buildings 97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	
r82(5)	97. Classification of Buildings 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.	
r83(2)(c)	98. Certificates of Occupancy 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r83(2)(d)	98. Certificates of Occupancy 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.	
r83(3)	98. Certificates of Occupancy 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.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r83(4)	98. Certificates of Occupancy 98.4 Where: 98.4.1 a building is required by the Building Rules: 98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or 98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and 98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.	
r83(5)	98. Certificates of Occupancy 98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	
r83(6)	98. Certificates of Occupancy 98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	
r83(9)	98. Certificates of Occupancy 98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r88(3)	99. Certificate of Independent Technical Expert in Certain Case 99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	
r95(2)	100. Fees 100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	
r95(3)	100. Fees 100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	
r95(4)	100. Fees 100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r95(5)	100. Fees 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.	
r98	101. Register Of Applications 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.	
r98(3)	101. Register Of Applications 101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	
r99(2)	102. Registration of Land Management Agreements 102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r99(3)	102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	
r100(2)	103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	
r100(3)	103. Land Management Agreements - Development Applications 103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.	
r100(5)	103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	
r100(6)	103. Land Management Agreements - Development Applications 103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	
r100(9)	103. Land Management Agreements - Development Applications 103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r101(a1)	104. Documents to be Preserved by a Council 104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	
r101(1)	104. Documents to be Preserved by a Council 104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	
r101(1a)	104. Documents to be Preserved by a Council 104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	
r101(2)	104. Documents to be Preserved by a Council 104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	
r101(3)	104. Documents to be Preserved by a Council 104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r101(4)	104. Documents to be Preserved by a Council 104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1 for inspection under Regulation 101(4)(a) if to do so would:	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2 for copying under Regulation 101(4)(b) if to do so would:	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.2 involve an infringement of copyright in matter contained in a document; or	
r101(5)	104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information: 104.5.2.3 constitute a breach of any other law.	
r102(2)	104A Documents to be Provided by Private Certifier 104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	
r104	105. Transfer of Development Potential 105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.	
Section 115(1)(a)	106. System Indicators 106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
115(1)(b)	106. System Indicators 106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	
r115(2)	106. System Indicators 106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	
Schedule 1A	107. Schedule 1A - Demolition 107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	
Schedule 1A	107. Schedule 1A - Demolition 107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	
cl 2B(4)(b) Schedule 4	108. Schedule 4 - New Dwellings 108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 6	109. Schedule 6 - Fees 109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	
Schedule 8	110. Schedule 8 - Development Near The Coast 110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	
Schedule 8	111. Schedule 8 - Development Adjacent To Main Roads 111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to: 111.1.1 alter an existing access; or 111.1.2 change the nature of movement through an existing access; or 111.1.3 create a new access; or 111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, 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).	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 8	112. Schedule 8 - State Heritage Places 112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	
Schedule 8	113. Schedule 8 - Mining - General 113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	
Schedule 8	114. Schedule 8 - Activity of Environmental Significance 114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	
Schedule 8	115. Schedule 8 - Aquaculture Development 115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 8	116. Schedule 8 - Development Within the River Murray Floodplain Area 116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	
Schedule 8	117. Schedule 8 - Development Within the River Murray Tributaries Area 117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but 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.	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that: 118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a); 118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion: 118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion: 118.4.2 whether the division will change the nature or function of an existing road.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only: 118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	

Development Regulations 2008		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion: 118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and	
Schedule 9	118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development 118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion: 118.7.2 whether the proposed division will change the nature or function of an existing road.	

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

Delegation by the Board of the Environment Protection Authority to Council Employees under the Environment Protection (Air Quality) Policy 2016 (s 115 of the Environment Protection Act 1993) - approved by Tony Circelli, EPA Chief Executive on 4/4/2018

Environment Protection (Air Quality) Policy 2016 (under section 115 of the Environment Protection Act 1993) - Approved by Tony Circelli, Chief Executive, EPA on 4 April 2018		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
6(1), 6(2), 6(3)(a)(i) and (ii), 6(3)(b), 6(3)(g), 6(4)	6(1) - Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a), (b) and (c) outside of the fire danger season. 6(2) - Authority's power to determine the written manner and form of an application for a burning permit. 6(3)(a)(i) - Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies. 6(3)(a)(ii) - Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area. 6(3)(b) - Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity. 6(3)(g) - Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)). 6(4) - Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.	These delegations are subject to the following conditions: - the delegate may only exercise the delegated powers or functions within the area of the council that employs him or her; - the delegate may not exercise the delegated powers or functions with respect to prescribed activities of environmental significance (as set out in Schedule 1 to the Act and amended from time to time by regulation) or activities undertaken at the same place as a prescribed activity of environmental significance; - the delegate may not exercise the delegated powers or functions with respect to activities undertaken by the Crown, the council or another public authority or a person or body prescribed by regulation for the purposes of section 18B(1)(b) of the Act; - the delegate may not exercise the delegated powers or functions with respect to any other activities prescribed by regulation for the purposes of section 18B(1)(c) of the Act.

SA Residential Parks Act 2007

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 6(1)	Section 6(1): Park Rules. Making rules about the use, enjoyment, control and management of the park.	
Section 7(5)	Section 7(5): Residents Committees. Allowing the use of a place within the residential park for the purpose of a meeting of residents called by residents committee.	
Section 8(1)	Section 8(1): Amendment of Park Rules. Amending park rules for a residential park.	
Section 8(3)	Section 8(3): Amendment of Park Rules. Consulting with, and considering the views of, the committee in relation to the amendment of park rules.	
Section 11	Section 11: Copies of Written Agreements. Inviting or requiring a resident to sign a written residential park agreement or a document recording the terms of the agreement.	
Section 11	Section 11: Copies of Written Agreements. Providing copy of residential park agreement or a document recording its terms.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 14(1) and (2)	Section 14(1) and (2): Information to be provided by park owners to residents. Providing specified information to the resident.	
Section 18(2)	Section 18(2): Permissable consideration for residential park agreements. Receiving payment of a class that the Council is authorised to require under Part 4, Division 10 of the Act.	
Section 20	Section 20: Method of payment of rent. Offering a resident a reasonable alternate method of payment that does not involve personal attendance at the rental property.	
Section 21(1) and 21(3)	Section 21(1) and 21(3): Variation of Rent Increasing rent payable under a residential park agreement.	Rent cannot be increased beyond that amount which is set in Council's Fees and Charges Register.
Section 21(4)	Section 21(4): Variation of Rent. Reducing the rent payable by mutual agreement with the resident.	
Section 22(4)	Section 22(4): Excessive Rent Applying to the Residential Tenancies Tribunal (Tribunal) to vary or revoke an order that the increased rent is excessive.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 23(1)	Section 23(1): Park owner's duty to keep proper record of rent. Ensuring that a proper record is kept of rent received under a residential parks agreement.	
Section 24(1)	Section 24(1): Duty to give receipt for rent. Providing a receipt for rent received under a residential park agreement.	
Section 25(2)	Section 25(2): Apportionment of rent Refunding of rent paid in advance, where the residential park agreement ends before the end of the period for which rent has been paid or applying that money towards other liabilities of the resident to the Council.	
Section 28(1)	Section 28(1): Receipt of bond and transmission to Commissioner. Providing a receipt for a bond.	
Section 28(2)	Section 28(2): Receipt of bond and transmission to Commissioner. Paying a bond received from resident to the Commissioner and lodging with the Commissioner a notice in the form approved by the Commissioner.	
Section 29(1)	Section 29(1): Repayment of bond Applying to the Commissioner for the payment of the whole bond or specified amount of the bond to the Council.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 29(4)	Section 29(4): Repayment of bond. Lodging a written notice of the dispute in a form approved by the Commissioner in respect of proposed repayment of bond to resident.	
Section 48(8)	Section 48(8): Assignment of residential part agreement. Terminating a residential park agreement on the ground that a resident has assigned his/her interest without the Council's consent.	
Section 52(a)	Section 52(a): Termination of residential park agreement. Providing notice terminating a residential park agreement to the resident.	
Section 56(1)	Section 56(1): Termination of residential park tenancy agreement for breach of agreement. Providing resident with notice of breach of a residential park tenancy agreement.	
Section 57(1)	Section 57(1): Termination where successive breaches of residential park tenancy agreement. Providing notice of termination to the resident for breach of a residential park tenancy agreement.	
Section 58(1)	Section 58(1): Termination where serious misconduct by resident. Providing notice to the resident terminating a residential park tenancy agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed type.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 59(1)	Section 59(1): Termination where periodic tenancy and sale of rented property. Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, on the ground that the Council: (a) has entered into a contract for sale of the rented property or the dwelling comprised in the rented property; and (b) is required under the contract to give vacant possession of the rented property or the dwelling.	
Section 60(1)	Section 60(1): Termination where periodic tenancy and no specified ground of termination. Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, without specifying a ground of termination.	
Section 61(1)	Section 61(1): Termination at end of fixed term tenancy. Providing notice of termination to the resident to terminate at the end of the fixed term.	
Section 62(1)	Section 62(1): Termination where residential park tenancy agreement frustrated. Providing notice of termination to the resident to terminate a residential park tenancy agreement on the ground that the rented property, or a substantial portion of the rented property: (a) has been destroyed or rendered uninhabitable; or (b) has ceased to be lawfully usable for residential purposes; or (c) has been acquired by compulsory process.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 63(2)	Section 63(2): Termination (by resident) for breach of agreement. Applying to the Tribunal for an order: (a) declaring that the Council is not in breach of the agreement, or has remedied the beach of the agreement, and that the agreement is not liable to be terminated under section 63; or (b) reinstating the agreement.	
Section 68(1)	Section 68(1): Termination for breach of residential park site agreement. Providing the resident with a written notice of breach of a residential park site agreement.	
Section 69(1)	Section 69(1): Termination where successive breaches of residential site agreement. Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident for breach of agreement.	
Section 70(1)	Section 70(1): Termination where serious misconduct by resident. Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed kind.	
Section 71(1)	Section 71(1): Termination where periodic tenancy and no specified ground of termination. Providing notice of termination to the resident to terminate a residential park site agreement for a periodic tenancy without specifying a ground of termination.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 72(1)	Section 72(1): Termination at end of fixed term. Providing notice of termination to the resident to terminate a residential park site agreement for a fixed term at the end of the fixed term.	
Section 73(1)	Section 73(1): Termination where residential park site agreement frustrated. Providing notice of termination to the resident on the ground that the rented property or a substantial portion of the rented property: (a) has been destroyed or rendered uninhabitable; or (b) has ceased to be lawfully usable for residential purposes; or (c) has been acquired by compulsory process.	
Section 74(2)	Section 74(2): Termination (by resident) for breach of residential part site agreement. Applying to the Tribunal for an order: (a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or (b) reinstating the agreement.	
Section 79	Section 79: Termination (by Tribunal) on application by Council. Applying to the Tribunal to terminate a residential park agreement and make an order for possession of the rental property.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 81(1)	Section 81(1): Termination (by Tribunal) based on hardship. Applying to the Tribunal to terminate a residential park agreement if the continuation of the agreement would result in undue hardship to the Council or the resident.	
Section 83(1)	Section 83(1): Order for possession. Applying to the Tribunal for an order for possession of the rented property.	
Section 83(6)	Section 83(6): Order for possession Applying to the Tribunal for an order for compensation where a resident fails to comply with an order for possession.	
Section 84(1)	Section 84(1): Abandonment of rented property. Applying to the Tribunal: (a) to declare that a resident abandoned rented property on a day stated in the declaration, and (b) make an order for immediate possession of the rented property.	
Section 84(6)	Section 84(6): Abandonment of rented property. Applying to the Tribunal for an order for compensation to which the Council is entitled under section 84.	
Section 87(1)	Section 87(1): Enforcement of orders for possession. Requesting the registrar or deputy registrar to direct a bailiff of the Tribunal to enforce the order for possession of rented property.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 92(2)	Section 92(2): Action to deal with abandoned property other than personal documents. Removing and destroying or disposing of abandoned property consisting of perishable foodstuffs after recovering possession of site.	
Section 92(4)	Section 92(4): Action to deal with abandoned property other than personal documents. Removing and destroying or disposing of abandoned property, other than perishable foodstuffs, if the value of the property is less than a fair estimate of the cost of removal, storage and sale of the property.	
Section 92(5)	Section 92(5): Action to deal with abandoned property other than personal documents. Notifying in prescribed manner information regarding intended disposal of abandoned property.	
Section 92(7)	Section 92(7): Action to deal with abandoned property other than personal documents. Selling of abandoned property by public auction.	
Section 92(8)	Section 92(8): Action to deal with abandoned property other than personal documents. Using reasonable force to gain entry to the property or remove or deal with it as reasonably necessary for the Council's use of the site or the sale of the property.	
Section 92(9)	Section 92(9): Action to deal with abandoned property other than personal documents. Attributing proceeds derived from sale of abandoned property in the prescribed manner.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 92(11)	Section 92(11): Action to deal with abandoned property other than personal documents. Applying to the Tribunal seeking orders to resolve the matters in dispute regarding the exercise of powers to dispose of abandoned property.	
Section 93(3)	Section 93(3): Action to deal with abandoned personal documents. Notifying in the prescribed manner intention to destroy or dispose of personal documents.	
Section 93(4)	Section 93(4): Action to deal with abandoned personal documents. Destroying or disposing of abandoned property consisting of personal documents.	
Section 94(3)	Section 94(3): Action to deal with abandoned dwellings or prescribed items. Taking reasonable steps to keep the property safe on the site pending the determination of proceedings before the Tribunal for an order for possession of the site.	
Section 95(1)	Section 95(1): Council may give person notice to leave for serious act of violence. Providing a resident with a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that: (a) a serious act of violence by the resident has occurred in the park; or (b) the safety of any person in the park is in danger from the resident.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 95(2)	Section 95(2): Council may give person notice to leave for serious act of violence. Providing a person permitted on rented property with the consent of the resident a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that: (a) a serious act of violence by the resident's visitor has occurred in the park; or (b) the safety of any person in the park is in danger from the resident's visitor.	
Section 97(1)	Section 97(1): Council may make urgent application to Tribunal. Applying, where a resident has been given a notice to leave under Part 10 of the Act, to the Tribunal for an order that the residential park agreement be terminated.	
Section 109(4)	Section 109(4): Procedure (for mediation). Terminating where the Council is a party to a residential park dispute which is the subject of a mediation.	
Section 109(5)	Section 109(5): Procedure (for mediation). Agreeing to the terms of settlement of a dispute at mediation.	
Section 109(6)	Section 109(6): Procedure. Signing a written settlement of a residential park dispute.	
Section 116(1)	Section 116(1): General powers of Tribunal to resolve disputes. Applying to the Tribunal if the Council is a party to a dispute, to apply for a remedy specified under this provision.	

Residential Parks Act 2007		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Section 118(1)	Section 118(1): Restraining Orders. Applying to the Tribunal for a restraining order, on the basis that there is a risk that a resident, or a person permitted on rented property by a resident, may cause serious damage to property or personal injury.	
Section 121(1)	Section 121(1): Application to vary or set aside order of the Tribunal. Applying to the Tribunal for an order varying or setting aside an order made in the proceedings before the Tribunal.	
Section 123	Section 123: Reasons for Decision. Requesting reasons from the Tribunal for a decision or order under the Act.	
Section 125(1)	Section 125(1): Appeals (to the District Court). Commencing an appeal to the Administrative and Disciplinary Division of the District Court against a decision or order of the Tribunal made in the exercise (or purported exercise) of its powers under the Act.	
Section 139(1)	Section 139(1): Exemptions. Applying to the Tribunal for an order that a provision of the Act does not apply in relation to an agreement, or prospective agreement, or to a particular rented property, or will apply in a modified manner.	

Instrument of Delegation under the Burial and Cremation Act 2013

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 8(2)	Approve the interment of bodily remains		council
section 13(4)	Inter additional bodily remains		relevant authority for cemetery or crematorium
section 13(6)	Be consulted by the Attorney-General regarding the opening of an interment site, exhumation or removal of bodily remains or re-interment of bodily remains		relevant authority for cemetery or crematorium
section 18(1)	Ensure that cremated remains are only released to an authorised person		relevant authority for cemetery or crematorium
section 18(2)	Dispose of cremated remains		relevant authority for cemetery or crematorium
section 19	Establish a cemetery, natural burial ground or crematorium	This power remains with Council - delegation does not apply.	council
section 20	Establish and manage a public mortuary		council
section 21	Establish a mausoleum		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 22	Provide part of a cemetery as a natural burial ground		relevant authority for cemetery or crematorium
section 23	Set apart part of a cemetery or natural burial ground for a particular religion	This power remains with Council - delegation does not apply.	relevant authority for cemetery or crematorium
section 24(1)	Close a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(2)	Provide notice of proposed closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(5)	Provide details of representations or submissions to the Minister regarding the proposed closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(8)(a)	Discharge unexercised interment rights and provide a refund by agreement with the interment holder on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(8)(b)	Discharge unexercised interment rights and issue a new interment right by agreement with the interment holder on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(9)(a)	Discharge interment rights and issue a new interment right with the interment holder on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 24(9)(b)	Remove and re-inter human remains by agreement with the interment holder on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(9)(c)	Remove and reposition a memorial by agreement with the interment holder on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(10)	Referral of matter for mediation if agreement cannot be reached on the discharge of an interment right on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(11)	Pay for mediation with respect to the discharge of an interment right on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(12)(a)	Offer land as a gift on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(12)(b)	Demolish, remove, relocate or replace a grave on closure of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 24(14)	Prepare an inventory prior to closure of a cemetery or natural burial ground identifying all graves and memorial, a record of all inscriptions and other particulars on memorials and a photograph of each memorial		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 24(15)	Make the inventory of graves and memorials available to the public		relevant authority for cemetery or crematorium
section 25(1)	Petition the Minister to have trust on which land is held by council which was formerly a cemetery or natural burial ground determined and the land dedicated as park lands		council
section 25(5)	Pay costs of advertising or inquiry related to the determination of a trust and dedication of land as park lands		council
section 25(4)(a)	Remove memorials if a closed cemetery is dedicated as park lands		relevant authority for cemetery or crematorium
section 25(4)(b)	Relocate memorials if a closed cemetery is dedicated as park lands		relevant authority for cemetery or crematorium
section 25(4)(c)	Replace memorials if a closed cemetery is dedicated as park lands		relevant authority for cemetery or crematorium
section 26(2)	Convert a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council into a public park or garden		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 26(3)	Give notice of intention to convert a cemetery into a public park where the cemetery is not on land held on trust by the council or that includes land under the care, control and management of a council		relevant authority for cemetery or crematorium
section 26(6)(a)	Remove memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council		relevant authority for cemetery or crematorium
section 26(6)(b)	Relocate memorials from a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council		relevant authority for cemetery or crematorium
section 26(6)(c)	Replace memorials a closed cemetery which is not on land held on trust by the council or that includes land under the care, control and management of a council		relevant authority for cemetery or crematorium
section 27(1)(a)	Construct roads and pathways for purpose of converting closed cemetery into a public park or garden		relevant authority for cemetery or crematorium
section 27(1)(b)	Erect or construct buildings for purpose of converting closed cemetery into a public park or garden		relevant authority for cemetery or crematorium
section 27(1)(c)	Construct a vault or other repository for human remains for purpose of converting closed cemetery into a public park or garden		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 27(1)(d)	Erect lighting, seating or other infrastructure or public amenity for purpose of converting closed cemetery into a public park or garden		relevant authority for cemetery or crematorium
section 27(1)(e)	Take such other action for laying out land as parklands or a public place or garden for purpose of converting closed cemetery into a public park or garden		relevant authority for cemetery or crematorium
section 28(1)	Provide notice of cemetery or natural burial ground closure to the Registrar		relevant authority for cemetery or crematorium
section 28(2)	Provide notice of crematorium closure to the Registrar or the Environment Protection Authority		relevant authority for cemetery or crematorium
section 28(3)	Forward records of closed cemetery, natural burial ground or crematorium to the Libraries Board of South Australia		relevant authority for cemetery or crematorium
section 30(1)	Agree to the interment of human remains		relevant authority for cemetery or crematorium
section 30(1)	Issue an interment right		relevant authority for cemetery or crematorium
section 30(2)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person applying for an interment right		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 30(3)	Determine capacity of interment site		relevant authority for cemetery or crematorium
section 30(5)	Carry out a lift and deepen procedure		relevant authority for cemetery or crematorium
section 32(1)	Renew interment right		relevant authority for cemetery or crematorium
section 32(1)	Fix renewal fee		relevant authority for cemetery or crematorium
section 32(2)	Provide notice of interment right expiry		relevant authority for cemetery or crematorium
section 32(3)	Provide statement in plain English setting out rights and responsibilities in regard to an interment right to person renewing interment right		relevant authority for cemetery or crematorium
section 33(1)	Transfer an interment right		relevant authority for cemetery or crematorium
section 33(1)(a)	Determine consideration for transfer of interment right		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 33(3)	Record interment right transfer in register		relevant authority for cemetery or crematorium
section 34(1)	Receive surrendered interment right		relevant authority for cemetery or crematorium
section 34(2)	Provide a refund on the surrender of an unexercised interment right		relevant authority for cemetery or crematorium
section 37(1)	Keep a register of interment rights		relevant authority for cemetery or crematorium
section 37(2)	Record information in the interment rights register		relevant authority for cemetery or crematorium
section 38(1)(a)	Reuse an interment site on expiry of an interment right		relevant authority for cemetery or crematorium
section 38(1)(b)	Remove a memorial on expiry of an interment right		relevant authority for cemetery or crematorium
section 38(2)(a)	Give notice of intention to reuse an interment site by public advertisement		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 38(2)(b)	Give notice of intention to reuse an interment site by notice to the personal representative of the deceased		relevant authority for cemetery or crematorium
section 39(2)	Deal with and dispose of a memorial in accordance with the Burial and Cremation Act		relevant authority for cemetery or crematorium
section 40	Enter into an agreement with an interment right holder to maintain memorial		relevant authority for cemetery or crematorium
section 41(1)	Provide notice requiring repair, removal or reinstatement of memorial		relevant authority for cemetery or crematorium
section 41(2)	Carry out repair, removal or reinstatement work		relevant authority for cemetery or crematorium
section 41(2)	Recover costs of work repairing, removing or reinstating a memorial		relevant authority for cemetery or crematorium
section 41(3)	Carry out repair, removal or reinstatement work		relevant authority for cemetery or crematorium
section 41(3)	Recover costs of work repairing, removing or reinstating a memorial		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 42(1)	Remove and dispose of memorial where interment right has expired		relevant authority for cemetery or crematorium
section 42(1)(c)	Give notice of intention to remove and dispose of a memorial on expired interment site by public advertisement and notice affixed to the memorial		relevant authority for cemetery or crematorium
section 42(1)(d)	Give notice of intention to remove and dispose of a memorial on expired interment site by public notice to owner of memorial		relevant authority for cemetery or crematorium
section 42(2)	Keep prescribed records of disposed memorials		relevant authority for cemetery or crematorium
section 43(a)	Enlarge a cemetery, natural burial ground or crematorium		relevant authority for cemetery or crematorium
section 43(b)	Improve or embellish a cemetery, natural burial ground or crematorium		relevant authority for cemetery or crematorium
section 43(c)	Restrict interments in any part of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 43(d)	Take action for proper management and maintenance of a cemetery, natural burial ground or crematorium		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 45	Restrict interments in any part of a cemetery or natural burial ground		relevant authority for cemetery or crematorium
section 46(1)	Issue notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		council
section 46(1)	Respond to notice from the Minister that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		relevant authority for cemetery or crematorium
section 46(3)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		council
section 46(4)	Cause work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		council
section 46(5)	Recover costs of work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		council
section 47(1)	Apply for review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition or fails to comply with the Burial and Cremation Act		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 47(1)	Make submissions on a review of decision requiring work to be undertaken to satisfy notice that cemetery or natural burial ground is in a neglected condition		council
section 48(1)	Receive land used as a cemetery or natural burial ground on trust		council
section 49(1)	Assume administration of cemetery or natural burial ground		council
section 49(1)(c)	Agree to transfer administration of cemetery or natural burial ground		council
section 50(1)	Allow access to of cemetery, natural burial ground or crematorium		relevant authority for cemetery or crematorium
section 50(2)	Require person to leave cemetery, natural burial ground or crematorium		relevant authority for cemetery or crematorium
section 51(1)	Deal with land used as a cemetery or natural burial ground in ordinary course of commerce		relevant authority for cemetery or crematorium
section 51(2)	Discharge interment rights prior to dealing with land used as a cemetery or natural burial ground in ordinary course of commerce		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 51(2)(a)	Provide refund to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce		relevant authority for cemetery or crematorium
section 51(2)(b)	Issue new interment right to holder of an interment right on the discharge of that right in order to deal with land used as a cemetery or natural burial ground in ordinary course of commerce		relevant authority for cemetery or crematorium
section 52	Deal with land which was a cemetery or natural burial ground closed in accordance with the Burial and Cremation Act in ordinary course of commerce		council
section 53(1)	Keep registers and plan prescribed by Burial and Cremation Act		relevant authority for cemetery or crematorium
section 53(3)	Keep records prescribed by Burial and Cremation Act		relevant authority for cemetery or crematorium
section 53(4)	Make registers prescribed by Burial and Cremation Act publicly available		relevant authority for cemetery or crematorium
section 53(5)	Produce a register prescribed by Burial and Cremation Act for inspection		relevant authority for cemetery or crematorium

Burial and Cremation Act 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 56(1)	Request Public Trustee to act for interment right holder		relevant authority for cemetery or crematorium
section 58(2)	Appoint authorised officers		council
section 58(3)	Impose conditions on appointment of an authorised officer		council
section 58(4)	Issue identity card to an authorised officer		council
section 58(7)	Vary or revoke appointment or impose further conditions on an authorised officer		council

Instrument of Delegation under the Burial and Cremation Regulations 2014

Burial and Cremation Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 12(1)	Ensure remains are placed in labelled container and stored in ossuary		relevant authority for cemetery or crematorium
regulation 12(2)	Provide notice to the Attorney-General and Registrar of removal of remains to ossuary		relevant authority for cemetery or crematorium
regulation 16	Fill interment site to level of natural surface		relevant authority for cemetery or crematorium
regulation 17(2)	Approve manner of marking name plate attached to coffin or bodily remains		relevant authority for cemetery or crematorium
regulation 18(1)(a)	Approve construction material for mausoleum or vault		relevant authority for cemetery or crematorium
regulation 18(5)	Be satisfied that mausoleum or vault is sealed		relevant authority for cemetery or crematorium
regulation 19(1)	Open and inspect mausoleum or vault		relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 19(2)	Give notice to take remedial action if mausoleum or vault does not comply with the Burial and Cremation Regulations or offensive odours or noxious gases or fluids have escaped or are escalating from the mausoleum or vault		relevant authority for cemetery or crematorium
regulation 19(3)	Cause work to be undertaken if person fails to comply with notice provided under regulation 19(2)		relevant authority for cemetery or crematorium
regulation 19(3)	Recover costs of undertaking work if person fails to comply with notice provided under regulation 19(2)		relevant authority for cemetery or crematorium
regulation 21(1)	Dispose of name plate, metal or plastic fitting, any other object removed from the exterior of coffin or any other thing in possession due to cremation		relevant authority for cemetery or crematorium
regulation 21(3)	Ensure nameplate is provided to person holding the relevant cremation permit or a person authorised by that person		relevant authority for cemetery or crematorium
regulation 22	Fence the cemetery or natural burial ground		relevant authority for cemetery or crematorium
regulation 24(1)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the driving of the vehicle		relevant authority for cemetery or crematorium

Burial and Cremation Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 24(2)	Issue direction to person in charge of a motor vehicle within a cemetery or natural burial ground as to the parking of the vehicle		relevant authority for cemetery or crematorium
regulation 25	Authorise removal, damage, defacement or interference of fixtures, structure or grounds within the cemetery or natural burial ground		relevant authority for cemetery or crematorium
regulation 26(a)	Cause removal of unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers from the cemetery or natural burial ground		relevant authority for cemetery or crematorium
regulation 26(b)	Cause pruning, cutting down or removal of plants within the cemetery or natural burial ground		relevant authority for cemetery or crematorium
regulation 27	Require a person to leave the cemetery or natural burial ground		relevant authority for cemetery or crematorium

Instrument of Delegation under the Community Titles Act 1996

Community Titles Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 3(11)	Endorse scheme description		relevant development authority
section 15A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination		council (as holder of a statutory encumbrance)
section 27(1)(b)(i)	Consent to encroachment over land vested in, or under the control, of the council		council
section 30(4)	Require modification to a scheme description prior to endorsing the scheme description		relevant development authority
section 31(3)	Endorse a certified copy of an amended scheme description		relevant development authority
section 53A(b)(i)	Certify compliance with the requirements of the Act under which the encumbrance was enter into, or is in force, as to the variation or termination		council (as holder of a statutory encumbrance)
section 70(3)	Approve the retention of a primary or secondary lot		relevant development authority

Instrument of Delegation under the Cost of Living Concessions Act 1986

Cost of Living Concessions Act 1986			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 6(1)	Apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority		rating authority

Instrument of Delegation under the Crown Land Management Act 2009

Crown Land Management Act 2009			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18A(1)	Seek the consent of the Minister to the exclusion of dedicated land from classification as community land		council
section 27(2)	Request the Minister to exercise power or functions under Division 4, Part 3 of the Crown Land Management Act in respect of the Adelaide Park Lands under the care, control and management of the council (other than land in relation to which a power to grant easements otherwise exists under the Act or the Real Property Act 1886).	The head delegation does not apply to The Barossa Council	Adelaide City Council

Instrument of Delegation under the Disability Inclusion Act 2018

Disability Inclusion Act 2018			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 16(2)	Prepare a disability access and inclusion plan		State authority
section 16(4)(b)	Consult with people with disability and person or bodies representing the interests of people with disability and other persons or bodies in preparing a disability access and inclusion plan		State authority
16(4)(c)	Call for submissions from members of the public		State authority section
section 16(5)	Seek the approval of the Minister to prepare a single disability access and inclusion plan for the council and one or more other councils		council
section 16(6)	Vary a disability access and inclusion plan		State authority
section 16(7)	Publish a disability access and inclusion plan, and any variation to a plan, on a website		State authority
section 17(1)	Report annually to the Chief Executive Officer on the operation of the disability access and inclusion plan		State authority
section 18(1)	Review the disability access and inclusion plan at least once in every 4 year period and prepare a report of the review		State authority

Disability Inclusion Act 2018			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18(2)	Provide a copy of the report prepared under section 18(1) of the Disability Inclusion Act to the Minister		State authority
section 23Q(1)	Provide to the Senior Authorising Officer such information relating to a specified person that the Senior Authorising Officer reasonably requires		State authority
section 23Q(2)	Provide the information to the Senior Authorising Officer in the manner and within the period specified in the notice		State authority
section 23Q(3)	Participate in consultation with the Senior Authorising Officer regarding a refusal or failure to comply with a notice		State authority
section 26(1)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act		State authority
section 26(2)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act		State authority
section 27(2)	Provide information or documents prescribed by section 27 of the Disability Inclusion Act to another person or body		State authority

Instrument of Delegation under the Disability Inclusion Regulations 2019

Disability Inclusion Regulations 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 9(2)	Determine the manner and form and time period for the calling of public submissions under section 16(4)(c) of the Disability Inclusion Act		State authority
regulation 9(3)	Publish the disability access and inclusion plan on a website		State authority
regulation 9(4)	Prepare and provide a report to the Chief Executive Officer of the administrative unit of the public service that is responsible for assisting a Minister in the administration of this Act		State authority
regulation 10	Keep residents informed of the preparation by the council of a single disability access and inclusion plan which is for more than one council		council
regulation 11(1)	Comply with the steps under regulation 9 in regard to the variation of a disability access and inclusion plan as if the variation were the plan		State authority
regulation 11(2)	Vary a disability access and inclusion plan		State authority
regulation 11(3)	Provide public notice of a variation to a disability access and inclusion plan		State authority

Instrument of Delegation under the Dog and Cat Management Act 1995

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 25A(1)	Appoint authorised persons		council
section 25A(2)	Impose conditions on appointment of an authorised person		council
section 25A(3)	Revoke appointment or revoke or vary conditions of an authorised person		council
section 25B(1)	Issue identity card to an authorised person		council
section 25C(c)	Enter into an arrangement with another council in relation to the exercise of authorised officer powers		council
section 26(1)(a)	Maintain a register of dogs		council
section 26(1)(ab)	Provide information to the Dog and Cat Management Board		council
section 26(1)(ac)	Maintain other registers		council
section 26(1)(ad)	Make registers publicly available		council
section 26(1)(ae)	Limit inspection of register		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 26(1)(b)	Appoint a Registrar		council
section 26(1)(c)	Make arrangements for the issue and replace certificates of registration and registration discs		council
section 26(1)(d)	Make arrangements for the exercise of functions and powers of an authorised person		council
section 26(1)(e)	Make arrangements for the detention of dogs and cats		council
section 26(1)(f)	Make arrangements for fulfilling other obligations under the Dog and Cat Management Act		council
section 26(3)	Expend money in the administration or enforcement of the Dog and Cat Management Act		council
section 26(4)	Keep separate account of moneys received and expended under the Dog and Cat Management Act		council
section 26(5)	Pay moneys into the Dog and Cat Management Fund		council
section 26(6)(a)	Charge fees for the provision of register extracts		council
section 26(6)(ab)	Charge fees for receipt and management of information		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 26(b)(i)	Charge fees for registration of dogs or businesses		council
section 26(b)(ii)	Charge fees for late payment of registration		council
section 26(b)(iii)	Charge fees for meeting requirements under the Dog and Cat Management Act		council
section 26(7)	Provide a percentage rebate as provided for by the Dog and Cat Management Act		council
section 26A(1)	Prepare a dog and cat management plan		council
section 26A(3)	Present dog and cat management plan to Dog and Cat Management Board		council
section 26A(5)	Amend dog and cat management plan		council
section 33(4)(c)	Approve boarding kennel		council
section 39	Rectify the register		council
section 41(1)(c)	Fix fee for application under Part 4, Dog and Cat Management Act		council
section 47(5)	Recover cost of giving effect to order if an order has been contravened and authorised person takes steps to effect the order		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 50(1)(a)	Make a Destruction Order		council
section 50(1)(b)	Make a Control (Dangerous Dog) Order		council
section 50(1)(c)	Make a Control (Menacing Dog) Order		council
section 50(1)(d)	Make a Control (Nuisance Dog) Order		council
section 50(1)(e)	Make a Control (Barking Dog) Order		council
section 50(2)(b)	Approve a place to detain dogs		council
section 52(a1)	Determine manner and form of application for the council to make an order under Division 3, Part 5, Dog and Cat Management Act		council
section 52(1)(a)	Ascertain owners or persons responsible for a dog		council
section 52(1)(b)	Provide notice of proposed order to each owner or person responsible for a dog		council
section 52(2)(b)	Note order in register		council
section 52(3)	Provide notice of order to each owner or person responsible for a dog		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 52(4)	Revoke order		council
section 52(5)	Note revocation of order in register		council
section 52(6)	Note order made by Dog and Cat Management Board in register		council
section 53(1)	Issue directions to each owner or person responsible for a dog regarding complying with order		council
section 56(1)	Receive prescribed information from an owner or person responsible for a dog subject to an order		council
section 56(2)	Receive information from an owner or person responsible for a dog subject to an order regarding moving the dog into or out of the council area		council
section 59A(1)	Make a Prohibition Order		council
section 59A(2)	Approve place to detain dog		council
section 59A(5)(b)	Record a Prohibition Order		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 59A(6)	Revoke a Prohibition Order		council
section 59A(7)	Note revocation of a Prohibition Order in register		council
section 59A(8)(c)	Note order made by Dog and Cat Management Board in register		council
section 61(4)	Consider making an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous		council
section 61(4)	Consider applying to Magistrates Court for an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous		council
section 61(6)	Recover cost of microchipping or desexing dog		council
section 64(2)(c)	Nominate facility for the detention of cats		council
section 64B(1)	Cause a detained dog or cat to be microchipped or desexed		council
section 64B(2)	Recover cost of microchipping or desexing a dog or cat		council

Dog and Cat Management Act 1995			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 64D(1)(b)(ii)	Receive notice of destruction, injury, seizure or detention of dog or identified cat		council
section 72	Responding to South Australian Civil and Administrative Tribunal review of council decision		council
section 88A(4)	Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the Expiration of Offences Act 1996		council
section 89	Lay a complaint regarding offence under Dog and Cat Management Act		council

Instrument of Delegation under the Dog and Cat Management Regulations 2017

Dog and Cat Management Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(3)(b)	Apply payment received under regulation 6(2) to furthering the objects of the Dog and Cat Management Act		council
regulation 20(1)(a)	Receive notification of prescribed information regarding the keeping of guard dogs on premises		council

Instrument of Delegation under the Electricity (Principles of Vegetation Clearance) Regulations 2021

Electricity (Principles of Vegetation Clearance) Regulations 2021			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 4(1)	Take reasonable steps to keep vegetation clear of powerlines		council
regulation 4(2)	Inspect overhead powerlines and clear vegetation		council
regulation 4(4)	Seek approval of the Technical Regulator to keep vegetation clear of powerlines in accordance with the principles set out in regulation 4(2)(b)(ii)		council
regulation 7(3)	Make submissions to the Technical Regulator regarding an exemption application		council
regulation 8(2)	Agree a vegetation scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the council area or part of the council area		council
regulation 8(5)(b)	Agree with the electricity entity to vary or revoke a vegetation scheme		council
regulation 8(6)	Enforce a vegetation clearance scheme with an electricity entity as a contract		council
regulation 10(5)(c)	Agree with an objector as to how an objection regarding the council's intention to enter land is to be resolved		council

Electricity (Principles of Vegetation Clearance) Regulations 2021			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 10(8)	Give notice of intention to enter private land to carry out work under Part 5 of the Act, including a statement of rights of the owner or occupier to lodge an objection under regulation 10		council

Instrument of Delegation under the Electricity Act 1996

Electricity Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 4(1)	Authorise a person to exercise powers conferred on a council officer under the Electricity Act		council
section 47(3)	Agree with an electricity entity to the carrying out of work on public land		council
section 47(7)	Refer a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister		council
section 47(9)(a)	Make representations to the Minister in relation to a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work to the Minister		council

Electricity Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 47(9)(b)	Agree to settle a dispute with an electricity entity regarding whether work should be permitted on public land or the conditions applying to such work		council
section 55(1a)	Comply with the requirements of a vegetation clearance scheme		council
section 55(3)	Carry out vegetation clearance work in relation to vegetation planted or nurtured contrary to the principles of vegetation clearance.		council
section 55(3)	Recover the cost of carrying out vegetation clearance work under section 55(3) from a person who planted or nurtured the vegetation		council
section 55A(1)	Agree a vegetation clearance scheme with an electricity entity		council
section 55A(4)	Modify a vegetation clearance scheme by written agreement with the electricity entity		council
section 55B(2)	Ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5		council
section 55C(2)(c)	Apply to the Technical Regulator for a decision not to determine a vegetation clearance scheme dispute under Division 2, Part 5		council
section 55D(2)(a)	Consent to the Technical Regulator conferring on the council the duty to keep vegetation clear of public powerlines		council

Electricity Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 55M	Enforce a vegetation clearance scheme with an electricity entity as a contract		council
section 56(1)	Make an arrangement with an electricity entity conferring on the council a specified role in relation to vegetation clearance around public powerlines outside of prescribed areas		council
section 58A(2)	Agree to contribute to the cost of undergrounding powerlines in the council area on the basis determined by the Minister		council
section 58A(5)	Participate in consultation with, and provide proposals to, the Minister in respect of the undergrounding of powerlines		council
section 58A(8)	Participate in consultation with the Minister in respect of a variation of the program for undergrounding of powerlines		council

Instrument of Delegation under the Environment Protection (Air Quality) Policy 2016

Environment Protection (Air Quality) Policy 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 6(1)	Issue a burning permit		administering agency (as the relevant council delegate)
clause 16(1)	Fix a testing point in premises to evaluate emissions from the premises		administering agency
clause 6(2)	Determine the manner and form for applying for a burning permit		administering agency (as the relevant council delegate)

Instrument of Delegation under the Environment Protection (Noise) Policy 2007

Environment Protection (Noise) Policy 2007			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 4(2)	Participate in consultation with the Environment Protection Authority regarding what land uses are principally promoted by relevant development Plan provisions		council
clause 4(4)	Participate in consultation with the Environment Protection Authority regarding in what land use category a land use principally promoted by relevant Development Plan provisions falls		council

Instrument of Delegation under the Environment Protection (Used Packaging Materials) Policy 2012

Environment Protection (Used Packaging Materials) Policy 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 9	Provide prescribed information to the Environment Protection Authority		council

Instrument of Delegation under the Environment Protection (Waste to Resources) Policy 2010

Environment Protection (Waste to Resources) Policy 2010			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 10(1)(b)	Provide a receptacle or waste collection service for the kerbside collection of waste		council
clause 10(2)	Provide a weekly general kerbside waste collection service (other than for recyclable waste or vegetative matter) to residential premises in the council area		council
clause 15(2)(a)	Provide a receptacle or waste collection service for the kerbside collection of listed waste		council
clause 16(1)(a)	Collect medical waste produced in the course of prescribed activity		council
clause 17(2)	Comply with prescribed requirements in respect of medical waste received by the council		council

Environment Protection (Waste to Resources) Policy 2010			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 18(1)(a)	Provide a receptacle or service for the collection of sharps by a kerbside waste collection service		council

Instrument of Delegation under the Environment Protection Act 1993

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 14(c)	Approve the use by the Environment Protection Authority of the services of council officers or employees		council
section 18A(2)	Request the Minister to declare the council as an administering agency under the Environment Protection Act		council
section 18A(3)	Participate in consultation with the Minister as to whether the council will cease to be an administering agency under the Environment Protection Act		council
section 18A(3)	Request the Minister to declare that the council will cease to be an administering agency under the Environment Protection Act		council

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18B(1)	Administering and enforcing the Environment Protection Act in the council area		administering agency
section 18C(1)	Delegate a function conferred on the administering agency under Division 1A, Part 3		administering agency
section 18D	Report to the Environment Protection Authority on performance of functions under Division 1A, Part 3		administering agency
section 59(1)	Enter into an environment performance agreement with the Minister		public authority
section 59(4)	Approve provision for the remission of rates or taxed payable to the council in an environment performance agreement		council
section 85(3)	Appoint authorised officers		council
section 85(4)	Impose conditions on the appointment of an authorised officer		council
section 85(5)	Revoke the appointment of an authorised officer		council
section 85(5)	Vary or revoke the conditions applying to the appointment of an authorised officer		council

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 87(8)(b)	Agree with another council that an authorised officer may exercise power in the other council's area		council
section 87(9)	Make good any damage caused by an authorised officer exercising powers under section 87		council
section 93(1)	Issue an environment protection order		administering agency
section 93(2a)	Provide notice to the authority under the Natural Resource Management Act 2004		administering agency
section 93(5)	Confirm an emergency environment protection order by issuing and serving a written environment protection order		administering agency
section 93(7)	Revoke or vary an environment protection order		administering agency
section 94(1)	Apply to the Registrar General for registration of an environment protection order as a charge on land		administering agency
section 94(4a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and obligations of the owners and occupiers		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 94(6)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land		administering agency
section 95(1)	Take action required by an environment protection order which has not been undertaken by the recipient of that order		administering agency
section 95(2)	Authorise a person to take action on behalf of the council under section 95(1)		administering agency
section 95(3)(a)	Issue an instrument of authority to a person authorised under section 95(2) who is not an authorised officer		administering agency
section 95(4)	Recover the reasonable costs and expenses incurred by the council taking action under section 95 as a debt from the person who failed to comply with the environment protection order		administering agency
section 95(4a)	Recover from the person to whom an environment protection order was issued an amount prescribed by regulation as being recoverable in respect to the registration of an order as a charge on land or the cancellation of such registration		administering agency
section 95(5)(a)	Fix a period by notice within which an amount recoverable by the council under section 95 must be paid		administering agency
section 96(1)	Issue an information discovery order		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 96(4)	Vary or revoke an information discovery order		administering agency
section 97(1)	Take action to obtain information required by an information discovery order or a condition of an environment authorisation if person to whom order was issued or condition applies fails to do so		administering agency
section 97(2)	Authorise a person to take action on behalf of the council under section 97(1)		administering agency
section 97(3)(a)	Issue an instrument of authority to a person authorised under section 97(2) who is not an authorised officer		administering agency
section 97(4)	Recover the reasonable costs and expenses incurred by the council taking action under section 97 as a debt from the person who failed to provide the information		administering agency
section 99(1)	Issue a clean-up order		administering agency
section 99(2a)	Give notice to the relevant authority under the Natural Resources Management Act 2004 of proposed issuing or variation of a clean-up order		administering agency
section 99(5)	Confirm an emergency clean-up order by issuing a written clean-up order		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 99(7)	Vary or revoke a clean-up order		administering agency
section 101(1)	Apply to the Registrar General for registration of a clean-up order as a charge on land		administering agency
section 101(5a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and obligations of the owners and occupiers		administering agency
section 101(8)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land		administering agency
section 102(1)	Take action required by a clean-up order if the person to whom the order was issued fails to do so		administering agency
section 102(2)	Authorise a person to take action on behalf of the council under section 102(1)		administering agency
section 102(3)(a)	Issue an instrument of authority to a person authorised under section 102(2)		administering agency
section 103(1)	Recover reasonable costs and expenses incurred in council taking action on non-compliance with a clean-up order		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 103(2a)	Recover an amount prescribed by regulation in respect of a registration of a clean-up order on land or the cancellation of that registration		administering agency
section 103(3)(a)	Fix a period by notice within which an amount recoverable by the council under section 103 must be paid		administering agency
section 104(1)(d)	Apply for an order from the Environment, Resources and Development Court against a person who committed a contravention of the Environment Protection Act or a repealed environment law for payment of the reasonable costs and expenses of the council in taking action to prevent or mitigate environmental harm		public authority
section 104(7)(a)	Apply for an order under section 104		administering agency
section 104(7)(b)	Apply for an order under section 104		council
section 109(3a)	Provide details of actions taken by the council which must be included in the register to the Authority		administering agency
section 116(a)	Waive the payment of the whole or part of a fee or levy or refund the whole or part of a fee or levy		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 116(b)	Allow the payment a fee or levy by instalments		administering agency
section 120	Require the verification of information by statutory declaration		administering agency
section 120A	Apply to the court for an order that a convicted person pay to the council the reasonable costs and expenses incurred in carrying out an investigation or taking action as a result of a false or misleading report		administering agency
section 130	Advise a person who submits a report to the council of the action which the council has taken or proposes to take in respect of the allegation		administering agency
section 135(1)	Issue a notice requiring a person who has contravened the Environment Protection Act to pay a fee fixed by, or calculated in accordance with, the regulations or the reasonable costs and expenses incurred by the council in taking action to ensure that the person has complied with requirements imposed as a consequence of the contravention or in taking sample or conducting tests, examination or analyses		administering agency
section 135(2)	Fix the period for payment of an amount under section 135		administering agency
section 135(3)(a)	Extend the period for payment of an amount under section 135		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 135(3)(b)	Waive or reduce the amount for payment of an amount under section 135		administering agency
section 135(8)	Recover an unpaid amount under section 135 as a debt		administering agency
section 138(1)	Exercise the powers of a mortgagee under the Real Property Act 1886 in regard to a default on the payment of money secured by the mortgage in the event that there is a default in the payment of an amount subject to a charge on land in favour of the council		administering agency
section 139(1)(a)	Execute a certificate certifying as to a matter relating to an environmental authorisation of other authorisation under the Environment Protection Act		administering agency
section 139(1)(b)	Execute a certificate certifying as to a matter relating to the appointment of non-appointment of a person as an authorised officer or analyst or otherwise under the Environment Protection Act		administering agency
section 139(1)(c)	Execute a certificate certifying as to a matter relating to a delegation or authority under the Environment Protection Act		administering agency
section 139(1)(d)	Execute a certificate certifying as to a matter relating to a notice, order, requirement or direction under the Environment Protection Act		administering agency

Environment Protection Act 1993			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 139(1)(e)	Execute a certificate certifying as to a matter relating to any other decision of the council		administering agency
section 139(1)(f)	Execute a certificate certifying as to a matter relating to the receipt or non-receipt of a notification or information required to be given to the Environment Protection Authority or Minister under the Environment Protection Act		administering agency
section 139(2)	Execute a certificate detailing the costs and expenses incurred by the council and the purpose for which the costs and expenses were incurred		public authority
section 140(3a)(b)	Certify a code, standard or other document for the purposes of legal proceedings		administering agency

Instrument of Delegation under the Environment Protection Regulations 2009

Environment Protection Regulations 2009			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 75(2)	Elect by written notice to the Environment Protection Authority not to comply with regulations 71 and 71(2) in respect of solid waste and to take the solid mass of waste to be as calculated in accordance with the formula in regulation 75(2)(b)		council

Instrument of Delegation under the Expiation of Offences Act 1996

Expiation of Offences Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 5(1)	Give an expiation notice to an alleged offender		issuing authority
section 5(3)(a)	Provide that an offence against a regulation or by-law for which the Council may impose a penalty may be expiated		issuing authority
section 5(3)(b	Fix an expiation fee for an offence against a regulation or by-law for which the Council may impose a penalty may be expiated		issuing authority
section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence		issuing authority
section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling		issuing authority
section 8A(2)	Require applicant to provide further information		issuing authority
section 8A(3)	Require application to be verified by a statutory declaration		issuing authority

Expiation of Offences Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 8A(4)	Determine application		issuing authority
section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling		issuing authority
section 11(1)	Issue an expiation reminder notice to alleged offender		issuing authority
section 11A(1)	Assess acceptability of statutory declaration or other document provided by alleged offender		issuing authority
section 12	Accept a later payment of amount due under an expiation notice		issuing authority
section 16(1)	Withdraw an expiation notice in prescribed circumstances		issuing authority
section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn		issuing authority
section 16(5)	Prosecute offence following withdrawal of expiation notice		issuing authority

Expiation of Offences Act 1996			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 16(6)	Withdraw expiation notice if alleged offender has not received notice during expiation period due to error of issuing authority, postal service or email		issuing authority
section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice		issuing authority
section 17(3)	Pay half of expiation fee for offence reported by the police or another officer of the Crown into the Consolidated Account		issuing authority
section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information		issuing authority

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

Fines Enforcement and Debt Recovery Act 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 9(2)	Pay prescribed fee to Chief Recovery officer for a determination under section 9		issuing authority
section 20(4)	Receive notice of an arrangement between the Chief Recovery Officer and an alleged offender		issuing authority
section 20(18)	Receive notice from the Chief Recovery Officer of the termination or an arrangement with an alleged offender		issuing authority
section 20(19)(c)	Receive notice from the Chief Recovery Officer of the reinstatement of an arrangement with an alleged offender		issuing authority
section 22(1)	Provide to the Chief Recovery Officer prescribed particulars to enable enforcement of an expiation notice against an alleged offender		issuing authority
section 22(2)	Pay prescribed fee to Chief Recovery Officer for enforcement of an expiation notice		issuing authority
section 22(16)	Receive notice from the Chief Recovery Officer of an enforcement determination		issuing authority
section 23(3)	Participate in proceedings reviewing an enforcement determination of the Chief Recovery Officer		issuing authority

Instrument of Delegation under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 4A(3)	Participate in consultation with the South Australian Fires and Emergency Services Commission (SAFES Commission) regarding designation of an area of urban bushfire risk within council area		council
section 71C	Enter an arrangement with the State Bushfire Coordination Committee for the use of council staff, equipment or facilities		council
section 72D	Enter an arrangement with a bushfire management committee for the use of council staff, equipment or facilities		council
section 73A(7)(b)(iv)	Participate in consultation with a bushfire management committee regarding creation or amendment of a bushfire management area plan which includes the council area		council
section 81(13a)	Appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency Services Act 2005		rural council councils with a designated urban bushfire risk area
section 81(13b)	Apply to the Chief Officer of the South Australian Country Fire Service (SACFS Chief Officer) for an exemption from the requirement to appoint a person to be an authorised officer to issue permits under section 81 of the Fire and Emergency Services Act 2005		rural council councils with a designated urban bushfire risk area

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 87(1)	Require a person to remove flammable debris on or in the vicinity of, a road as a result of work carried on by that person		rural council councils with a designated urban bushfire risk area
section 87(2)(a)	Burn or remove flammable debris left on road in contravention of a requirement under section 87(1)		rural council councils with a designated urban bushfire risk area
section 87(2)(b)	Recover costs of burning or removing flammable debris left on road in contravention of a requirement under section 87(1)		rural council councils with a designated urban bushfire risk area
section 94(3)	Participate in consultation with the SACFS Chief Officer with respect to a proposed withdrawal of council functions and powers		rural council councils with a designated urban bushfire risk area
section 94(4)(a)	Make a written submission to the Minister in relation to a recommendation of the SACFS Chief Officer to withdraw council function and powers		rural council councils with a designated urban bushfire risk area

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 94(4)(b)	Request and undertake a delegation to the Minister to discuss a recommendation of the SACFS Chief Officer to withdraw council function and powers		rural council councils with a designated urban bushfire risk area
section 94(6)	Receive written reasons for a decision of the Minister to withdraw the powers and functions of the council		rural council councils with a designated urban bushfire risk area
section 103(1)	Request the SACFS Chief Officer to appoint a person as a fire control officer		council
section 103(2)	Participate in consultation with the SACFS Chief Officer regarding proposed appointment of a fire control officer for a designated area of the State which includes the council area		council
section 105	Pay any fine recovered for a summary offence under Part 4A committed in the council area where the complaint has been laid by the council into the general revenue of the council		council
section 105A	Appoint an authorised person for the purposed of Part 4A of the Fire and Emergency Services Act		council
section 105B(1)	Appoint a fire prevention officer by a rural council or a council with a designated urban bushfire risk area		council

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 105B(4)	Apply to SACFS Chief Officer for an exemption from requirement to appoint a fire prevention officer		council
section 105D(1)(c)	Approve the delegation by a fire prevention officer of a power or function under the Act to another person or body		council
section 105D(4)	Receive report from a fire prevention officer regarding delegation of a power or function under the Act to another person or body		council
section 105E	Provide report regarding the exercise or discharge of the functions, power or responsibilities of a fire prevention officer for the council area to the SAFES Commission, the State Bushfire Coordination Committee or a bushfire management committee for the council area		council
section 105F(5)	Issue notice to owner of land who has failed to take reasonable steps to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land to remedy the default or protect the land or property		authorised person
section 105F(9)(c)	Publish notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property on website or a newspaper and leaving a copy of notice on land		authorised person
section 105F(10)	Vary or revoke a notice to owner of land who has failed to comply with section 105F(1) to remedy the default or protect the land or property		authorised person

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 105G(1)	Take reasonable steps in regard to land under the care, control or management of the council which is situated in the country or in a designated urban bushfire risk area to prevent or inhibit the outbreak or spread of fire, protect property on the land from fire and minimise the threat to human life from fire on the land		council
section 105G(5)	Participate in consultation with the Minister regarding a referral from the SACFS Chief Officer alleging a failure of the council to comply with section 105G(1)		council
section 105G(6)	Receive notice of requirements from the Minister		council
section 105G(7)	Comply with requirements of a notice issued to the council by the Minister under section 105G(6)		council
section 105J(1)(a)	Give notice of intended entry of land to the owner of land		authorised person
section 105J(1)(b)	Use reasonable force to break into or open any part of, or anything on, the land with the authority of a warrant issued by a magistrate or if immediate action is required		authorised person
section 105J(3)	Apply to a magistrate for a warrant to use reasonable force to break into or open any part of, or anything on, the land		authorised person

Fire and Emergency Services Act 2005			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 105J(4)(a)	Give directions with respect to stopping, securing or movement of a vehicle, plant, equipment or other thing		authorised person
section 105J(4)(b)	Take photographs, films, audio, video or other recordings		authorised person
section 105J(4)(a)	Give directions reasonably required in connection with the exercise of a power under Part 4A		authorised person
section 105J(5)	Select assistants to accompany authorised person in exercise of power under Part 4A		authorised person
section 105J(6)	Carry out requirements of a notice under section 105F(5) if the owner of land fails to comply		authorised person
section 105J(7)	Authorise a person to carry out requirements of a notice under section 105F(6) on behalf of an authorised person if the owner of land fails to comply		council
section 105J(8)	Recover the reasonable costs and expenses incurred in taking action under section 105J(6)		authorised person
section 129	Erect a siren for the purpose of giving warning of the outbreak or threat of fire or an emergency		council

Instrument of Delegation under the Fire and Emergency Services Regulations 2021

Fire and Emergency Services Regulations 2021			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 30(4)	Participate in consultation with the South Australian Country Fire Service Chief Officer in regard to a notice prohibiting or restricting the lighting or maintaining of a fire		council
regulation 32(3)	Declare by notice in the Gazette that part of the council area is an area in which a person may operate a gas or electric element for cooking purposes in the open air contrary to the terms of a total fire ban		council
regulation 32(4)(d)	Determine conditions to apply to a notice published under regulation 32(3)		council
regulation 32(5)	Provide a copy of a notice published under regulation 32 to the South Australian Country Fire Service Chief Officer		council
regulation 48(2)	Issue a certificate of identity to a fire prevention officer or assistant fire prevention officer		council
regulation 48(4)	Accept the surrender of a certificate of identity on person ceasing to be a fire prevention officer or assistant fire prevention officer		council
regulation 49(1)(a)	Light a fire on a road or on the verge of a road		responsible authority

Fire and Emergency Services Regulations 2021			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 49(1)(b)	Direct or regulate the movement of persons, vehicles or animals along a road where a fire lit by the council under regulation 49(1)(a) is burning		responsible authority
regulation 64(b)	Make representations in relation to a fire or other emergency to the South Australian Fire and Emergency Services Commission or an emergency services organisation		council

Instrument of Delegation under the Food Act 2001

Food Act 2001			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 29	Elect to charge a person with a summary offence		council
section 42(2)	Approve the removal or interference with a thing to which a seizure order relates		enforcement agency
section 42(3)(a)(i)	Authorise the release of a thing seized under a seizure order		enforcement agency
section 42(3)(a)(ii)	Order that food or any other perishable thing be forfeited to the enforcement agency		enforcement agency

Food Act 2001			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 42(3)(a)(ii)	Receive food or any other perishable thing being forfeited to the enforcement agency by order of the enforcement agency		enforcement agency
section 42(3)(b)(i)	Receive food or any other perishable thing being forfeited to the enforcement agency by court order		enforcement agency
section 42(3)(d)	Deal with food or any other perishable thing in accordance with a determination of the Minister		enforcement agency
section 42(3)(e)	Dispose of a thing forfeited to the enforcement agency under pursuant to section 42		enforcement agency
section 52(2)	Pay compensation if there were no grounds for the council's Chief Executive Officer to make a prohibition order under section 46		enforcement agency
section 52(3)	Send written notification of determination as to the payment of compensation to each applicant for compensation		enforcement agency
section 79(1)(a)	Determine the priority classification of individual food businesses in its council area for the application of any requirements of the regulations relating to food safety programs		enforcement agency
section 79(1)(b)	Determine the frequency of auditing of any food safety programs required by the regulations in relation to food businesses in the council area		enforcement agency

Food Act 2001			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 79(3)	Provide written notification to the proprietor of a food business in the council area of the priority classification of its business, the food safety audit frequency and the date by which a food safety program required by the regulations must be implemented		enforcement agency
section 79(4)	Change the priority classification of a food business in the council area		enforcement agency
section 79(5)	Provide written notification to the proprietor of a change to the priority classification of the proprietor's food business		enforcement agency
section 81(1)	Receive a report from a food safety auditor of the results of any audit or assessment carried out by the food auditor for the purposes of the Act		enforcement agency
section 81(6)	Receive a report from a food safety auditor recommending that the priority classification of a food business be changed		enforcement agency
section 81(7)	Provide a copy of any report received from a food safety auditor of the results of any audit or assessment carried out by the food auditor to the proprietor of the food business audited or assessed		enforcement agency
section 86(1)	Receive written notice of information specified in the Food Safety Standards from a food business proposed to be conducted in the council area		enforcement agency

Food Act 2001			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 86(2)	Receive written notice of information specified in the Food Safety Standards from a food business conducted in the council area		enforcement agency
section 86(3)	Receive written notice of transferred ownership or a change in name or address of a food business conducted in the council area		enforcement agency
section 88(5)	Consent in writing to the delegation of a power of the relevant authority to the enforcement agency		enforcement agency
section 89	Undertake the functions in relation to the administration of the Act conferred or imposed upon the enforcement agency by the Act or by delegation		enforcement agency
section 90	Participate in consultation with the relevant authority in regard to proposed conditions or limitation on the exercise of functions of the enforcement agency under the Act		enforcement agency
section 94(1)	Appoint persons with appropriate qualification or experience to be authorised officers		enforcement agency
section 94(2)	Prepare and maintain a list of authorised officers		enforcement agency
section 95(1)	Provide each authorised officer with a certificate of authority		enforcement agency

Food Act 2001			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 95(2)	Limit the authority of an authorised officer		enforcement agency
section 104(1)	Send samples retained under the Act to an independent analyst in accordance with a court order		enforcement agency

Instrument of Delegation under the Food Regulations 2017

Food Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 13(a)	Impose a fee for the carrying out of an inspection of food premises or food transport vehicles		enforcement agency
regulation 13(b)	Recover a fee imposed under regulation 13(a) from the occupier of the premises or owner or operator of the vehicle		enforcement agency

Instrument of Delegation under the Freedom of Information (Fees and Charges) Regulations 2018

Freedom of Information (Fees and Charges) Regulations 2018			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 5	Waive or remit fee or charge		agency

Instrument of Delegation under the Freedom of Information Act 1991

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 9(1a)	Publish an up-to-date information statement containing the information listed in section 9(2) in the manner prescribed by the regulations		agency
section 10(1)	Cause copies of the most recent information statement and each policy document to be available for inspection and purchase by members of the public		agency
section 15	Take reasonably practicable steps to assist the applicant to provide information to enable the document to which the application related be identified		agency
section 16(1)	Transfer an application for access to a document to another agency		agency
section 16(3)	Notify the applicant of the transfer of the application for access to a document to another agency		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 17(1)	Request the applicant to pay a reasonable amount by way of advance deposit if the cost of dealing with an application is likely to exceed the application fee		agency
section 17(2)	Request the applicant to pay a reasonable amount by way of further advance deposit if the cost of dealing with an application is likely to exceed the application fee and advance deposit already paid		agency
section 18(1)	Refuse to deal with an application if the work involved in dealing with the application would substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.		agency
section 18(2)	Assist an applicant to amend the application so that the work involved in dealing with the application would not substantially and unreasonably divert the council's resources from their use by the council in exercise of its functions.		agency
section 18(2a)	Refuse to deal with an application if the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information		agency
section 18(3)	Refuse to deal with an application if the council has requested payment of an advance deposit and payment of the deposit has not been made within the period specified in the request		agency
section 18(4)	Refund any amount of advance deposit which exceeds the council's costs of dealing with the application, if the council refuses to deal with the application		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18(5)	Provide notice to the applicant that the council is refusing to deal with the application		agency
section 19(1)	Determine: (a) whether access to a document is to be given, deferred or refused; (b) any charge payable in respect of giving access; and (c) any charge payable for dealing with the application		agency
section 20(1)	Refuse access to a document		agency
section 21(1)	Defer access to a document		agency
section 22(1)	Determine the form of access to a document		agency
section 22(2)	Determine to provide access to a document in a form other than that requested by the applicant		agency
section 22(4)	Agreeing with an applicant the form of access to a document		agency
section 22(5)	Refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 23(1)	Notify an applicant to the agency's determination or, if relevant, that the agency does not hold the document		agency
section 25(2)	Obtain the views of the government of the Commonwealth or of another State or a council (including a council constituted under the law of another State) as to whether a document is an exempt document		agency
section 25(2)	Provide view as to whether a document is an exempt document		council
section 25(3)	Notify the relevant government or council (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review		agency
section 25(3)(d)	Apply for a review of a decision to provide access to a document under section 25(3)		council
section 26(2)	Notify a person that access to a document containing information concerning his or her personal affairs is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 26(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review		agency
section 26(4)(c)	Form the opinion that disclosure of information may have an adverse effect on the physical or mental health, or emotional state, of the applicant		agency
section 27(2)	Notify a person that access to a document concerning trade secrets, of a commercial value or concerning the business, professional, commercial or financial affairs of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document		agency
section 27(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 28(2)	Notify a person that access to a document containing information concerning research that is being, or is intended to be, carried out by or on behalf of the person is being sought under the Freedom of Information Act and seek that person's views on whether the document is an exempt document		agency
section 28(3)	Notify the relevant person: (a) that the agency has determined to provide access to the document; (b) of the rights of review conferred by the Freedom of Information Act in relation to that determination; and (c) the procedures to be followed to exercise those rights of review		agency
section 29(3)	Confirm, vary or reverse a determination under Part 3 following an application for an internal review		agency
section 29(4)	Refund any application fee paid in respect of the internal review if the agency varies or reverses a determination so that access to a document is given		agency
section 33	Take reasonably practicable steps to assist an applicant to provide information to enable the identification of an agency's document to which access has been given		agency
section 34(a)	Amend records in accordance with an application under section 30		agency
section 34(a)	Refuse to amend records in accordance with an application under section 30		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 35	Refuse an application to amend records		agency
section 36(1)	Notify applicant of determination regarding an application to amend records or that the agency does not hold the record		agency
section 37(2)	Add to the agency's record a notation specifying that the applicant claims that the record is incomplete, incorrect, out-of-date or misleading and including any information which the applicant claims is required to bring the record up-to-date		agency
section 37(2)	Notify the applicant of the nature of the notation		agency
section 37(3)(a)	Provide a statement to a person to whom the agency discloses information stating that the person to whom the information relates claims that the information is incomplete, incorrect, out-of-date or misleading and setting out the particulars of the notation added to its records in compliance with section 37(2)		agency
section 37(3)(b)	Provide a statement as to the reasons for the agency's refusal to amend the records in accordance with the notation		agency
section 38(3)	Confirm, vary or reverse a determination under Division 1, Part 4 following an internal review		agency
section 39(5)(c)(i)	Participate in a settlement between the participants to a review		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 39(5)(c)(ii)	Request a suspension of the proceedings under section 39 to allow an opportunity for a settlement to be negotiated		agency
section 39(7)	Cooperate in a process proposed by a relevant review authority for the purposes of the conduct of an external review		agency
section 39(9)(a)	Advise a relevant review authority for the purposes of the conduct of an external review that a determination of the agency was made on grounds of the public interest		agency
section 40(1)	Apply to South Australian Civil and Administrative Tribunal for a review of a determination by the relevant review authority on an external review on a question of law		agency
section 40(7)	Advise South Australian Civil and Administrative Tribunal that a determination of the agency was made on grounds of the public interest		agency
section 41(1)	Apply to South Australian Civil and Administrative Tribunal to receive evidence and hear argument in the absence of the public, the other party to the review and the party's representative in respect of a restricted document		agency
section 53(2a)	Waive, reduce or remit a fee or charge		agency
section 53(3)	Review a fee or charge on application of the person required to pay the fee or charge and if appropriate reduce the fee or charge		agency

Freedom of Information Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 53(5)	Recover a fee or charge as a debt		agency
section 54AA(a)	Furnish information to the Minister as required by notice in the Gazette		agency
section 54AA(b)	Comply with requirement of the Minister regarding furnishing and keeping records		agency
clause 3(b), Schedule 1	Provide notice that information would be protected from disclosure under a corresponding law of the Commonwealth or another State		council
clause 13(2)(b)(iii), Schedule 1	Approve a term of a contract which contains matter the disclosure of which would constitute a breach of contract or found an action for breach of confidence		agency
clause 13(6), Schedule 1	Notify the Minister of the approval of a term of a contract in accordance with clause 13(2)(b)(iii)		agency

Instrument of Delegation under the Gas Act 1997

Gas Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 47(3)(b)	Agree to a gas entity carrying out work on public land owned by the council		council
section 47(7)	Refer a dispute between the council and a gas entity regarding whether work should be permitted on public land of the conditions on which work should be permitted to the Minister		council
section 47(9)(a)	Make representations to the Minister on questions at issue in the dispute		council
section 47(9)(b)	Settle a dispute with a gas entity by agreement		council

Instrument of Delegation under the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 13(1)(b)	Consent to the Regulator making an HML declaration		road manager
regulation 14(3)	Require a condition on an HML declaration that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies		road manager
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition		road manager
regulation 14(4)(a)	Provide to the regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition		road manager
regulation 15(4)(b)	Consent to the amendment of a map or list		road manager
regulation 18(2)	Request the Regulator to amend or cancel an HML declaration		road manager
regulation 22(1)(b)	Consent to the Regulator granting an HML permit for an HML heavy vehicle		road manager
regulation 29(4)(c)	Consent to an amendment to an HML permit sought by the holder of the permit		road manager
regulation 31(2)	Request the Regulator to amend or cancel an HML permit		road manager

Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 41(1)	Consent to the declaration by the regulator of areas, roads and routes and major roads under regulation 40		road manager

Instrument of Delegation under the Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 118(1)(b)	Consent to a mass or dimension exemption (notice) for a category of heavy vehicle		road manager
section 124(1)(b)	Consent to a mass or dimension exemption (permit) for a heavy vehicle		road manager
section 139(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (notice)		road manager
section 145(1)(b)	Consent to the grant of a class 2 heavy vehicle authorisation (permit)		road manager
section 156(2)	Request an extension to the time periods in section 156(1)		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 156A(4)	Provide a written statement to the Regulator explaining the road manager's decision not to consent to the grant of a mass or dimension authority		road manager
section 159(2)	Notify the regulator that a route assessment is required for the road manager determining whether to give consent and the fee payable under law (if any) for the route assessment		road manager
section 159(4)(a)	Cease considering whether or not to provide consent pending the payment of a fee		road manager
section 160(1)	Require a condition on the mass or dimension authority that: (a) except in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition is imposed on the authority; or (b) in the case of a class 2 heavy vehicle authorisation (notice)—the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority		road manager
section 160(2)(a)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition		road manager
section 161(1)	Require a condition on the mass or dimension authority that a stated travel condition is imposed on the authority		road manager
section 161(2)	Provide a written statement to the Regulator explaining the road manager's decision to give consent to the grant of a mass or dimension authority subject to the condition		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 162(1)	Request the Regulator to impose a stated vehicle conditions on a mass or dimension authority		road manager
section 167(2)(b)	Provide notice of objection to the Regulator in relation to a proposed replacement authority		road manager
section 167(2)(b)	Seek an extension of time in which to lodge a notice of objection to a proposed replacement authority		road manager
section 167(2)(b)	Provide notice to Regulator that the road manager gives or refuses consent to a proposed replacement authority		road manager
section 169(1)	Consent to the grant of a mass or dimension authority for a trial period		road manager
section 170(3)	Lodge an objection with the Regulator in respect of the renewal of a mass or dimension authority for a further trial period		road manager
section 174(2)	Request the Regulator to amend the mass or dimension authority or cancel the authority		road manager
section 176(4)(c)	Consent to an amendment of a mass or dimension authority requested by the holder of the permit		road manager
section 178(2)	Request the Regulator to amend or cancel a mass or dimension authority		road manager

Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013)			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 611(2)	Apply for a compensation order		road manager
section 612(2)(c)	Issue a certificate for the purposes of the assessment of a compensation order		road manager
section 613(1)	Provide a copy of a certificate to be submitted under section 612(2)(c) in a proceeding for a compensation order to the defendant at least 28 days prior to the date fixed for the hearing or the proceeding		public authority
section 643(2)	Undertake an internal review of a reviewable decision		road manager
section 645(5)	Provide notice of internal review decision and reasons for decision to the Regulator		road manager
section 646(6)(a)(ii)	Agree with the Regulator a longer period for undertaking an internal review		road manager

Instrument of Delegation under the Independent Commission Against Corruption Act 2012

Independent Commission Against Corruption Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18E(3)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration		public authority
section 18B(4)(a)	Report to the Office for Public Integrity in accordance with the directions issued under section 18B of the Independent Commissioner Against Corruption Act		public authority
section 18B(4)(b)	Report to the Office for Public Integrity any matter the council reasonably suspects involves corruption in public administration		public authority
section 18E(3)(a)	Produce a specified document or document relating to specified matter		public authority
section 18F(1)(b)	Act on a referral from the Office for Public Integrity		public authority
section 28	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the person heading the investigation requires, verify the statement by statutory declaration		public authority
section 34(1)	Undertake a joint investigation with the Independent Commission Against Corruption		public authority

Independent Commission Against Corruption Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 34(3)	Provide comments to the Independent Commission Against Corruption with respect to the terms of a notice issued under section 34(1) of the Independent Commission Against Corruption Act		public authority
section 36(1)(b)	Act on a referral from the Independent Commission Against Corruption		public authority
section 36(4)	Comply with direction or guidance given by the Independent Commission Against Corruption		public authority
section 36(7)	Comply with varied or further direction or guidance issued by the Independent Commission Against Corruption		public authority
section 36(8)	Provide comments to the Independent Commission Against Corruption		public authority
section 39A	Ensure each person who was the subject of an investigation in relation to a matter referred to the Council by the Independent Commission Against Corruption is informed of a determination of the council not to further investigate or deal with the matter		public authority
section 40(2)	Assist the Independent Commission Against Corruption in an evaluation of the practices, policies and procedures of the council		public authority
section 41(1)	Comply with recommendations of the Independent Commission Against Corruption		public authority
section 41(4)	Provide comments to the Independent Commission Against Corruption		public authority

Independent Commission Against Corruption Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 44(1)	Assist public officers of the council to comply with requirements and directions issued under the Independent Commission Against Corruption Act		public authority
section 56A(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty and any disciplinary investigation or action		public authority/ prosecution authority
Clause 9(6), Schedule 4	Act on a referral of the inspector		public authority

Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s5(5)(b)	1. Planning Regions and Greater Adelaide 1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.	
s6(3)(b)	2. Subregions 2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.	
s7(5)(b)	3. Environment and Food Production Areas – Greater Adelaide 3.1 The power pursuant to Section 7(5)(b) of the the PDI Act, in relation to proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.	
s22(4)(a)(i)	4. Functions 4.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s35(1)(a)	5. Planning Agreements 5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.	
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.2 the constitution of a joint planning board including, in relation to such a board: 5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and 5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and 5.2.2.3 the procedures to be followed with respect to the appointment of members; and 5.2.2.4 the terms of office of members; and 5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and 5.2.2.6 the appointment of deputy members; and 5.2.2.7 the procedures of the board; and	
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and	
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.5 financial and resource issues associated with the operations of the joint planning board, including: 5.2.5.1 the formulation and implementation of budgets; and 5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.6 such other matters as the delegate thinks fit.	
s35(5)(a)	5. Planning Agreements 5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s35(5)(b)	5. Planning Agreements 5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	
s41(2)(a)	6. Appointment of Administrator 6.1 The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.	
s44(6)(a)	7. Community Engagement Charter 7.1 The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	
s44(9)(b)	7. Community Engagement Charter 7.2 The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s44(10)	7. Community Engagement Charter 7.3 The power pursuant to Section 44(10) of the PDI Act to: 7.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and 7.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	
s45(2)(c)	8. Preparation and Amendment of Charter 8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.	
s73(2)(b)(iv)	9. Preparation and Amendment 9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to: 9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and 9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s73(6)	9. Preparation and Amendment 9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied: 9.2.1 to prepare a draft of the relevant proposal; and 9.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and 9.2.3 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – consult with the joint planning board; and 9.2.4 to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give: 9.2.4.1 an owner or occupier of the land; and 9.2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and 9.2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and 9.2.6 to carry out such investigations and obtain such information specified by the Commission; and 9.2.7 to comply with any requirement prescribed by the regulations.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s73(7)	9. Preparation and Amendment 9.3 The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.	
s73(8)	9. Preparation and Amendment 9.4 The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.	
s73(9)	9. Preparation and Amendment 9.5 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).	
s74(8)(c)	10. Parliamentary Scrutiny 10.1 The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s75(1)	11. Complying Changes – Planning and Design Code 11.1 The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if: 11.1.1 the amendment comprises a change to: 11.1.1.1 the boundary of a zone or subzone; or 11.1.1.2 the application of an overlay; and 11.1.2 the amendment is consistent with a recommendation in the relevant regional plan that, through the use of: 11.1.2.1 specific maps or other spatial information; and 11.1.2.2 specific information about the changes that are being proposed, clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.	
s82(d)	12. Entities Constituting Relevant Authorities 12.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s83(1)	13. Panels Established by Joint Planning Boards or Councils 13.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to: 13.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess; 13.1.2 determine: 13.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and 13.1.2.2 the procedures to be followed with respect to the appointment of members; and 13.1.2.3 the terms of office of members; and 13.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and 13.1.2.5 the appointment of deputy members; and 13.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s83(1)(h)	13. Panels Established by Joint Planning Boards or Councils 13.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.	
s83(1)(i)	13. Panels Established by Joint Planning Boards or Councils 13.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.	
s83(2)	13. Panels Established by Joint Planning Boards or Councils 13.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	This power remains with Council - delegation does not apply.
s84(1)(c)(ii)(A)	14. Panels Established by Minister 14.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other Councils.	
s84(1)(c)(ii)(B)	14. Panels Established by Minister 14.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other Councils (or parts of such areas).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s86(2)(a)	15. Substitution of Local Panels 15.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	
s89(b)	16. Notification of Acting 16.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	
s94(1)(g)	17. Relevant Authority - Commission 17.1 The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.	
s102(1)(c)(iv)	18. Matters Against which Development Must be Assessed 18.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.	
s102(1)(d)(iv)	18. Matters Against which Development Must be Assessed 18.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s102(11)(b)	18. Matters Against which Development Must be Assessed 18.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.	
s110(2)(b)	19. Restricted Development 19.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	
s110(c)(ii)	19. Restricted Development 19.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	
s110(7)	19. Restricted Development 19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	
s112(b)	20. Level of Detail 20.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s113(5)(a)(iii)	21. EIS Process 21.1 The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.	
s114(2)(b)	22. Amendment of EIS 22.1 The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.	
s130(6)	23. Essential Infrastructure – Alternative Assessment Process 23.1 The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	
s130(14)	23. Essential Infrastructure – Alternative Assessment Process 23.2 The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	
s131(7)	24. Development Assessment – Crown Development 24.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s131(15)	24. Development Assessment – Crown Development 24.2 The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	
s138(1)	25. Land Division Certificate 25.1 The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	
s138(2)	25. Land Division Certificate 25.2 The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s141(1)	26. Action if Development Not Completed 26.1 The power pursuant to Section 141(1) of the PDI Act, if: 26.1.1 an approval is granted under the PDI Act; but 26.1.2 - 26.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or 26.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval, to apply to the Court for an order under Section 141 of the PDI Act.	
s141(5)	26. Action if Development Not Completed 26.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.	
s141(6)	26. Action if Development Not Completed 26.1.4 The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act: 26.1.4.1 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.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s142(1)	27. Completion of Work 27.1 The power pursuant to Section 142(1) of the PDI Act, if: 27.1.1 an approval is granted under the PDI Act; but 27.1.2 the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.	
s142(2)	27. Completion of Work 27.2 The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	
s142(3)	27. Completion of Work 27.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s142(4)	27. Completion of Work 27.4 The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act: 27.4.1 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.	
s146(3)	28. Notification During Building 28.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	
s151(2)	29. Classification of Buildings 29.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	
s151(3)	29. Classification of Buildings 29.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s152(2)	30. Certificates of Occupancy 30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	
s152(3)(a)	30. Certificates of Occupancy 30.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.	
s152(5)	30. Certificates of Occupancy 30.3 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.	
s152(6)	30. Certificates of Occupancy 30.4 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s152(10)	30. Certificates of Occupancy 30.5 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: 30.5.1 the refusal; and 30.5.2 the reasons for the refusal; and 30.5.3 the applicant's right of appeal under the PDI Act.	
s152(12)	30. Certificates of Occupancy 30.6 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	
s152(13)	30. Certificates of Occupancy 30.7 The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	
s153(1)	31. Temporary Occupation 31.1 The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s153(2)	31. Temporary Occupation 31.2 The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	
s153(3)	31. Temporary Occupation 31.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of: 31.3.1 the refusal; and 31.3.2 the reasons for the refusal; and 31.3.3 the applicant's right of appeal under the PDI Act.	
s155(5)	32. Emergency Orders 32.1 The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	
s155(6)	32. Emergency Orders 32.2 The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s155(7)	32. Emergency Orders 32.3 The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
s157(16)	33. Fire Safety 33.1 The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.	This power remains with Council - delegation does not apply.
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.1 appoint to the appropriate authority: 33.2.1.1 a person who holds prescribed qualifications in building surveying; and 33.2.1.2 an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and 33.2.1.3 a person with expertise in the area of fire safety; and 33.2.1.4 if so determined by the delegate, a person selected by the delegate;	This power remains with Council - delegation does not apply.

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.2 specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;	This power remains with Council - delegation does not apply.
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.3 remove a member of the appropriate authority from office for any reasonable cause;	This power remains with Council - delegation does not apply.
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.4 appoint deputy members;	This power remains with Council - delegation does not apply.
s157(17)	33. Fire Safety 33.2 The power pursuant to Section 157(17) of the PDI Act to: 33.2.5 determine the appropriate authority's procedures (including as to quorum).	This power remains with Council - delegation does not apply.
s163(3)(b)	34. Initiation of Scheme 34.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.	

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Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s163(10)	34. Initiation of Scheme 34.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.	
s164(3)	35. Initiation of Scheme 35.1 The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.	
s164(12)	35. Initiation of Scheme 35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.	
s166(1)(c)	36. Consideration of Proposed Scheme 36.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	
s167(7)	37. Adoption of Scheme 37.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s169(2)(b)	38. Funding Arrangements 38.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	
s169(9)	38. Funding Arrangements 38.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	
s177(4)	39. Contributions by Constituent Councils 39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.	
s177(5)	39. Contributions by Constituent Councils 39.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.	
s180(7)	40. Imposition of Charge by Councils 40.1 The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s187(1)	41. Authorised Works 41.1 The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	
s187(5)	41. Authorised Works 41.2 The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to: 41.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and 41.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and 41.2.3 ensure that proper consideration is given to the views of the road maintenance authority.	
s187(5)(b)	41. Authorised Works 41.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	
s187(6)	41. Authorised Works 41.4 The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s188(1)	42. Entry onto Land 42.1 The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to: 42.1.1 enter and pass over any land; and 42.1.2 bring onto any land any vehicles, plant or equipment; and 42.1.3 temporarily occupy land; and 42.1.4 do anything else reasonably required in connection with the exercise of the power.	
s188(4)	42. Entry onto Land 42.2 The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	
s189(1)	43. Acquisition of Land 43.1 The power pursuant to Section 189(1) of the PDI Act, to: 43.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and 43.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s192(1)	44. Land Management Agreements 44.1 The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.	
s192(2)	44. Land Management Agreements 44.2 The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.	
s192(4)	44. Land Management Agreements 44.3 The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to: 44.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and 44.3.2 the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	
s192(5)	44. Land Management Agreements 44.4 The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s192(8)	44. Land Management Agreements 44.5 The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	
s192(9)	44. Land Management Agreements 44.6 The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	
s192(10)	44. Land Management Agreements 44.7 The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	
s192(11)	44. Land Management Agreements 44.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	
s192(12)	44. Land Management Agreements 44.9 The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s192(15)	44. Land Management Agreements 44.10 The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the recission or amendment against the instrument of title, or against the land.	
s192(16)	44. Land Management Agreements 44.11 The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	
s192(17)	44. Land Management Agreements 44.12 The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.	
s192(17)	44. Land Management Agreements 44.13 The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	
s192(18)	44. Land Management Agreements 44.14 The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s193(1)	45. Land Management Agreements – Development Applications 45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind: 45.1.1 the person; and 45.1.2 any other person who has the benefit of the development authorisation; and 45.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).	
s193(2)	45. Land Management Agreements – Development Applications 45.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).	
s193(3)	45. Land Management Agreements – Development Applications 45.3 The power pursuant to Section 193(3) of the PDI Act to have regard to: 45.3.1 the provisions of the Planning and Design Code; and 45.3.2 the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s193(5)	45. Land Management Agreements – Development Applications 45.4 The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	
s193(10)	45. Land Management Agreements – Development Applications 45.5 The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	
s193(11)	45. Land Management Agreements – Development Applications 45.6 The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	
s193(13)	45. Land Management Agreements – Development Applications 45.7 The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	
s193(15)	45. Land Management Agreements – Development Applications 45.8 The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s193(16)	45. Land Management Agreements – Development Applications 45.9 The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	
s197(1)(b)	46. Off-setting Contributions 46.1 The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the Minister to act under Section 197 of the PDI Act.	
s197(2)	46. Off-setting Contributions 46.2 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate: 46.2.1 development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or 46.2.2 planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or 46.2.3 any other initiative or policy: 46.2.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act; 46.2.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s197(3)	46. Off-setting Contributions 46.3 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act: 46.3.1 an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act): 46.3.1.1 to make a contribution to a fund established as part of the scheme; or 46.3.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or 34.2.1.3 to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act, in order to provide for or address a particular matter identified by the scheme; and 46.3.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and 46.3.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.	
s197(4)	46. Off-setting Contributions 46.4 The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.	
s197(4)(c)	46. Off-setting Contributions 46.5 The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s197(7)	46. Off-setting Contributions 46.6.1 seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and 46.6.2 to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.	
s198(1)	47. Open Space Contribution Scheme 47.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require: 47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or 47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or 47.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.	
s198(3)	47. Open Space Contribution Scheme 47.2 The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s198(4)(a)	47. Open Space Contribution Scheme 47.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	
s198(11)	47. Open Space Contribution Scheme 47.4 The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	
s198(12)	47. Open Space Contribution Scheme 47.5 The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	
s200(1)	48. Urban Trees Fund 48.1 The power pursuant to Section 200(1) of the PDI Act to, 48.1.1 seek the approval of the Minister to establish a fund (an urban trees fund) for an area designated by the delegate; and 48.1.2 to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s200(2)	48. Urban Trees Fund 48.2 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	
s200(3)	48. Urban Trees Fund 48.3 The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	
s200(5)	48. Urban Trees Fund 48.4 The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	
s200(6)	48. Urban Trees Fund 48.5 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund: 48.5.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or 48.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s200(7)	48. Urban Trees Fund 48.6 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	
s210(1)	49. Appointment of Authorised Officers 49.1 The power pursuant to Section 210(1) of the PDI Act to: 49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and 49.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.	
s210(2)	49. Appointment of Authorised Officers 49.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	
s210(3)	49. Appointment of Authorised Officers 49.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card: 49.3.1 containing a photograph of the authorised officer; and 49.3.2 stating any conditions of appointment limiting the authorised officer's appointment.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s210(5)	49. Appointment of Authorised Officers 49.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	
s213(1)	50. Enforcement Notices 50.1 The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances: 50.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach; 50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate; 50.1.3 take such urgent action as is required because of any situation resulting from the breach	
s213(2)	50. Enforcement Notices 50.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.	
s213(5)	50. Enforcement Notices 50.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s213(6)	50. Enforcement Notices 50.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	
s213(7)	50. Enforcement Notices 50.5 The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
s214(1)	51. Applications to Court 51.1 The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	
s214(2)	51. Applications to Court 51.2 The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	
s214(4)	51. Applications to Court 51.3 The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s214(6)	51. Applications to Court 51.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	
s214(9)	51. Applications to Court 51.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	
s214(10)	51. Applications to Court 51.6 The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	
s214(11)	51. Applications to Court 51.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	
s214(12)	51. Applications to Court 51.8 The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s214(13)	51. Applications to Court 51.9 The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	
s214(17)	51. Applications to Court 51.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	
s219(1)	52. Proceedings for Offences 52.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	
s223(2)	53. Adverse Publicity Orders 53.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s223(4)	53. Adverse Publicity Orders 53.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to: 53.2.1 take the PDI Action or actions specified in the order; and 53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.	
s223(5)	53. Adverse Publicity Orders 53.3 The power pursuant to Section 223(5) of the PDI Act, if: 53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and 53.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.	
s223(6)	53. Adverse Publicity Orders 53.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s225(1)	54. Civil Penalties 54.1 The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	
s225(2)	54. Civil Penalties 54.2 The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	
s225(3)	54. Civil Penalties 54.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	
s225(13)	54. Civil Penalties 54.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s225(17)	54. Civil Penalties 54.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	
s228(7)	55. Make Good Order 55.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	
s229(5)	56. Recovery of Economic Benefit 56.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	
s230(1)	57. Enforceable Voluntary Undertakings 57.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	
s230(4)	57. Enforceable Voluntary Undertakings 57.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s230(7)	57. Enforceable Voluntary Undertakings 57.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 57.3.1 vary the undertaking; or 57.3.2 withdraw the undertaking.	
s230(11)	57. Enforceable Voluntary Undertakings 57.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	
s230(12)	57. Enforceable Voluntary Undertakings 57.5 The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	
s230(14)	57. Enforceable Voluntary Undertakings 57.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s231(1)	58. Advertisements 58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding: 58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or 58.1.2 is contrary to the character desired for a locality under the Planning and Design Code, to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).	
s231(3)	58. Advertisements 58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.	
s235(1)	59. Professional Advice to be Obtained in Relation to Certain Matters 59.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s235(2)	59. Professional Advice to be Obtained in Relation to Certain Matters 59.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	
s239(1)	60. Charges on Land 60.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.	
s239(6)	60. Charges on Land 60.2 The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.	
s240(1)	61. Registering Authorities to Note Transfer 61.1 The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl13(3)(b) sch2	62. Reporting 62.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.	
cl3(3)	63. Review of Performance 63.1 The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.	
cl3(14)	63. Review of Performance 63.2 The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.	
cl3(15)	63. Review of Performance 63.3 The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.	
cl3(16) sch4	63. Review of Performance 63.4 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council; a Designated Authority; a Designated Entity (Instrument A)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl9(6)(a)	64. Planning and Design Code 64.1 The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.	
cl30(3)	65. General Schemes 65.1 The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r11B(1)	67. Mutual Liability Scheme – Rights of Indemnity 67.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to: 67.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and 67.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act, have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.	
r11B(5)	67. Mutual Liability Scheme – Rights of Indemnity 67.2 The power pursuant to Regulation 11B(5) of the General Regulations to: 67.2.1 in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and 67.2.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act, have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r47(4)(d)	68. Performance Assessed Development and Restricted Development 68.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.	This power remains with Council - delegation does not apply.
r78(1)	69. Underground Main Areas 69.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.	
r78(2)	69. Underground Main Areas 69.2 The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	
r81(4)	70. Width of Roads and Thoroughfares 70.1 The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	
r81(5)	70. Width of Roads and Thoroughfares 70.2 The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r81(6)	70. Width of Roads and Thoroughfares 70.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	
r82(1)	71. Road Widening 71.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.	
r83(1)	72. Requirement as to Forming of Roads 72.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	
r83(2)	72. Requirement as to Forming of Roads 72.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	
r83(4)	72. Requirement as to Forming of Roads 72.3 The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r83(5)	72. Requirement as to Forming of Roads 72.4 The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	
r83(6)	72. Requirement as to Forming of Roads 72.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	
r84(1)	73. Construction of Roads, Bridges, Drains and Services 73.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	
r85(1)	74. Supplementary Provisions 74.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r85(2)	74. Supplementary Provisions 74.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	
r85(4)	74. Supplementary Provisions 74.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.	
r89(1)	75. General Provisions 75.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r89(3)	75. General Provisions 75.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which: 75.2.1 evidences the consent of the Council to an encroachment by a building over other land; and 75.2.2 sets out: 75.2.2.1 the date on which any relevant building was erected (if known); and 75.2.2.2 the postal address of the site.	
r89(6)(b)	75. General Provisions 75.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	
r89(8)	75. General Provisions 75.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).	
r93(1)(b)	76. Notifications During Building Work 76.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r93(1)(c)	76. Notifications During Building Work 76.2 The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	
r94(13)	77. Essential Safety Provisions 77.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if: 77.1.1 the essential safety provisions were installed 77.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or 77.1.1.2 as part of a performance solution under the Building Code; or 77.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.	
r102(3)	78. Classification of Buildings 78.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by: 78.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r102(4)	78. Classification of Buildings 78.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	
r102(5)	78. Classification of Buildings 78.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	
r102(6)	78. Classification of Buildings 78.4 The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act: 78.4.1 the maximum number of persons who may occupy the building (or part of the building); and 78.4.2 if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Regulation 103A(1)	79. Required Documentation 79.1 The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation: 79.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied; 79.1.2 if the 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, such further evidence as the delegate may reasonably require to show – 79.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or 79.1.2.2 in any other case – that the building is suitable for occupation.	
Regulation 103A(2)	79. Required Documentation 79.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July 2022 of a certificate of occupancy relating to a Class 1a building under the Building Code, to require the following documentation: 79.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Regulation 103A(3)	79. Required Documentation 79.3 The power pursuant to Regulation 103A(3) of the General Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 1 January 2024, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if – 79.3.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and 79.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.	
Regulation 103C(1)(c)	80. Statement of site suitability 80.1 The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Regulation 103D(1)	81. Report from fire authority 81.1 The power pursuant to Regulation 103D(1) of the General Regulations, if – 81.1.1 a building is – 81.1.1.1 to be equipped with a booster assembly for use by a fire authority; or 81.1.1.2 to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and 81.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.	
Regulation 103D(2)	81. Report from fire authority 81.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.	
Regulation 103D(3)	81. Report from fire authority 81.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Regulation 103E(1)(b)	82. Issue of certificate of occupancy 82.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer.	
Regulation 103E(3)(c)	82. Issue of certificate of occupancy 82.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
Regulation 103F	83. Revocation 83.1 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy – 83.1.1 if – 83.1.1.1 there is a change in the use of the building; or 83.1.1.2 the classification of the building changes; or 83.1.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m2 is about to commence, or is being or has been carried out; or 83.1.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment, 83.1.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or 83.1.3 if the schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10); or 83.1.4 if the delegate considers – 83.1.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or 83.1.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.	
r109(1)(b)	84. Mining Production Tenements 84.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r111(2)	85. Register of Land Management Agreements (Section 193) 85.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	
r111(3)	85. Register of Land Management Agreements (Section 193) 85.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	
r112(1)	86. Authorised Officers and Inspections 86.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act: 86.1.1 who is an accredited professional who is: 86.1.1.1 an Accredited professional - building level 1; or 86.1.1.2 an Accredited professional - building level 2; or 86.1.1.3 an Accredited professional - building level 3; or 86.1.1.4 an Accredited professional - building level 4; or 86.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or 86.1.3 who holds an approval from the Chief Executive.	

Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r8(1)(c)	66. Adoption of DPAs 66.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r5(1)	87. Calculation of Assessment of Fees 87.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal): 87.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and 87.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r5(2)	87. Calculation of Assessment of Fees 87.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	
r5(3)	87. Calculation or Assessment of Fees 87.3 The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	
r7	88. Waiver or Refund of Fee 88.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 88.1.1 waive the payment of the fee, or the payment of part of the fee; or 88.1.2 refund the whole or a part of the fee.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl5(1)	89. Requirements in Relation to Preparing an Engagement Plan 89.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare an engagement plan that: 89.1.1 meets the principles and performance outcomes of the Charter; 89.1.2 describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies: 89.1.2.1 require to be consulted with under a condition imposed by the Minister under Section 73(5) of the PDI Act 89.1.2.2 specified by the Commission under Section 73(6)(e) of the PDI Act; 89.1.2.3 who must be consulted with under the Charter; 89.1.3 outlines any relevant previous engagement undertaken to inform the proposal; 89.1.4 describes the evaluation framework for the engagement.	
cl5(2)	89. Requirements in Relation to Preparing an Engagement Plan 89.2 The power pursuant to clause 5(2) of PD2 to submit all engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan to the Commission for approval prior to commencement of formal engagement on the proposal.	
cl6(1)	90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl6(2)	90. Preparation of an Engagement Report (Following Consultation) 90.1 The power pursuant to clause 6(2) of PD2 to set out in an engagement report: 90.1.1 details of the engagement undertaken and how that engagement met the engagement plan, and reasons for variations, if any to the engagement plan; 90.1.2 the outcome of the engagement including a summary of the written submission or feedback made; 90.1.3 any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes which specifically indicates: 90.1.3.1 where changes are proposed to the Designated Instrument based on or as a result of the engagement; and 90.1.3.2 any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.	
cl7(1)	91. Initiating a Code Amendment 91.1 The power pursuant to clauses 7(1) and (2) of PD2 to lodge a Proposal to initiate with the Department via the SA Planning Portal that sets out: 91.1.1 Code Policy – an outline of: 91.1.1.1 any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or 91.1.1.2 the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area; 91.1.2 Affected Area 91.1.2.1 a map or description of the Affected Area;	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	91.1.3 State Planning Policies 91.1.3.1 identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies; 91.1.4 Regional Plan 91.1.4.1 Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan; 91.1.5 Consultation - 91.1.5.1 information regarding any consultation that has already occurred with respect to the proposed Code Amendment; 91.1.5.2 details of further consultation proposed to be undertaken with respect to the proposed Code Amendment; 91.1.6 Investigations - 91.1.6.1 information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment 91.1.6.2 an outline of the further investigations that will be undertaken to support the proposed Code Amendment; 91.1.6.3 details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided; 91.1.6.4 details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment 91.1.7 Timetable 91.1.7.1 identification of a consultation start date; 91.1.7.2 an outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.	
cl7(1) and (3)	91. Initiating a Code Amendment 91.2 The power pursuant to clauses 7(1) and (3) of PD2 to lodge the SA Planning Portal Publication Instructions – for Initiation that sets out: 91.2.1 identification of a consultation start date, consistent with the Proposal to Initiate timetable; 91.2.2 an outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions); and 91.2.3 a summary of the Code Amendment in plain English.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl7(4)	91.3 Initiating a Code Amendment The power pursuant to clause 7(4) of PD2, in addition to a Code Amendment which is intended to designate a place as a place of local heritage value, to provide a report which: 91.3.1 includes a heritage datasheet for each proposed Local Heritage Place, which includes: 91.3.1.1 all relevant property details and descriptions (including images); 91.3.1.2 historical background and thematic analysis; 91.3.1.3 a statement of heritage value; 91.3.1.4 an assessment against the Local Heritage Criteria; and 91.3.1.5 the extent of listing (including any exclusions); 91.3.2 includes an analysis of historic themes of importance to the area; 91.3.3 is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and 91.3.4 is otherwise prepared in accordance with any guidelines prepared and published by the Commission under Section 67(2)(c) of the PDI Act.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl 7(5)	91. Initiating a Code Amendment 91.4 The power pursuant to clause 7(5) of PD2 in relation to a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), to provide a report which: 91.4.1 includes relevant details and descriptions of the tree or stand of trees (including images as necessary) 91.4.2 includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria; 91.4.3 is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl8(1)	92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation) 92.1 The power pursuant to clause 8(1) of PD 2 to, prior to consultation occurring on a draft Code Amendment, to: 92.1.1 carry out investigations and obtain such information: 92.1.1.1 as provided in the Proposal to Initiate approved by the Minister; 92.1.1.2 as required under any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act; and 92.1.1.3 as specified by the Commission under Sections 73(6)(e) or 73(6)(f) of the PDI Act; 92.1.2 provide the Department with: 92.1.2.1 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 92.1.2.2 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment; 92.1.3 prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under Section 73(5)(b) of the PDI Act and the requirements of this Practice Direction; 92.1.4 provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and 92.1.5 provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl8(2)	92. Preparation of a Draft Proposal Code Amendment (Prior to Consultation) 92.2 The power pursuant to clause 8(2) of PD2, where an engagement plan is amended during any period of consultation or at any time prior to finalisation of the engagement report under the Practice Directions, to provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal	
cl9(1)	93. Requirements For a Draft Code Amendment 93.1 The power pursuant to clause 9(1) of PD2 to support a draft Code Amendment by the following information: 93.1.1 an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment) 93.1.2 an explanation of the amendments to the Code policy proposed for the Affected Area; 93.1.3 an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans; 93.1.4 a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and 93.1.5 an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl11(1)	94. Complying Changes to the Code 94.1 The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change to the Code under Section 75 of the PDI Act, to provide the following information to the Department: 94.1.1 description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment; 94.1.2 a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan, including a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment; 94.1.3 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 94.1.4 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment	

State Planning Commission Practice Direction - 2 Preparation and Amendment of Designated Instruments		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl12(1)	95. Early Commencement of a Code Amendment 95.1 The power pursuant to clause 12(1) of PD2, in relation to a request for early commencement of a Code Amendment under Section 78 of the PDI Act to provide to the Department: 95.1.1 explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is: 95.1.1.1 necessary in the interest of the orderly and proper development of an area of the state; and 95.1.1.2 required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment; 95.1.2 written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and 95.1.3 mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment	
cl6(3)	90. Preparation of an Engagement Report (Following Consultation) 90.3 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether: 90.3.1 the principles of the Charter have been achieved; and 90.3.2 all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).	

State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl6(3)(b)	96. Responsibility to Undertake Notification 96.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.	This power remains with Council - delegation does not apply.

State Planning Commission Practice Direction (Council Inspections) 2020		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl2(2)	97. Mandatory Inspections 97.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection: 97.1.1 primary structural elements; 97.1.2 structural framing and roof trusses; 97.1.3 wet areas and waterproofing; 97.1.4 barriers to prevent falls; 97.1.5 cladding; 97.1.6 egress provisions; 97.1.7 bushfire protection systems; 97.1.8 passive and active fire safety elements; 97.1.9 private bushfire shelters; and 97.1.10 performance solutions.	
cl3(2)	98. Additional Inspections 98.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	

State Planning Commission Practice Direction (Council Inspections) 2020		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl4(3)	99. Inspections Generally 99.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	
cl1(2)	100. General Requirements 100.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	

State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings) 2020		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl5(2)	101. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building 101.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.	

Urban Tree Canopy Off-set Scheme		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
cl 9	83. Use of Money from Fund 83.1 The power pursuant to clause 9 of the Urban Tree Canopy Off-set Scheme (UTCOS) to use money distributed from the fund for any of the following purposes (and for no other purpose): 83.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 83.1.2 the purchase of land within a designated local government area to ensure: 83.1.2.1 the preservation of trees; or 83.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	

Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s7(5)(a)	1. Environment and Food Production Areas – Greater Adelaide 1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	
s7(5)(d)	1. Environment and Food Production Areas – Greater Adelaide 1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	
s99(2)(b)(ii)	2. Related Provisions 2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.	
s99(3)	2. Related Provisions 2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s102(1)	3. Matters Against Which Development Must be Assessed 3.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).	
s102(8)	3. Matters Against Which Development Must be Assessed 3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	
s118(1)	4. Building Consent 4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	
s118(2)(a)	4. Building Consent 4.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s118(2)	4. Building Consent 4.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if: 4.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied: 4.3.1.1 that: (a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and (b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or 4.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.	
s118(4)	4. Building Consent 4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s118(6)	4. Building Consent 4.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	
s118(7)	4. Building Consent 4.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	
s118(8)	4. Building Consent 4.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that: 4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or 4.7.2 such compliance is certified by a building certifier.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s118(10)	4. Building Consent 4.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification	
s118(11)	4. Building Consent 4.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document): 4.9.1 the variance; and 4.9.2 the grounds on which the decision is being made.	
s119(1)(b)	5. Application and Provision of Information 5.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s119(3)	5. Application and Provision of Information 5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant: 5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application; 5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act; 5.2.3 to consult with an authority or body prescribed by the regulations; 5.2.4 to comply with any other requirement prescribed by the regulations.	
s119(6)(b)	5. Application and Provision of Information 5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application.	
s119(7)	5. Application and Provision of Information 5.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.1 permit an applicant: 5.5.1.1 to vary an application; 5.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);	
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	
s119(10)	5. Application and Provision of Information 5.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	
s119(12)	5. Application and Provision of Information 5.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	
s119(14)	5. Application and Provision of Information 5.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s120(1)	6. Outline Consent 6.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	
s120(3)	6. Outline Consent 6.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to: 6.2.1 grant any consent contemplated by the outline consent; and 6.2.2 not impose a requirement that is inconsistent with the outline consent.	
s122(1)	7. Referrals to Other Authorities or Agencies 7.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to: 7.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and 7.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made where the regulations so provide, subject to Section 122 of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s122(5)(b)	7. Referrals to Other Authorities or Agencies 7.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body: 7.2.1 to refuse the application; or 7.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.	
s122(7)	7. Referrals to Other Authorities or Agencies 7.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	
s122(10)	7. Referrals to Other Authorities or Agencies 7.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	
s124(1)	8. Proposed Development Involving Creation of Fortifications 8.1 The power pursuant to Section 124(1) of the PDI Act, if 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).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s124(5)	8. Proposed Development Involving Creation of Fortifications 8.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to: 8.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; 8.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.	
s124(6)	8. Proposed Development Involving Creation of Fortifications 8.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act 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 124 of the PDI Act.	
s124(7)	8. Proposed Development Involving Creation of Fortifications 8.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.	
s126(1)	9. Determination of Application 9.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s126(3)	9. Determination of Application 9.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	
s127(1)	10. Conditions 10.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	
s127(2)(c)	10. Conditions 10.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	
s128(2)(d)	11. Variation of Authorisation 11.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	
s133(3)	12. Saving Provisions 12.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s134(1)	13. Requirement to Up-grade 13.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	
s134(1)	13. Requirement to Up-grade 13.2 The power pursuant to Section 134(1) of the PDI Act, if: 13.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or 13.2.1.2 a change of classification of a building; and 13.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	
s134(2)	13. Requirement to Up-grade 13.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s134(3)	13. Requirement to Up-grade 13.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act: 13.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and 13.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed	
s134(4)	13. Requirement to Up-grade 13.5 The power pursuant to Section 134(4) of the PDI Act if: 13.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and 13.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s134(5)	13. Requirement to Up-grade 13.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act: 13.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and 13.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.	
s135(2)(d)	14. Urgent Building Work 14.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	
s143(1)	15. Cancellation of Development Authorisation 15.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	
s143(2)	15. Cancellation of Development Authorisation 15.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s235(1)	16. Professional Advice to be Obtained in Relation to Certain Matters 16.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	
s235(2)	16. Professional Advice to be Obtained in Relation to Certain Matters 16.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	
cl18(2) sch8	17. Continuation of Processes 17.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to: 17.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and 17.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and 17.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r25(7)(c)	18. Accredited Professionals 18.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.1 determine the nature of the development; and	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.2 if the application is for planning consent - determine: 19.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and 19.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 19.1.4.1 check that the appropriate documents and information have been lodged with the application; and 19.1.4.2 confirm the prescribed fees required to be paid at that point ; and 19.1.4.3 provide an appropriate notice via the SA planning portal; and	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r31(1)	19. Verification of Application 19.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 19.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 19.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 19.1.5.2 provide an appropriate notice via the SA planning portal.	
r35(3)	20. Amended Applications 20.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	
r35(4)	20. Amended Applications 20.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r38(1)	21. Withdrawing/Lapsing Applications 21.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify: 21.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and 21.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.	
r38(2)	21. Withdrawing/Lapsing Applications 21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	
r38(3)	21. Withdrawing/Lapsing Applications 21.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to: 21.3.1 take reasonable steps to notify the applicant of the action under consideration; and 21.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r40	22. Court Proceedings 22.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	
r42(1)	23. Additional Information or Amended Plans 23.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	
r45(1)	24. Building Matters 24.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that: 24.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or 24.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or 24.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r45(2)	24. Building Matters 24.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	
r45(3)	24. Building Matters 24.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r45(4)	24. Building Matters 24.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 24.4.1 recommends against the granting of building consent; or 24.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 24.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or 24.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to: 24.4.5 refer the application to the Commission; and 24.4.6 not grant consent unless the Commission concurs in the granting of the consent.	
r45(5)	24. Building Matters 24.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r57(4)(a)	25. Notice of Decision (Section 126(1)) 25.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.	
r60	26. Consideration of Other Development Authorisations 26.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	
r61(4)(c)	27. Certificate of Independent Technical Expert in Certain Cases 27.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	
r63(1)	28. Urgent Work 28.1 The power pursuant to Regulation 63(1) of the General Regulations to, 28.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 28.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r63(2)	28. Urgent Work 28.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	
r63(3)	28. Urgent Work 28.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	
r65(1)(a)	29. Variation of Authorisation (Section 128) 29.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	
r99(4)	30. Construction Industry Training Fund 30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	

Planning, Development and Infrastructure (General) Regulations 2017		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r99(5)	30. Construction Industry Training Fund 30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	
cl4(3) sch8	31. Plans for Building Work 31.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building if: 31.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or 31.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r5(1)	32. Calculation or Assessment of Fees 32.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal): 32.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and 32.1.2 to make any other determination for the purposes of the Fees Regulations a related set of regulations or a fee notice (even if the Council is not a relevant authority)	
r5(2)	32. Calculation or Assessment of Fees 32.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.	
5(3)	32. Calculation or Assessment of Fees 32.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
r7	33. Waiver or Refund of Fee 33.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 33.1.1 waive the payment of the fee, or the payment of part of the fee; or 33.1.2 refund the whole or a part of the fee.	

Instrument of authorisation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
sections 17(1) and 17(2)	A. Traffic control devices Install, maintain, alter, operate or remove, or cause to be installed, maintained. altered, operated or removed, any traffic control device on, above or near a road which is under the care, control and management of the Council (except those traffic control devices specified in clause A.8 of the General Approval or dealt with in other clauses of the General Approval)	As set out in clause A of the General Approval
section 20(2)	B. Speed limits at works on roads Place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards a work area or a work site where workers are engaged, or works are in progress at the direction of the Council	As set out in clause B of the General Approval

Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
section 17(3)	C. Traffic control devices at works on roads Install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Road Traffic Act 1961 or any other Act	As set out in clause C of the General Approval
section 17(3)	D. Temporary parking controls Install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under the care, control and management of the Council	As set out in clause D of the General Approval
section 17	F. Grant approval to another road authority Specifically approve the installation, maintenance, alteration, operation or removal of a traffic control device in the Council area by a road authority on, above or near a road under the care, control and management of the road authority	As set out in clause F of the General Approval

Instrument of Delegation under The Barossa Council Local Government Land By-Law 2021

The Barossa Council Local Government Land By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
3. Removal of Animals, Objects and Directions to Persons	3.1 Removal of Animals, Objects and Directions to Persons The power pursuant to Paragraph 6.1.3 to recover the Council's costs of remove and dispose of an animal or object from local government land if the person in charge of it fails to comply with a request of an authorised person to remove the animal, or if no person is in charge of it.	
2. Prohibited Activities	2.1 Climbing The power pursuant to Paragraph 5.3 of the By-law to set aside any fixture, fitting, plant, object or building on local government land (other than a playground) for climbing on or over.	
1. Activities Requiring Permission	1.10 Vehicles Generally The power pursuant to Paragraph 4.33.1 of the By-law to set aside land on local government land for the purposes of the driving, propelling, parking or travelling of motor vehicles.	
1. Activities Requiring Permission	1.9 Times of Sport The power pursuant to Paragraph 4.31 of the By-law to display a sign or signs indicating that the playing or practicing of any game or sport is permitted during a particular time or times.	
1. Activities Requiring Permission	1.8 Swimming and Aquatic Activity The power pursuant to Paragraph 4.30.2 of the By-law to install a sign or signs near waters on local government land stating the entry, swimming or bathing by persons or the allowing of any animal to enter or swim, or engage in any aquatic activity is allowed either with or without conditions.	

The Barossa Council Local Government Land By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
1. Activities Requiring Permission	1.7 Swimming and Aquatic Activity The power pursuant to Paragraph 4.30.1 of the By-law to set aside waters on local government land for the purposes of entry, swimming or bathing by persons or the allowing of any animal to enter or swim, or engage in any aquatic activity.	
1. Activities Requiring Permission	1.6 Playing Area The power pursuant to Paragraph 4.27.3 of the By-law to erect a sign providing directions for the use or occupation of a playing area upon the making of a resolution of Council.	
1. Activities Requiring Permission	1.5 Fires The power pursuant to Paragraph 4.19.1 of the By-law to provide a place on local government land for the purpose of lighting any fire.	
1. Activities Requiring Permission	1.4 Closed Lands The power pursuant to Paragraph 4.15.1 of the By-law to declare that land shall be closed to the public and erect a sign indicating the closure of land to the public.	
1. Activities Requiring Permission	1.3 Camping and Tents The power pursuant to Paragraph 4.13 of the By-law to erect a sign or signs indicating that camping on the land is permitted.	

The Barossa Council Local Government Land By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
1. Activities Requiring Permission	1.2 Animals The power pursuant to Paragraph 4.6.3 of the By-law to set aside a track or other area for use (namely, the leading or driving of horses, cattle or sheep) by or in connection with an animal of a particular kind.	
1. Activities Requiring Permission	1.1 Animals The power pursuant to Paragraph 4.6.1 of the Local Government Land By-law 2021 ("the By-law") to set aside a track or other area for use (namely by straying onto, moving over, grazing or being left unattended) by or in connection with an animal of a particular kind.	

Instrument of Delegation under The Barossa Council Moveable Signs By-Law 2021

The Barossa Council Moveable Signs By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
2. Removal of Non-complying Moveable Signs	2.1 Removal of Non-complying Moveable Signs The power pursuant to Paragraph 10.4 of the By-law to refuse to return a removed moveable sign, where the owner or other person entitled to recover the moveable sign has not paid to Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the moveable sign.	
1. Banners	1.1 Banners The power pursuant to Paragraph 9.3 and 9.4 of the Moveable Signs By-law 2021 ("the By-law") to adopt location guidelines relating to the display of banners applying to all banners or banners of a particular type of kind, and which may modify the application of Paragraph 9 of the By-law to banners, or provide additional requirements in relation to banners.	

Instrument of Delegation under The Barossa Council Permits and Penalties By-Law 2021

The Barossa Council Permits and Penalties By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
2. Liability of Vehicle Owners and Expiation of Certain Offences	2.1 Liability of Vehicle Owners and Expiation of Certain Offences The power and function pursuant to Paragraph 7.4 of the By-law to, in cases where the Council is the Informant, send the owner of a vehicle a notice in the form required by Paragraph 7.4 of the By-law.	
1. Council May Grant Permits	1.9 Council May Grant Permits The power pursuant to Paragraph 5.5 of the By-law to revoke a permit by notice in writing if: 1.9.1 the holder of the permit fails to comply with a condition attached to the permit; 1.9.2 the permit is of a continuing nature and the delegate has reasonable grounds for revoking it.	
1. Council May Grant Permits	1.8 Council May Grant Permits The power pursuant to Paragraph 5.3.4 of the By-law to add new conditions by notice in writing.	
1. Council May Grant Permits	1.7 Council May Grant Permits The power pursuant to Paragraph 5.3.3 of the By-law to change or revoke a condition by notice in writing.	
1. Council May Grant Permits	1.6 Council May Grant Permits The power pursuant to Paragraph 5.3.2 of the By-law to attach conditions to a permit the delegate considers appropriate.	

The Barossa Council Permits and Penalties By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
1. Council May Grant Permits	1.5 Council May Grant Permits The power pursuant to Paragraph 5.3.1 of the By-law to provide that a permit applies for a particular term.	
1. Council May Grant Permits	1.4 Council May Grant Permits The power pursuant to Paragraph 5.2.3 of the By-law to install, maintain and designate a permit vending machine for the purposes of issuing permits of a particular kind.	
1. Council May Grant Permits	1.3 Council May Grant Permits The power pursuant to Paragraph 5.2.2 of the By-law to establish a website for the purposes of issuing a permit of a particular kind.	
1. Council May Grant Permits	1.2 Council May Grant Permits The power pursuant to Paragraph 5.2.1 of the By-law to authorise a person to receive applications for permission.	
1. Council May Grant Permits	1.1 Council May Grant Permits The power pursuant to Paragraph 5.1 of the Permits and Penalties By-law 2021 ("the By-law") to where a by-law of the Council indicates that a permit or permission of the Council is required to do a specified thing, grant permission of the Council, in writing.	

Instrument of Delegation under The Barossa Council Roads By-Law 2021

The Barossa Council Roads By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
1. Activities Requiring Permission	1.3 Fires The power pursuant to Paragraph 4.8.1 of the By-law to provide a place for the purpose of lighting any fire.	
1. Activities Requiring Permission	1.2 Camping The power pursuant to Paragraph 4.5.3 of the By-law to erect a sign indicating camping on the road in a motorhome is permitted.	
1. Activities Requiring Permission	1.1 Animals The power pursuant to Paragraph 4.3.1 of the Roads By-law 2021 ("the By-law") to set aside a track or other area for use by or in connection with an animal under effective control of a person.	

Instrument of Delegation under The Barossa Council Waste Management By-Law 2021

The Barossa Council Waste Management By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
3. Collection Services	3.1 Collection Services The power pursuant to Paragraph 5.7.1.3 of the By-law to approve the placement of waste containers for the collection and removal of general (landfill) waste, co-mingled recycling or green organic recycling from premises.	

The Barossa Council Waste Management By-Law 2021		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
2. Provide Containers	2.1 Provide Containers The power pursuant to Paragraph 4.1 of the By-law to exempt an occupier of premises from a requirement to keep on his or her premises those containers designated from time to time by resolution of the Council for the reception of green organic recycling, general (landfill) waste and co-mingled recycling.	
1. Interpretation	1.4 Interpretation The power pursuant to Paragraph 3.6 of the By-law to provide and designate containers for the purposes of general (landfill) waste.	
1. Interpretation	1.3 Interpretation The power pursuant to Paragraph 3.4 of the By-law to provide and designate containers for the purposes of green organics recycling.	
1. Interpretation	1.2 Interpretation The power pursuant to Paragraph 3.2 of the By-law to provide and designate containers for the purposes of co-mingled recycling.	
1. Interpretation	1.1 Interpretation The power pursuant to Paragraph 3.1 of the Waste Management By-law 2021 ("the By-law") to specify containers as co-mingled recycling for the purposes of the By-law.	

Instrument of sub-delegation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961

Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s33(1)	2. Pursuant to the General Approval, the Council sub-delegates to the Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing: (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules: (i) rule 221: using hazard warning lights; (ii) rule 230: crossing a road – general; (iii) rule 231 crossing a road at pedestrian lights; (iv) rule 232: crossing a road at traffic lights; (v) rule 234: crossing a road on or near a crossing for pedestrians; (vi) rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h); (vii) rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy); (viii) rule 250: riding on a footpath or shared path; (ix) rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);	3. The delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval and the following conditions: (a) the sub-delegate must ensure that the delegated powers are exercised in accordance with relevant legislative requirements and relevant policies and guidelines adopted by the Council; and

Instrument of General Approval and Delegation to Council Use of Traffic Control Devices, Road Closure and Granting of Exemptions for Events Road Traffic Act 1961 (Sections 17, 20 & 33) Minister for Transport and Infrastructure		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	(x) rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h); (xi) rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h); (xii) rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h) (xiii) rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and (xiv) rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).	

Instrument of Delegation under the Joint Criminal Rules 2022

Joint Criminal Rules 2022			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
rule 62.1	File an Information		public authority

Instrument of Delegation under the Labour Hire Licensing Act 2017

Labour Hire Licensing Act 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 16(1)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence under section 15 of the Labour Hire Licensing Act 2017		designated entity
section 32(2)	Lodge an objection with the Commissioner of Consumer Affairs to an application for a licence to which section 31 of the Labour Hire Licensing Act 2017 applies		designated entity
section 42(2)	Appeal against the grant of a licence to the District Court		designated entity
section 42(4)	Require the Commissioner for Consumer Affairs to provide reasons for the Commissioner's decision		designated entity

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

Land and Business (Sale and Conveyancing) Act 1994			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7	Respond to enquiries regarding prescribed matters by a vendor of land		council
section 8	Respond to enquiries regarding prescribed matters by a vendor of a small business		council
section 12	Provide information regarding any charge or prescribed encumbrance over land within the council's area of which the council has the benefit or insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995 in relation to a building on land within the council's area		council

Instrument of Delegation under the Landscape South Australia (General) Regulations 2020

Landscape South Australia (General) Regulations 2020			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 10(1)(b)	Make submissions to the regional landscape board		council
regulation 13(3)	Pay monies to the regional landscape board		council
regulation 14(9)	Furnish a regional landscape board with a reasonable estimate of the costs that the council expects to claim under regulation 14 of the Landscape South Australia (General) Regulations 2019		council
regulation 14(13)	Furnish a regional landscape board with an invoice setting out the amount the council is claiming and the calculations used by the council to determine the amount		council

Instrument of Delegation under the Landscape South Australia (Water Management) Regulations 2020

Landscape South Australia (Water Management) Regulations 2020			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 22(2)	Determine the form of notice to be provided for the purpose of section 113(2)(c) of the Landscape South Australia Act		relevant authority
regulation 24(2)	Increase the period of time for the purposes of section 113(5) of the Landscape South Australia Act from the period prescribed in regulation 24(1) of the Landscape South Australia (Water Management) Regulations		relevant authority

Instrument of Delegation under the Landscape South Australia Act 2019

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 17(4)(a)	Provide an up-to-date copy of the voters roll for the area of the council to the person conducting an election for the members of the regional landscape board		council
section 25(4)	Work collaboratively with the regional landscape board		council
section 32(7)	Consent to the Governor making a proclamation under sections 32(1), 32(2) or 32(6) in relation to infrastructure or land vested in or under the care, control or management of the council	This power remains with Council - delegation does not apply.	council

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 37(1)(c)	Approve the delegation by a regional landscape board of a function or power vested in the regional landscape board under any Act to the council or an officer of the council	This power remains with Council - delegation does not apply.	council
section 41(b)	Enter an arrangement with the regional landscape board to make use of the services of staff, equipment or facilities of the council		public authority
section 47(7)	Consider any regional landscape plan in the performing of functions or the exercise of powers under any Act		council
section 51(5)(b)	Participate in consultation with the regional landscape board in regard to a prescribed levy proposal to the extent required by regulations		council
section 66(1)	Contribute to the costs of the regional landscape board performing its functions		council
section 67(1)	Pay contribution to the costs of the regional landscape board performing its functions		council
section 67(2)	Pay contribution to the costs of the regional landscape board performing its functions		council
section 69(10)	Apply to the regional landscape board for a refund of an amount of the regional landscape levy		council
section 72(6)(a)	Enter an arrangement with the regional landscape board for service of a notice to be effected as part of any other notice serviced by the council		public authority

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 72(6)(b)	Enter an arrangement with the regional landscape board for the collection of a levy to be effected by the council		public authority
section 101(6)	Make a submission to the Minister regarding proposed declaration of a prescribed water resource		relevant authority
section 103(3)	Appoint the Minister, a regional landscape board, a designated entity, a council or a council subsidiary in place of the council as the 'relevant authority'		relevant authority
section 104(3)	Grant a person a water management authorisation or permit to undertake an activity prescribed in sections 104(3)(e) or 104(3)(f) of the Landscape South Australia Act (except in the case of the discharge of water into a watercourse for the purpose of running the water down the watercourse for storage in a reservoir or other facility)		relevant authority
section 107(1)	Issue a notice to the owner of land in respect of an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 107(2)(b)	Enter land and take action specified in a notice issued under section 107(1) of the Landscape South Australia Act		relevant authority
section 112(1)	Approve a form of application in respect of a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 112(6)	Specify conditions on a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(9)	Vary, suspend or revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(10)	Vary a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(11)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(12)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(13)	Revoke a permit for an activity for which the council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act		relevant authority
section 112(14)	Serve notice of the variation or revocation of a permit		relevant authority
section 113(2)	Give notice of an application for a permit in accordance with the regulations		relevant authority

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 113(3)	Receive representations in relation to the granting or refusal of a permit		relevant authority
section 113(4)	Forward a copy of representations in relation to the granting or refusal of a permit to the applicant and allow the applicant an opportunity to respond in writing		relevant authority
section 113(6)	Allow a person who made a representation regarding the granting or refusal of a permit the opportunity to appear personally or by representative before the authority		relevant authority
section 113(7)	Allow an applicant to appear personally or by representative before the authority		relevant authority
section 113(8)(a)	Give notice to each person who made a representation to the authority of the authority's decision and the person's appeal rights under the Landscape South Australia Act		relevant authority
section 113(8)(b)	Give notice to the Environment, Resources and Development Court of the authority's decision and the names and addresses of persons who made representations under section 113 of the Landscape South Australia Act		relevant authority
section 113(13)	Provide for inspection and purchase written representations made under section 113 of the Landscape South Australia Act and the written response of the applicant		relevant authority

Landscape South Australia Act 2019			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 202(4)	Agree with the Minister that an officer of the council may be appointed as an authorised officer		council
section 219(3)	Receive notice from the Minister of a proposed management agreement that provides for the remission of council rates and provide submissions to the Minister on the proposed agreement		council
clause 89(4)(e) Schedule 5	Consent to property, assets, rights or liabilities vesting in or attaching to the Council		authority

Instrument of Delegation under the Liquor Licensing Act 1997

Liquor Licensing Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 22(1)	Apply to the Court for a review of a decision of the Commissioner in relation to an application for or in relation to a licence		council
section 37(5)	Participate in consultation with the Minister in relation to any proposed regulations declaring an area to be a prescribed area for the purposes of section 37 of the Liquor Licensing Act		prescribed body

Liquor Licensing Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 69(3)(e)	Approval of an application for the extension of a trading area where the relevant area is under the control of the council		council
section 106(2)(b)	Lodge a complaint under section 106(1) regarding unduly offensive, annoying, disturbing or inconvenient activity, noise or behaviour relating to licensed premises		council
section 106(4)	Request that the matter proceed direct to a hearing		council
section 106(5)	Request that the Commissioner determine the matter		council
section 106(6)(a)	Make submissions in regard to the matter to the Commissioner or Court		council
section 120(2)(c)	Lodge a complaint under section 120(1) alleging that proper grounds for disciplinary action exist against a specified person		council
section 128E(1)	Prepare a draft local liquor accord		council
section 128H(3)	Request a variation of a local liquor accord		council

Liquor Licensing Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 128H(5)	Request the Commissioner to add or remove the council as a party to a local liquor accord		council
section 128H(6)	Request the Commissioner to terminate a local liquor accord		council
section 128H(7)	Seek the consent of the other parties to a local liquor accord prior to request the Commissioner to terminate the local liquor accord		council
section 131(1ab)	Prohibit the consumption or possession or both of liquor in a public place within the council area during a specified period by notice published in the Gazette		council
section 131(1ad)	Provide a copy of notice published under section 131(1ab) to the Commissioner of Police		council
section 131(1c)	Vary or revoke a notice published under section 131(1ab)		council

Instrument of Delegation under the Local Government (Building Upgrade Agreements) Regulations 2017

Local Government (Building Upgrade Agreements) Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 8(b)	Send a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act to any ratepayer in respect of the relevant land and any registered mortgagee of the land		council
regulation 8(c)(i)	Place a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act in a newspaper circulating throughout the State		council
regulation 8(c)(ii)	Leave a copy of a notice sent to building owner under clause 9(1) of Schedule 1B of the Local Government Act in a conspicuous place on the relevant land		council
regulation 8(e)	Set a reserve price for the sale of land by auction		council
regulation 8(f)	Advertise the auction in a newspaper circulating throughout the State		council
regulation 8(g)	Cancel an auction		council
regulation 8(h)	Sell land by private contract		council

Instrument of Delegation under the Local Government (Elections) Act 1999

Local Government (Elections) Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 4(2)(d)	Fix a day for a poll		council
section 8(1)	Appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void		council
section 8(1a)	Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled		council
section 9(1)	Hold a poll		council
section 9(3)	Fix a day as polling day for a poll by notice published on the council website		council
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes		council
section 10(3)	Nominate a person as a deputy returning officer of the council area		council

Local Government (Elections) Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council		council
section 12(b)	Provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area		council
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll		council
section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll		council
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council		council
section 15(15)	Provide a copy of the voters roll to a nominated candidate for the election		council
section 55(1)	Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll		council

Local Government (Elections) Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 70(3)	Contest a petition to the Court by lodging a reply		council
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court		council
section 75(1)(b)	Apply to intervene in proceedings		council
section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs		council
section 76	Engage counsel to represent the council in proceedings		council
section 77	Apply to the court to refer a question of law to the Court of Appeal		council
section 91A(1)	Prepare and adopt a caretaker policy		council
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period		council

Instrument of Delegation under the Local Government (Financial Management) Regulations 2011

Local Government (Financial Management) Regulations 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 9(1)	Prepare and consider the reports prescribed in regulation 9(1) of the Local Government (Financial Management) Regulations		council
regulation 10(1)	Prepare and consider the report prescribed in regulation 10(1) of the Local Government (Financial Management) Regulations		council
regulation 11(1)	Prepare and maintain all accounting records, accounts and financial statements in accordance with all relevant Australian Accounting Standards		council
regulation 12	Revalue all material non-current assets in accordance with the requirements of Australian Accounting Standards AASB 116		council
regulation 22(2)	Engage the council's auditor to certify that a grant or subsidy received by the council has been acquitted in accordance with any conditions required by the provider of the grant or subsidy		council

Instrument of Delegation under the Local Government (Forestry Reserves) Act 1944

Local Government (Forestry Reserves) Act 1944			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 4(1)	Establish and manage a forest on any local government forestry reserve		council
section 4(2)	Expend money of the council for the purposes of establishing and managing a forest or for any incidental purpose		council
section 5(2)	Repay an advance of money in such a manner as the Minister directs		council
section 5(2)	Expend an advance of money in accordance with any direction given by the Minister		council
section 6(1)	Manage a forest established by the council		council
section 6(1)	Sell or otherwise dispose of timber or other products derived for a forest established by the council		council
section 7(2)	Carry out directions of the Minister regarding the management of a forest established by the council		council

Instrument of Delegation under the Local Government (General) Regulations 2013

Local Government (General) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 8AB	Publish information listed in regulation 8AB of the Local Government (General) Regulations on a website determined by the chief executive officer as soon as practicable after the holding of an information or briefing session		council
clause 2(1), Schedule 2A	Prepare and maintain a policy relating to complaints against employees		council

Instrument of Delegation under the Local Government (Members Allowances and Benefits) Regulations 2010

Local Government (Members Allowances and Benefits) Regulations 2010			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 5(3)	Aggregate claims for reimbursement of expenses and pay the claim on a quarterly or monthly basis		council

Instrument of Delegation under the Local Government (Procedures at Meetings) Regulations 2013

Local Government (Procedures at Meetings) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(3)	Review the operation of a code of practice under regulation 6 of the Local Government (Procedures at Meetings) Regulations		council

Instrument of Delegation under the Local Government Act 1999

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7(a)	Plan at the local and regional level for the development and future requirements of the council area	This power remains with Council - delegation does not apply.	council
section 7(b)	Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to the council area	This power remains with Council - delegation does not apply.	council
section 7(ba)	Determine appropriate financial contribution to be made by ratepayers to resources of the council	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7(c)	Provide for the welfare, well-being and interests of individuals and groups within the council's community	This power remains with Council - delegation does not apply.	council
section 7(d)	Take measures to protect the council area from natural and other hazards and to mitigate the effects of such hazards	This power remains with Council - delegation does not apply.	council
section 7(e)	Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity	This power remains with Council - delegation does not apply.	council
section 7(f)	Provide infrastructure for the council's community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area)	This power remains with Council - delegation does not apply.	council
section 7(g)	Promote the council area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism	This power remains with Council - delegation does not apply.	council
section 7(h)	Establish or support organisations or programs that benefit people in the council area or local government generally	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7(i)	Manage and, if appropriate, develop, public areas vested in, or occupied by, the council	This power remains with Council - delegation does not apply.	council
section 7(j)	Manage, improve and develop resources available to the council	This power remains with Council - delegation does not apply.	council
section 7(k)	Undertake other functions and activities conferred by or under an Act	This power remains with Council - delegation does not apply.	council
section 12(1)	Publish a notice in the Gazette altering the composition of the council or dividing, or redividing, the area of the council into wards, altering the division of the area of the council into wards or abolishing the division of the area of the council into wards	This power remains with Council - delegation does not apply.	council
section 12(2)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or giving a name to, or altering the name of, a ward	This power remains with Council - delegation does not apply.	council
section 12(3)	Undertake a review under section 12 of the Local Government Act		council
section 12(4)	Undertake a review under section 12 of the Local Government Act at least once in each relevant period prescribed by the regulations		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 12(5)	Initiate the preparation of a presentation review report and form the opinion a person is qualified to address the representation and governance issues		council
Section 12(7)	Undertake public consultation		council
section 12(11)	Finalise the council report		council
section 12(11a)	Refer the report to Electoral Commissioner		council
section 12(11e)(a)	Take such action as is necessary (including by altering report)		council
section 12(11e)(b)	Comply with requirements of section 12(7)		council
section 12(11e)(c)	Refer the report to the Electoral Commissioner under section 12(12)		council
section 12(12)	Refer report to the Electoral Commissioner		council
section 12(12a)	Include with the report copies of any written submissions if received		council
section 12(15)(b)	Provide for the operation of any proposal recommended in the council's report by notice in the Gazette		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 12(16)(a)	Take action on a report referred back to the council by the Electoral Commissioner		council
section 12(16)(b)	Refer report back to the Electoral Commissioner		council
section 12(17)	Comply with requirements of section 12(7) (unless determine alteration of report is of a minor nature only)		council
section 12(24)	Undertake a review within period specified by the Electoral Commissioner		council
section 13(1)	Publish a notice in the Gazette changing the council from a municipal council to a district council or vice versa, altering the name of the council or the name of the area of the council, or altering the name of a ward	This power remains with Council - delegation does not apply	council
section 13(2)(a)	Give public notice of the proposal to change the council from a municipal council to a district council or vice versa, alter the name of the council or the name of the area of the council, or alter the name of a ward		council
section 13(2)(b)	Invite written submissions		council
section 13(2)(ba)	Publish a copy of the public notice in a newspaper circulating within the council area		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 13(2)(c)	Give any person who makes a written submission in response to an invitation an opportunity to appear personally or by representative before the council or a council committee to be heard on the submission		council
section 28(1)(c)	Refer a proposal for the making of a proclamation under Chapter 3 of the Local Government Act to the South Australian Local Government Grants Commission		council
section 31(2)(b)	Participate in consultation with the South Australian Local Government Grants Commission on the appointment of an investigator		council
section 31(10)(c)	Participate in consultation with the South Australian Local Government Grants Commission on a recommendation that a proposal referred to the Commission not proceed		council
section 36(1)(a)	Exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another council or authority or person		council
section 36(1)(c)	Do anything necessary, expedient or incidental to performing or discharging the council's functions or duties or achieving the council's objectives		council
section 36(2)	Act outside the council area to the extent necessary or expedient to the performance of the council's functions or in order to provide services to an unincorporated area of the State		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 37(b)	Authorise an officer, employee or agent to enter into a contract on behalf of the council		council
section 41(1)	Establish a committee		council
section 41(2)	Determine the role of the committee		council
section 41(3)	Determine the membership of the committee	This power remains with Council - delegation does not apply.	council
section 41(4)	Appoint a presiding member or make provision for the appointment of a presiding member	This power remains with Council - delegation does not apply.	council
section 41(6)	Appoint the principal member as an ex officio member of the committee	This power remains with Council - delegation does not apply.	council
section 41(8)	Determine the reporting and other accountability requirements applying to a committee	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 42(3)	Obtain the approval of the Minister to the conferral of corporate status on a council subsidiary	This power remains with Council - delegation does not apply.	council
section 43(3)	Obtain the approval of the Minister to the conferral of corporate status on a regional subsidiary	This power remains with Council - delegation does not apply.	council
section 44(6)	Cause a separate record to be kept of all delegations under section 44 of the Local Government Act		council
section 44(6a)	Review the delegation in force under section 44 of the Local Government Act	This power remains with Council - delegation does not apply.	council
section 45(1)	Nominate a place as the council's principal office		council
section 45(2)	Determine the hours during which the principal office of the council will be open for the transaction of business	This power remains with Council - delegation does not apply	council
section 45(3)	Consult with the local community regarding the manner, places and times at which the council's offices will be open to the public and any significant changes to these arrangements		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 46(1)	Engage in a commercial enterprise or activity in the performance of the council's functions		council
section 46(2)(a)	Establish a business in connection with a commercial project		council
section 46(2)(b)	Participate in a joint venture, trust, partnership or other similar body in connection with a commercial project		council
section 47(2)(b)	Participate in the formation of, or 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		council
section 48(aa1)	Develop and maintain prudential management policies, practices and procedures for the assessment of projects		council
section 48(1)	Obtain a report addressing the prudential issues set out in section 48(2)		council
section 48(6)	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)		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 49(a1)	Maintain procurement policies, practices and procedures directed towards: (a) obtaining value in the expenditure of public money; (b) providing for ethical and fair treatment of participants; and (c) ensuring probity, accountability and transparency in procurement operations		council
section 49(1)	Prepare and adopt policies on contracts and tenders, including policies on the following: (a) the contracting out of services; (b) competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; (c) the use of local goods and services; and (d) the sale or disposal of land or other assets.		council
section 49(3)	Alter or substitute a policy under section 49 of the Local Government Act	This power remains with Council - delegation does not apply.	council
section 50(1)	Prepare and adopt a public consultation policy	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 50(5)	Alter or substitute the public consultation policy	This power remains with Council - delegation does not apply.	council
section 50(6)(c)	Publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions		council
section 50(6)(e)	Publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions		council
section 50(6)(d)	Consider submissions		council
section 50(7)	Determine that the alteration of a public consultation policy is of minor significance that would attract little (or no) community interest		council
section 50(8)	Provide a copy of a policy of the council under section 50 of the Local Government Act for inspection at the principal office of the council		council
section 50(9)	Provide for the purchase of a copy of a policy of the council under section 50 of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 54(1)(d)	Grant a leave of absence from council	This power remains with Council - delegation does not apply.	council
section 54(1)(d)	Remove from office on the ground that the member has been absent from three or more consecutive ordinary meetings of the council	This power remains with Council - delegation does not apply.	council
section 57(6)	Recover amount of a liability incurred in contravention of section 57 of the Local Government Act as a debt from the members of the councils at the time the contract was made or lease was entered		council
section 68(3b)	Apply to SACAT for an order disqualifying member of the council from the office of member under the Local Government Act		council
section 70(a1)	Publish prescribed details contained in the Register		council
section 75F(1)	Prepare and adopt behavioural support policies	Delegation to prepare a policy for Council's consideration only.	council
section 75F(5)	Alter or substitute a behavioural support policy	Not Delegated	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 75F(6)	Undertake public consultation before adopting, altering or substituting a behavioural support policy		council
section 75F(7)(a)	Review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies	Not Delegated	council
section 75F(7)(b)	Consider whether to adopt behavioural support policies	Not Delegated	council
section 77(1)	Provide reimbursement of prescribed expenses of a member of council		council
section 80	Take out a policy of insurance insuring every member of the council and a spouse or domestic partner or another person who may be accompanying a member of the councils against the risks associated with the performance or discharge of official functions or duties by members		council
section 80A(1)	Prepare a training and development policy for members		council
section 80A(2b)	Suspend a member from office of member of the council for failure to comply with the prescribed mandatory requirements	Not Delegated	council
section 80A(2e)	Revoke the suspension if satisfied the member has complied with the prescribed mandatory requirements and give public notice of the revocation	Not Delegated	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 80A(2f)	Apply to SACAT for an order disqualifying the member from office of member of the council	Not Delegated	council
section 80A(3)	Alter or substitute a training and development policy for members	This power remains with Council - delegation does not apply.	council
section 80B(1)(a)	Suspend a member subject to a relevant interim intervention order from the office of member of the council where person protected by the order is another member	Not Delegated	council
section 80B(3)	Revoke a suspension	Not Delegated	council
section 80B(9)	Apply to SACAT for an order disqualifying the member from the office of member of the council	Not Delegated	council
section 84(3)	Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting		council
section 87(1)	Determine the times and places at which ordinary meetings of a council committee will be held		council
section 88(3)	Keep notice on public display and continue to publish notice in accordance with section 132(1)(a) of the Local Government Act until completion of meeting		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 89(1)(b)	Determine procedures to apply to a meeting of a council committee		council
section 90A(1)	Hold or arrange for the holding of an information or briefing session to which more than 1 member of the council is invited to attend or be involved in for the purposes of providing information or a briefing		council
section 90A(4)	Order that an information or briefing session be closed to the public		council
section 90A(5)	If an order under section 90A(4) of the Local Government Act is made, to make a record of the matters specified in section 90A(5)		council
section 90A(7)	Comply with the requirements of the regulations regarding the publication of prescribed information		council
section 91(3)	Supply each member of the council with a copy of council or council committee minutes within 5 days of the meeting		council
section 91(9)(c)	Revoke an order made under section 91(7) of the Local Government Act		council
section 92(1)	Prepare 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 the Local Government Act	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 92(2)	Review code of practice	This power remains with Council - delegation does not apply.	council
section 92(3)	Alter or substitute a new code of practice	This power remains with Council - delegation does not apply.	council
section 92(5)	Undertake public consultation on proposed code, alterations or substitute code		council
section 93(1)	Convene a meeting of electors of the council area or part of the council area		council
section 93(11)	Supply each member of the council with a copy of the minutes of proceedings within 5 days of a meeting of electors		council
section 93(14)	Determine the procedure to be observed to make a nomination for the purposes of sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Local Government Act		council
section 94(6)	Make submissions to the Minister		council
section 94(7)	Comply with a direction of the Minister under section 94(5) of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 97(6)(b)	Determine a person has appropriate qualifications or experience in human resource management	This power remains with Council - delegation does not apply.	council
section 98(3)	Invite applications including by advertising on website and take other action	This power remains with Council - delegation does not apply.	council
section 98(3)	Determine website to advertise invitation for applications	This power remains with Council - delegation does not apply.	council
section 98(4a)(a)	Appoint at least one person to selection panel not being a member or employee	This power remains with Council - delegation does not apply.	council
section 106(2)	Pay contribution to another council		council
section 106(3)	Recover a contribution from another council as a debt		council
section 106(4)	Provide details of the service of an employees or former employee to another council		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 106(5)	Hold and apply a contribution under section 106 of the Local Government Act as prescribed by regulation		council
section 111(b)	Declare that an officer or an officer of a class is subject to Division 2, Part 4, Chapter 7 of the Local Government Act		council
section 120A(1)	Prepare and adopt employee behavioural standards		council
section 120A(4)	Alter or substitute employee behavioural standards		council
section 120A(5)	Consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards		council
section 120A(6)a)	Review the operation of the employee behavioural standards		council
section 120A(6)(b)	Consider whether to adopt employee behavioural standards		council
section 122(1)	Develop a strategic management plan	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 122(1a)(a)	Develop a long-term financial plan	This power remains with Council - delegation does not apply.	council
section 122(1a)(b)	Develop an infrastructure and asset management plan	This power remains with Council - delegation does not apply.	council
section 122(1c)	Provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority	This power remains with Council - delegation does not apply.	council
section 122(1e)	Provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority	This power remains with Council - delegation does not apply.	council
section 122(1h)	Ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year)	This power remains with Council - delegation does not apply.	council
section 122(1j)	Provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires.	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 122(4)	Review strategic management plans	This power remains with Council - delegation does not apply.	council
section 122(6)	Adopt a process to ensure that members of the public are given reasonable opportunity to be involved in the development and review of the council's strategic management plans		council
section 123(3)(a)	Prepare a draft annual business plan		council
section 123(3)(b)	Follow relevant steps in the public consultation policy in regard to the draft annual business plan		council
section 123(5)	Ensure that copies of the draft annual business plan are available at the meeting under section 123(4)(a)(i) of the Local Government Act, and for inspection and purchase (at the principal office of the council and on the council's website		council
section 123(5a)	Provide a facility for asking and answering questions and the receipt of submissions on the council's website		council
section 123(9)(a)(i)	Prepare a summary of the annual business plan		council
section 123(9)(a)(ii)	Provide a copy of the summary of the annual business plan to ratepayers		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 124(1)(a)	Keep accounting records		council
section 125	Implement and maintain appropriate policies, practices and procedures of internal control		council
section 127(1)	Prepare financial statements, notes and other statement or documents as required by the regulations		council
section 127(3)	Provide statements to auditor		council
section 127(4)	Submit a copy of audited statements to persons or bodies prescribed by the regulations		council
section 128(2)	Appoint an auditor on the recommendation of the council's audit committee		council
section 128(9)	Provide information prescribed in section 128(9) of the Local Government Act in the council's annual report		council
section 130A(1)	Request auditor or other suitably qualified person to examine a report on any matter relating to financial management, or the efficient and economy with which the council manages or uses its resources to achieve its objectives		council
section 131(1)	Prepare annual report	This power remains with Council - delegation does not apply	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 131(4)	Provide a copy of the annual report to each council member		council
section 131(5)	Submit a copy of the annual report to the persons or bodies prescribed by regulation		council
section 131(7)	Provide an abridged or summary version of the annual report to electors in the council area.		council
section 131A(1)	Provide to the Minister the material specified in Schedule 4 of the Local Government Act and any other information specified by the Minister		council
section 132(1)(a)	Publish a document referred to in Schedule 5 of the Local Government Act on a website determined by chief executive officer		council
section 132(1)(b)	Provide a printed copy of a document referred to in Schedule 5 of the Local Government Act		council
section 132(3a)	Publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply		council
section 132A	Implement and maintain appropriate policies, practices and procedures to ensure compliance with statutory requirements and achievement and maintenance of good public administration		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 133	Obtain funds as permitted by the Local Government Act or other Act		council
section 135(1)	Provide security	This power remains with Council - delegation does not apply.	council
section 135(2)(a)	Assign a distinguishing classification to a debenture	This power remains with Council - delegation does not apply.	council
section 135(2)(b)	Appoint a trustee for the debenture holders	This power remains with Council - delegation does not apply.	council
section 137	Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts		council
section 139(1)	Invest money under the council's control		council
section 139(5)	Obtain and consider independent and impartial advice regarding the investment of funds		council
section 140	Review performance of investments at least annually		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 141(1)	Accept a gift		council
section 141(2)	Carry out the terms of a trust applying to a gift		council
section 141(3)	Apply to the Supreme court for an order varying the terms of a trust for which the council is the trustee		council
section 141(4)	Give notice of an application to the Supreme Court by public notice and in such other manner as directed by the Supreme Court		council
section 141(6)	Publish an order of the made by the Supreme Court under section 141(5) of the Local Government Act in the Gazette		council
section 142(1)	Take out and maintain insurance to cover the council's civil liabilities at least to the extent prescribed by the regulations		council
section 142(3)	Take out membership of the Local Government Association Mutual Liability Scheme		council
section 143(1)	Write off bad debts		council
section 144(1)	Recovery of fees, charges, expenses or other amounts as a debt by action in a court of competent jurisdiction		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 144(2)	Provide notice of a fee, charge, expense or other amount relating to something done in respect of a rateable property to the owner or occupier of the property		council
section 144(2)	Recovery of a fee, charge, expense or other amount relating to something done in respect of a rateable property as if the fee, charge, expense or other amount was a rate on the property		council
section 151(5)(d)	Prepare a report on a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land		council
section 151(5)(e)	Follow the relevant steps in the public consultation policy with respect to a proposed change to the basis of the rating any land, the valuation of land for the purpose of rating or imposition of rates on land		council
section 151(8)	Provide copies of the report required by section 151(5)(d) of the Local Government Act at the meeting held under section 151(7)(a)(i) of the Local Government Act		council
section 156(10)	Extend the time period for lodging an objection		council
section 156(11)	Decide an objection to attribution of a particular use to land		council
section 156(12)	Participate in a review of an attribution of a particular use to land by South Australian Civil and Administrative Tribunal		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 156(14a)(a)	Prepare a report on a proposed change to the differentiating factor in relation to land		council
section 156(14a)(b)	Follow the relevant steps in the public consultation policy with respect to a on a proposed change to the differentiating factor in relation to land		council
section 156(14e)	Provide copies of the report required by section 156(14a)(a) of the Local Government Act at the meeting held under section 156(14d)(a)(i) of the Local Government Act		council
section 159(1)	Determine the manner and form of an application for a rebate of rates		council
section 159(3)	Grant a rebate of rates		council
section 159(4)	Increase a rebate of rates		council
section 159(10)	Determine that proper cause for a rebate of rates no longer applies		council
section 159(11)	Recover rates, or rates at an increased level, proportionate to the remaining part of the financial year if an entitlement to a rebate of rates no longer applies		council
section 161(1)	Grant a rebate of rates greater than 75% on land used for service delivery or administration by a community service organisation		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 165(1)	Grant a rebate of rates greater than 75% on land occupied by a school and being used for educational purposes		council
section 165(2)	Grant a rebate of rates greater than 75% on land being used by a university or university college to provide accommodation and other forms of support on a not-for-profit basis		council
section 166(1)	Grant a rebate of rates or service charges in prescribed circumstances		council
section 166(2)	Attach conditions to the granting of a rebate of rates or service charges under section 166(1) of the Local Government Act		council
section 167(1)	Adopt valuations		council
section 167(6)	Publish a notice of the adoption of valuations in the Gazette		council
section 168(1)	Request the Valuer-General to value land in the council area		council
section 168(2)	Furnish information to the Valuer-General requested information		council
section 168(3)(b)	Enter valuation into the assessment record		council
section 168(3)(c)	Provide notice to the principal ratepayer in respect of land of the valuation of that land		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 169(3)(b)	Allow an extension of time in which to object to the valuation of land		council
section 169(5)	Refer an objection to the valuation of land to the valuer who made the valuation with a request to reconsider the valuation		council
section 169(7)	Provide written notice to an objector of the outcome of the objection		council
section 169(10)	Refer request for a review of the valuation of land to the Valuer-General		council
section 169(11)	Make representations to the valuer in regard to the valuation of land which is the subject of the objection		council
section 169(15)	Participate in a review of a valuation of land by South Australian Civil and Administrative Tribunal		council
section 169(16)	Pay the prescribed fee to the Valuer-General		council
section 170	Publish a notice of the declaration of a rate or service charge in the Gazette and a newspaper circulating in the council area		council
section 173(5)	Determine a review of the outcome of a request to alter the assessment record		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 173(6)	Provide written notice of decision on review		council
section 173(7)	Participate in a review of decision of council		council
section 174(1)	Provide the assessment record for inspection at the principal offices of the council		council
section 174(2)	Provide for the purchase of an entry in the assessment record		council
section 178(3)	Recover rates as a debt		council
section 178(4)	Provide written notice requiring a lessee or licensee of land to pay rent or other consideration to the council under the lease or licence in satisfaction of the liability for rates		council
section 178(6)	Remit a charge payable under section 178(5) of the Local Government Act in whole or in part		council
section 179(2)	Adopt a valuation of land		council
section 179(5)	Refund rates that have been paid to a principal ratepayer if land ceases to be rateable land		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 180(1)	Provide a rates notice to the principal ratepayer		council
section 181(2)	Determine the day on which an instalment of rates falls due		council
section 181(3)	Adjust the months in which instalments of rates are payable		council
section 181(4)(b)	Agree with a principal ratepayer the dates on which instalments of rates are payable		council
section 181(5)	Provide rates notice to principal ratepayer		council
section 181(7a)	Agree with a principal ratepayer to vary the period for the provision of a rates notice		council
section 181(9)	Remit the whole or any part of an amount payable under section 181(8) of the Local Government Act		council
section 181(11)	Grant discounts or other incentives in relation to the payment of rates		council
section 181(12)(b)	Impose a surcharge or administrative levy not exceeding 1 per cent of the rates payable in a particular financial year with respect to the payment of rates by instalments		council
section 181(13)	Impose different requirements than those under section 181 of the Local Government Act in relation to the payment of separate rates or service rates		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 181(15)	Determine that rates of a particular kind will be payable in more than four instalments in a particular financial year		council
section 182(1)(a)	Postpone payment of rates		council
section 182(1)(b)	Remit the whole or part payment of rates		council
section 182(2)(a)	Impose a condition that the ratepayer pay interest on postponed rates		council
section 182(2)(b)	Impose other conditions on the postponement of rates		council
section 182(2)(c)	Revoke a postponement of rates		council
section 182(3)	Postpone the payment of rates		council
section 182(4)	Grant a remission of rates		council
section 182(5)	Require a ratepayer to verify an entitlement to the remission of rates		council
section 182(6)	Revoke a determination under section 182(4) of the Local Government Act to remit rates		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 182A(1)	Receive an application for a postponement of the payment of the prescribed proportion of rates for the current or a future financial year		council
section 182A(2)	Determine the manner and form of an application under section 182A(1) of the Local Government Act		council
section 182A(3)(a)	Reject an application under section 182A(1) of the Local Government Act in accordance with the regulations		council
section 182A(3)(b)	Impose conditions on the postponement of rates in accordance with the regulations		council
section 183	Apply amount received in respect of rates in manner prescribed by section 183 of the Local Government Act		council
section 184(1)	Sell land where an amount of rates in respect of the land has been in arrears for more than three years	CEO must report such decisions to Council.	council
section 184(2)	Send a notice to the principal ratepayer		council
section 184(3)	Send a copy of the notice sent to the principal ratepayer to any other owner of the land, any registered mortgagee, the holder of any caveat over the land and, 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.		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 184(4)(a)	Place a copy of the notice sent to the principal ratepayer in a newspaper circulating throughout the State		council
section 184(4)(b)	Leave a copy of the notice sent to the principal ratepayer at a conspicuous place on the land		council
section 184(6)	Set a reserve price for the auction	Council is to be advised in advance of any properties designated for sale.	council
section 184(7)	Seek the consent of the Minister who is responsible for the administration of the Crown Lands Act 1929 to have the land sold by public auction	Council is to be advised in advance of any properties designated for sale.	council
section 184(8)	Advertise an auction to sell land under section 184 of the Local Government Act in a newspaper circulating throughout the State	Council is to be advised in advance of any properties designated for sale.	council
section 184(9)	Call off an auction		council
section 184(10)	Sell land by private contract		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 184(11)	Apply money receive in respect of the sale of land under section 184 of the Local Government Act as prescribed in section 184(11)		council
section 184(12)	Deal with money under the Unclaimed Money Act 1891		council
section 185(1)	Apply to the Minister who is responsible for the administration of the Crown Lands Act 1929 for an order under section 185 of the Local Government Act		council
section 186(2)(a)	Repay an amount of overpaid rates		council
section 186(2)(a)	Credit an amount of overpaid rates against future liabilities for rates on the land subject to the overpaid rates		council
section 186(2)(b)	Take action to recover an additional amount in arrears payable on account of an alteration of the valuation or decision		council
section 186(2)(b)	Give notice to recover an additional amount in arrears payable on account of an alteration of the valuation or decision		council
section 186(5)	Refund an amount to a person ceasing to be a ratepayer		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 187(1)	Issue a certificate stating the amount of any liability for rates or charges on the land and any amount received on account of rates or charges that is held in credit against future liabilities for rates or charges on the land		council
section 187A(5)(b)	Receive a report from the Ombudsman		council
section 187B(5)	Receive a report from the Ombudsman		council
section 187B(6)	Provide a written response to the Ombudsman and complainant		council
section 187B(7)	Grant a rebate or remission of any rate or service charge, or of any charge, fine or interest		council
section 188(1)(a)	Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the council		council
section 188(1)(b)	Impose fees and charges for services supplied to a person at his or her request		council
section 188(1)(c)	Impose fees and charges for carrying out work at a person's request		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 188(3)	Provide for: (a) specific fees and charges; (b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges.		council
section 188(5)(b)	Fix, vary or revoke fees and charges for the purposes of section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act		council
section 188(7)	Take reasonable steps to bring a variation of a fee or charge to the notice of a person who may be affected		council
section 190	Agree to acquire land		council
section 191(1)	Seek the Minister's consent to acquire land compulsorily		council
section 191(1)	Acquire land compulsorily		council
section 191(2)	Acquire land compulsorily		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 192(4)	Publish a copy of a resolution under section 192(1) of the Local Government Act in the Gazette		council
section 193(2)	Follow steps on public consultation policy in respect of a proposal to exclude land from classification as community land		council
section 193(3)	Obtain approval of owner of land to exclude land from classification as community land		council
section 193(6)	Give notice in the Gazette of a resolution to exclude land from classification as community land or to classify land as community land		council
section 194(2)(a)	Prepare and make publicly available a report on a proposal to revoke the classification of community land		council
section 194(2)(b)	Follow steps on public consultation policy in respect of a proposal to revoke the classification of land as community land		council
section 194(3)(a)	Submit the proposal to revoke the classification of land as community land with a report on all submissions made in respect of the proposal to the Minister		council
section 194(4)	Participate in consultation with the Minister		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 195(2)	Giver notice of the revocation of the classification of land as community land to the Registrar-General		council
section 196(1)	Prepare and adopt a management plan for community land	This power remains with Council - delegation does not apply	council
section 196(1a)	Prepare and adopt a management plan for the Adelaide Park Lands	The head delegation does not apply to The Barossa Council	Adelaide City Council
section 196(4)	Consult with the owner of land at an appropriate stage in the preparation of a management plan		council
section 197(1)(a)	Make copies of a proposed management plan available or inspection of purchase at the council's principal office		council
section 197(1)(b)	Follow the relevant steps in the council's public consultation policy		council
section 197(3)	Give public notice of the adoption of the management plan		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 198(1)	Amend or revoke a management plan	The CEO may only exercise this power where public consultation is not required (i.e. if the amendment has no impact or no significant impact on the interests of the community). Where public consultation is required pursuant to the Act, the power remains with Council and is not delegated to the CEO.	council
section 198(2)	Undertake public consultation of a proposal to amend or revoke a management plan		council
section 198(4)	Give public notice of the adoption of a proposal to amend or revoke a management plan		council
section 199	Manage community land in accordance with any relevant management plan		council
section 200(1)	Approve the use of community land for a business purpose		council
section 200(3)	Impose conditions on an approval to use community land for a business purpose		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 201(1)	Sell or otherwise dispose of an interest in land		council
section 202(1)	Grant a lease or licence over community land		council
section 202(2)	Follow the relevant steps in the councils public consultation policy in regard to granting a lease or licence relating to community land		council
section 207(1)	Keep a register of community land in the council area		council
section 207(2)(c)	Determine that the register of community land in the council area will consist of a computer record		council
section 208(4)	Cause a copy of a resolution declaring a road or land to be a public road or preserving an easement to be published in the Gazette		council
section 209(3)	Enter an agreement in regard to the ownership of fixture and equipment installed on a public road		council
section 210(1)	Declare a private road to be a public road		council
section 210(2)(a)	Give written notice to the owner of the private road of a proposed declaration		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 210(2)(ab)	Give written notice to the holder of a registered interest over the private road of a proposed declaration		council
section 210(2)(b)	Give public notice to the owner of the private road of a proposed declaration		council
section 210(5)	Publish a declaration under section 210 of the Local Government Act in the Gazette		council
section 210(7)	Furnish a copy of a declaration under section 210 of the Local Government Act to the Registrar-General		council
section 211(1)(a)	Enter an agreement with the Commissioner of Highways or other authority that has the care, control and management of a highway		council
section 211(1)(b)	Act in accordance with a notice issued by the Commissioner of Highways		council
section 212(1)	Carry out roadwork in the council area		council
section 212(1)	Enter an agreement with another council to carry out roadwork in that other council's area		council
section 212(2)	Do anything reasonably necessary for, or incidental to, roadwork		council
section 212(3)(b)	Consult with the Commissioner of Highways		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 212(3)(c)(i)	Obtain the agreement of the owner of a private road		council
section 212(3)(c)(ii)	Give notice to the owner of a private road and a reasonable opportunity to make representations on proposed roadwork		council
section 212(3)(c)(ii)	Consider any representations by the owner of a private road on proposed roadwork		council
section 212(3)(d)	Obtain the agreement of the owner of private land		council
section 213(1)	Recover the whole cost or an agreed contribution to the cost of roadworks undertaken by agreement		council
section 213(2)	Recover the cost of roadwork to repair damage to a road from the person who damaged a road or is the owner of infrastructure which damaged the road		council
section 213(3)(a)	Recover the cost of roadwork on private land or a contribution to the cost of the work determined by the council as a debt from the owner of the private land		council
section 214(2)(a)	Agree the amount of contribution to roadwork with another council		council
section 214(2)(b)	Seek a determination by a court as to the amount of contribution to roadwork to be paid by another council		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 214(3)	Give notice to another council of proposed roadwork and provide reasonable opportunity to that other council to make representations		council
section 215(2)	Carry out roadwork to allow water from a road to drain into adjoining property		council
section 215(4)	Give notice to the owner of land in regard to the proposed action to drain water into the land		council
section 216(1)	Issue an order requiring the owner of private land to carry out specified road work or improve the road		council
section 217(1)	Issue an order requiring the owner of a structure or equipment installed in, on, across, under or over a road to carry out specified road work by way of maintenance or repair or move the structure or equipment to allow the council to carry out roadwork		council
section 217(2)(a)	Take action under an order issued under section 217(1) of the Local Government Act if it is not complied with by the owner of the structure or equipment		council
section 217(2)(a)	Recover the cost of taking action under section 217(2)(a) of the Local Government Act as a debt from the owner of the structure or equipment		council
section 218(1)	Issue an order requiring the owner of land adjoining a road to carry out specified work to construct, remove or repair a crossing place from the road to the land		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 219(1)	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 a public place		council
section 219(1a)	Assign a name to a public road created by land division		council
section 219(2)(a)	Give notice to an adjoining council of a proposed road name change where the road runs into the adjoining council		council
section 219(2)(b)	Consider any representations of an adjoining council in response to a notice under section 219(2)(a) of the Local Government Act		council
section 219(3)(a)	Notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a road name or change of a road name		council
section 219(3)(b)	Provide information to the Registrar-General, the Surveyor-General and the Valuer-General about the name of roads and public places in the council area		council
section 219(4)	Provide public notice on the assigning or changing of a road name		council
section 219(5)	Prepare and adopt a policy on the assigning of road names	This power remains with Council - delegation does not apply.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 219(6)	Alter or substitute a policy on the assigning of road names	This power remains with Council - delegation does not apply.	council
section 219(7)	Publish notice of adopting or altering a policy on the assigning of road name in the Gazette, in a newspaper circulating within the council area and on a website determined by the chief executive		council
section 220(1)	Adopt a numbering system for buildings and allotments adjoining the road		council
section 220(1a)	Assign a number to all buildings and allotments adjoining a public road		council
section 220(2)	Alter or substitute a new numbering system	This power remains with Council - delegation does not apply.	council
section 220(3)	Give public notice of the adoption, alteration or substitution of a numbering system for a particular road		council
section 220(4)	Notify the Valuer-General of a decision to adopt, alter or substitute of a numbering system		council
section 220(6)	Request the 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 council		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 221(1)	Grant an authorisation to alter a public road		council
section 222(1)	Grant a permit authorising the use of a public road for business purposes		council
section 223(1)	Follow the relevant steps in the council's public consultation policy		council
section 223(2)	Give written notice of the proposal to agencies prescribe by regulation		council
section 224(1)	Attach conditions to an authorisation or permit		council
section 224(2)	Comply with any requirements prescribed by the regulations in relation to attaching conditions under section 224(1) of the Local Government Act		council
section 225(1)	Cancel an authorisation or permit		council
section 225(2)(a)	Give the holder of an authorisation or permit written notice of the proposed cancellation of the authorisation or permit		council
section 225(2)(b)	Consider any representation by the holder of an authorisation or permit		council
section 225(3)	Determine a shorter period than one month for a response from the holder of an authorisation or permit		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 231(1)	Keep a register of public roads in the council area		council
section 232	Plant vegetation on a road		council
section 232	Authorise the planting of vegetation on a road		council
section 233(2)	Take action to recover damages from a person who without the council's permission intentionally or negligently damages a road of structure belonging to the councils associated with a road		council
section 234(1)	Remove and dispose of any structure, object or substance from a road		council
section 234(2)	Recover the cost of acting under section 234(1) from the person who erected, placed or deposited the structure, object or substance on the road		council
section 234(3)	Clear a road of wreckage, objects or material on the road as a result of a vehicle accident		council
section 234(3)	Recover the cost of clearing the road from a driver of a vehicle involved in the accident		council
section 234A(5)	Erect barricades or other traffic control devices as necessary to give effect to a resolution to exclude vehicles from a road or public place		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 234A(6)	Give public notice of a resolution under section 234A(1) or 234A(2) of the Local Government Act		council
section 236(2)	Apply to the court for an order that a person convicted of the offence under section 236(1) of the Local Government Act pay any costs incurred by the council in removing or disposing of the abandoned vehicle		council
section 237(4)(a)	Notify the owner of a vehicle of the removal of the vehicle by written notice		council
section 237(4)(b)	Notify the owner of a vehicle of the removal of the vehicle by public notice published in a newspaper circulating generally within the State		council
section 237(5)	Sell a vehicle by public auction or public tender		council
section 237(6)	Dispose of a vehicle		council
section 237(7)	Apply the proceeds of the sale of a vehicle as prescribed in section 237(7) of the Local Government Act		council
section 238(3)	Erect a notice regarding access to or use of a particular piece of land under a council by-law in a prominent place or in the immediate vicinity of the land		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 242(3)	Notify an applicant in writing of a decision or presumptive decision on an application which is subject to section 242 of the Local Government Act		council
section 242(4)	Fix a date as the 'relevant date' for the purposes of section 242 of the Local Government Act		council
section 243(1)	Apply to the Registrar-General for the issue of a certificate of title for land which has vested in fee simple in the council under the Local Government Act		council
section 245(2)	Take reasonable action to respond to a request by the owner or occupier of property adjacent to a road to avert a risk of damage from a tree		council
section 245A(1)	Require a person to enter into an agreement with the council in regard to work under an approval under the Planning, Development and Infrastructure Act 2016 which could cause damage to any local government land (including a road) within the vicinity of the site of the development		council
section 245A(3)	Participate in the hearing of an appeal by a person against the requirements to enter and agreement of the terms or conditions of the agreement		council
section 246(4a)	Publish a notice of a determination under section 246(3)(b) in the Gazette and a newspaper circulating generally in the council area		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 246(5)(b)	Fix an expiation fee for alleged offences against the by-laws	This power remains with Council - delegation does not apply.	council
section 249(1)	Make copies of a proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available to the public in accordance with section 132(1)		council
section 249(2)	Consider submissions made on a proposed by-law	This power remains with Council - delegation does not apply.	council
section 249(4)	Obtain a certificate signed by a legal practitioner		council
section 249(5)	Publish a by-law in the Gazette		council
section 249(7)	Publish a notice of making a by-law		council
section 250(5)	Publish a resolution adopting a model by-law in the Gazette		council
section 250(7)	Publish a resolution adopting a model by-law in a newspaper circulating in the council area		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 252(1)	Maintain a register of the by-laws made or adopted by the council		council
section 252(5)	Provide for purchase a certified copy of a by-law		council
section 254(1)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act		council
section 255(1)	Provide a notice in writing prior to making an order under section 254(1) of the Local Government Act		council
section 255(2)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land		council
section 255(3)	Consider any representations made in response to a notice under section 255(1) of the Local Government Act		council
section 255(3)(a)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act		council
section 255(3)(b)	Order a person to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 255(3)(c)	Determine not to proceed to make an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act		council
section 255(7)	Serve an order to do or refrain from doing a thing prescribed in section 254(1) of the Local Government Act		council
section 255(8)	Serve a copy of a notice under section 255(1) of the Local Government Act on the owner of the land		council
section 255(11)	Vary an order		council
section 255(12)	Make an order		council
section 256(3)	Participate in a review of an order by the South Australian Civil and Administrative Tribunal		council
section 257(1)	Take action required by an order made under section 255 of the Local Government Act		council
section 257(2)	Authorise a person to take action under section 257(1) of the Local Government Act		council
section 257(3)	Recover the costs of taking action under section 257(1) of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 257(5)	Provide notice fixing a period in which a person must pay an amount recoverable by the council under section 257 of the Local Government Act		council
section 257(5)(b)	Impose a charge over land for an unpaid amount recoverable by the council under section 257 of the Local Government Act		council
section 259(1)	Prepare and adopt policies concerning the operation of Part 2, Chapter 12 of the Local Government Act	This power remains with Council - delegation does not apply.	council
section 259(2)(a)	Prepare a draft policy		council
section 259(2)(b)	Give notice in a newspaper circulating in the council area of the place or places where copies of the draft policy are available for inspection and purchase and invite written submissions		council
section 259(3)	Consider submissions		council
section 259(4)	Amend a policy		council
section 259(5)	Take steps in section 259(2) and 259(3) prior to amending a policy		council
section 260(1)	Appoint an authorised person		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 260(2)	Impose conditions or limitations on the appointment of an authorised person		council
section 260(3)	Issue an identity card to an authorised person		council
section 260(5)	Revoke the appointment of an authorised person		council
section 262A(3)	Deal with a complaint in accordance with the council's behavioural management policy		council
section 262B(1)	Prepare and adopt a behavioural management policy	Delegation to prepare a policy for Council's consideration only.	council
section 262B(6)	Alter or substitute a behavioural management policy	Not Delegated	council
section 262B(7)	Review the operation of the behavioural management policy	Not Delegated	council
section 262D	Provide complainant with written reasons for refusal or determination		council
section 262W(3)(b)(ii)	Provide report to the Panel detailing: • member's compliance with the Panel's requirement; or • council's compliance with Panel's requirement		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 263B(1)(a) and (3)	To act in accordance with a recommendation of the Ombudsman	Not Delegated	council
section 264(1)(a)	Authorise a person in writing for the purposes of this section to lodge a complaint with SACAT		council
section 270(a1)	Develop and maintain policies, practices and procedures for dealing with requests for the provision of services by the council or complaints about the activities of the council, employees of the council or person acting on behalf of the council		council
section 270(1)	Establish procedures for the review of decisions		council
section 270(3a)	Reduce, waive or refund a fee		council
section 270(4)	Refuse an application for the review of a decision		council
section 270(6)	Amend policies, practices and procedures applying under section 270 of the Local Government Act		council
section 270(8)	Initiate and consider a report for the purpose of section 270(8) of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 271(1)	Make provision in a procedure under section 270 of the Local Government Act for disputes between a person and the council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation		council
section 271(2)	Constitute panels of mediators, conciliators and evaluators		council
section 271(7)	Pay costs of mediation, conciliation and evaluation		council
section 271A(1)	Provide requested information to the Minister		council
section 271B(1)(a)	Obtain an independent assessment of the council's probity or compliance with any requirements placed on the council under legislation		council
section 271B(1)(b)	Take specified action to meet standards in the conduct or administration of the affairs of the council identified by the Minister		council
section 272(3)	Provide an explanation and make submissions to the Minister		council
section 272(5)	Make submissions to the Minister in relation to the subject matter of an interim report		council
section 273(3)	Make submissions to the Minister in relation to a report under section 273(1) of the Local Government Act		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 275(2)	Make submissions to the Minister in relation to a report under section 274 of the Local Government Act		council
section 276(2)(a)	Bring proceedings under section 276(1) of the Local Government Act		council
section 279(1)	Serve a document		council
section 281(1)	Notify a lessee or licensee of land to pay the council rent or other consideration payable under the lease or licence in satisfaction of the landowner's liability to the council		council
section 281(2)(b)	Notify the owner of land of the imposition of a requirements under section 281(1) of the Local Government Act		council
section 282(1)	Approve an occupier of land undertaking work		council
section 294(1a)	Provide notice to an owner or occupier of land		council
section 294(3)(a)	Pay rent to the owner of occupier of land as determined by agreement or the Supreme Court		council
section 294(3)(b)	Pay to the owner of occupier of land reasonable compensation for damage to any crops on land		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 294(3)(c)(i)	Remedy damage to land caused by the council		council
section 294(3)(c)(ii)	Pay compensation for any other loss or damage caused by the council		council
section 294(5)	Erect a fence		council
section 294(7)	Comply with the relevant requirements of the Mining Act 1971		council
section 296(1)	Recover the cost or a portion of the costs of works as a debt		council
section 296(3)	Give notice of a valuation to the owner of land		council
section 296(5)	Participate in an objection or review to a valuation		council
section 297	Sell or dispose of rubbish collected by the council		council
section 298(1)	Order action in response to flooding or imminent flooding		council
section 300(1)	Pay the cost of advertising		council
clause 13(c), Schedule 1A	Enter an arrangement with the Stormwater Management Authority to make use of council staff, equipment or facilities		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 17(1), Schedule 1A	Prepare a stormwater management plan		council
clause 18(1), Schedule 1A	Prepare a stormwater management plan or revise an existing stormwater management plan		council
clause 18(2), Schedule 1A	Provide a stormwater management plan to the Stormwater Management Authority for approval		council
clause 19(3), Schedule 1A	Take action required by the Stormwater Management Authority as a condition of approving a stormwater management plan		council
clause 20(1), Schedule 1A	Comply with an order issued by the Stormwater Management Authority under clause 2091), Schedule 1A of the Local Government Act		council
clause 20(5), Schedule 1A	Make submissions to the Stormwater Management Authority		council
clause 20(6), Schedule 1A	Enter into an agreement with the Stormwater Management Authority for the repayment of costs and expenses of the authority by the council		council
clause 24(1), Schedule 1A	Take 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		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
	by an order under clause 20(a), schedule 1B of the Local Government Act by: (a) entering and occupying any land; (b) constructing, maintaining or removing any infrastructure; (c) excavating any land; (d) inspecting, examining or surveying any land and for that purpose: (i) fixing posts, stakes or other markers on the land; (ii) digging trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) removing samples for analysis; and (e) altering water table levels, stopping or reducing the flow of water in a watercourse, diverting water flowing in a watercourse to another watercourse or to a lake or controlling the flow of water in any other manner; (f) holding water in a watercourse or lake or by any other means; (g) diverting water to an underground aquifer, disposing of water to a lake, underground aquifer or the sea, or dealing with water in any other manner; (h) deepening, widening or changing the course of a watercourse, deepening or widening a lake or taking action to remove any obstruction to the flow of water; (i) undertaking any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); (j) undertaking any testing, monitoring or evaluation; and (k) undertaking any other activity of a prescribed kind.		

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 24(2)(a), Schedule 1A	Enter into an agreement with the owner of private land		council
clause 24(2)(b), Schedule 1A	Acquire an easement or other appropriate interest over land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws		council
clause 24(3), Schedule 1A	Acquire land by agreement for the purposes of constructing any infrastructure or performing any work		council
clause 25(2), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24		council
clause 25(3)(b), Schedule 1A	Provide notice to the occupier of land of an intention to enter, or to enter and occupy, land in accordance with clause 24		council
clause 26(3), Schedule 1A	Make submissions to the Minister regarding the vesting of the care, control and management of infrastructure or land in the council		public authority
clause 26(4), Schedule 1A	Maintain and repair infrastructure and maintain land vested in the council		public authority

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 2(1), Schedule 1B	Enter a building upgrade agreement	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	council
clause 2(4), Schedule 1B	Agree to other parties entering a building upgrade agreement	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 4, Schedule 1B	Agree to vary or terminate a building upgrade agreement	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive Officer.	council
clause 6(1), Schedule 1B	Declare a building upgrade charge	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.	Council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 6(2), Schedule 4B	Provide written notice of the declaration of a building upgrade charge	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.	council
clause 6(4), Schedule 1B	Give notice of each payment of a building upgrade charge	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.	council
clause 7(2), Schedule 1B	Deduct and retain any service fee and late payment fee		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 7(3)(a), Schedule 1B	Hold money pending payment to the finance provider		council
clause 7(3)(b), Schedule 1B	Pay money to the finance provider		council
clause 9(1), Schedule 1B	Sell land if a building upgrade charge remains outstanding for more than 3 years		council
clause 9(2), Schedule 1B	Apply money received on the sale of land as prescribed by clause 9(2), schedule 1B of the Local Government Act		council
clause 9(3), Schedule 1B	Deal with unclaimed money in accordance with the Unclaimed Moneys Act 1891		council
clause 10(2)(a), Schedule 1B	Adjust a building upgrade charge		council
clause 10(2)(a), Schedule 1B	Give notice to the building owner of the adjustment of a building upgrade charge		council
clause 10(3)(d), Schedule 1B	Refund excess payments to the building owner		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 11(1), Schedule 1B	Recover a building upgrade charge in accordance with a building upgrade agreement		council
clause 13(1), Schedule 1B	Keep a register of building upgrade agreements		council
clause 13(3), Schedule 1B	Provide the register of building upgrade agreements for inspection at the principal office of the council		council
clause 13(4), Schedule 1B	Provide an extract of the register of building upgrade agreements		council
clause 1(4), Schedule 2	Publish a copy of the charter of a subsidiary in the Gazette		council
clause 3(1), Schedule 2	Prepare a charter for a subsidiary		council
clause 3(4), Schedule 2	Review a charter for a subsidiary		council
clause 3(5)(a), Schedule 2	Furnish a copy of an amended charter for a subsidiary to the Minister		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 3(5)(b), Schedule 2	Publish a copy of an amended charter for a subsidiary on a website determined by the chief executive officer		council
clause 3(5)(c), Schedule 2	Publish a notice in the Gazette of the fact of the amendment and website address at which the charter is available for inspection		council
clause 4(1), Schedule 2	Determine the membership of the board of management of a subsidiary		council
clause 4(2), Schedule 2	Appoint members of the board of management of a subsidiary		council
clause 4(6), Schedule 2	Appoint a deputy of a board member		council
clause 4(8), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility between offices held concurrently		council
clause 5(9), Schedule 2	Act on advice of a board of management that the subsidiary owes a duty of confidence in regard to a matter		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 5(12), Schedule 2	Direct the board of management as to procedures		council
clause 8(1), Schedule 2	Participate in consultation with a subsidiary on the preparation and adoption of the subsidiary's business plan		council
clause 8(4), Schedule 2	Participate in consultation with a subsidiary in an annual review of the subsidiary's business plan		council
clause 8(5), Schedule 2	Participate in consultation with a subsidiary on the amendment of the subsidiary's business plan		council
clause 9(2)(d), Schedule 2	Fix a date by which a subsidiary's budget must be adopted		council
clause 9(3), Schedule 2	Approve the amendment by a subsidiary of an adopted budget		council
clause 9(5), Schedule 2	Participate in consultation with a subsidiary on the subsidiary incurring spending before the adoption of its budget for the year		council
clause 10(1), Schedule 2	Give a direction to a subsidiary		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 10(2), Schedule 2	Make a copy of a direction given to a subsidiary available at the principal office of the council		council
clause 11(1), Schedule 2	Request a subsidiary to furnish information or records in the possession or control of the subsidiary		council
clause 11(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential		council
clause 12(1), Schedule 2	Request a subsidiary to report on a matter to the council		council
clause 12(2), Schedule 2	Receive a report on the work and operations of the subsidiary		council
clause 12(4), Schedule 2	Incorporate a report made under clause 12(2), Schedule 2 into the annual report of the council		council
clause 13(3), Schedule 2	Determine or approve members of the audit committee of the subsidiary		council
clause 14(2), Schedule 2	Approve borrowing by a subsidiary		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 16(1)(a), Schedule 2	Request the Minister wind up a subsidiary		council
clause 17(4), Schedule 2	Publish (in conjunction with the other constituent councils) a copy of the charter of a subsidiary in the Gazette		council
clause 19(1), Schedule 2	Prepare (in conjunction with the other constituent councils) a charter of a subsidiary		council
clause 19(4), Schedule 2	Review (in conjunction with the other constituent councils) a charter of a subsidiary		council
clause 19(5)(a), Schedule 2	Furnish (in conjunction with the other constituent councils) a copy of an amended charter of a subsidiary to the Minister		council
clause 19(5)(b), Schedule 2	Publish (in conjunction with the other constituent councils) a copy of the amended charter of a subsidiary on a website determined by the chief executive officer		council
clause 20(1), Schedule 2	Determine (in conjunction with the other constituent councils) the membership of the board of management of a subsidiary		council
clause 20(7), Schedule 2	Give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 21(8), Schedule 2	Authorise a person to attend a meeting of the board of management and have access to the papers provided to board members for the meeting		council
clause 21(9), Schedule 2	Act on advice of a board of management that a matter should be treated confidentially		council
clause 21(12), Schedule 2	Direct (in conjunction with the other constituent councils) procedures for the board of management		council
clause 24(1), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in the preparation and adoption of a business plan		council
clause 24(4), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary in an annual review of the subsidiary's business plan		council
clause 24(5), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on the amendment of the subsidiary's business plan		council
clause 25(2)(d), Schedule 2	Fix (in conjunction with the other constituent councils) a date before which a budget must be adopted by the subsidiary		council
clause 25(3), Schedule 2	Approve (in conjunction with the other constituent councils) the amendment of a budget adopted by the subsidiary		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 25(5), Schedule 2	Participate (in conjunction with the other constituent councils) in consultation with the subsidiary on incurring spending prior to the adoption of a budget		council
clause 26, Schedule 2	Issue (in conjunction with the other constituent councils) a direction to the subsidiary		council
clause 27(1), Schedule 2	Request the subsidiary to furnish information or records in the possession or control of the subsidiary to the council		council
clause 27(2), Schedule 2	Act on advice of a board of management that information or a record should be treated as confidential		council
clause 28(1), Schedule 2	Fix (in conjunction with the other constituent councils) a date before which a subsidiary must furnish to the constituent councils report on the work and operations of the subsidiary		council
clause 28(3), Schedule 2	Incorporate a report under clause 28(1), Schedule 2 of the Local Government Act in the annual report of the council		council
clause 30(3), Schedule 2	Determine or approve (in conjunction with the other constituent councils) the members of the subsidiary's audit committee		council
clause 33(1), Schedule 2	Request (in conjunction with the other constituent councils) the Minister to wind up a regional subsidiary		council

Local Government Act 1999			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
clause 2(1), Schedule 6	Deliver a notice to the Registrar-General for the purpose of registering a charge over land		council
clause 3(1)(b), Schedule 6	Exercise the powers of a mortgagee given by the Real Property Act 1886 under a mortgage in respect of which default has been made in payment of money secured by the mortgage		council
clause 4(1), Schedule 6	Provide notice to the Registrar-General that the amount a charge relates to has been repaid and apply for the discharge of the charge		council

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

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7(2)(a)	Take action to manage local nuisance and littering within the council area	This power remains with Council - delegation does not apply.	council
section 7(2)(b)	Cooperate with any other person or body in the administration of the Act	This power remains with Council - delegation does not apply.	council
section 7(2)(c)	Provide, or support the provision of, educational information within the council areas to help detect, prevent and manage local nuisance and littering	This power remains with Council - delegation does not apply.	council
section 8	Include in the council's annual report details of the performance of the council during the year of functions conferred on it under the Act		council
section 12(3)	Appoint authorised officers		council
section 12(4)(a)	Determine conditions to apply to the appointment of authorised officers		council
section 12(6)	Revoke the appointment of an authorised officer		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 12(6)	Vary or revoke a condition applying to the appointment of an authorised officer or impose a further condition		council
section 13(2)	Issue an identity card to an authorised officer		council
section 15(a)	Agree in writing that an authorised officer appointed by another council may exercise powers under the Act in the council area		council
section 16(1)(a)	Hold a substance, material or thing seized under Division 3, Part 3 of the Act pending proceedings		council
section 16(1)(a)	Authorise the release of a substance, material or thing seized under Division 3, Part 3 of the Act		council
section 16(1)(d)	Receive a substance, material or thing forfeited pursuant to a court order		council
section 16(1)(e)(i)	Request the person entitled to recover a substance, material or thing to collect the substance, material or thing		council
section 16(1)(e)(ii)	Make reasonable attempts to locate the person entitled to recover a substance, material or thing to collect the substance, material or thing		council
section 16(1)(f)	Dispose of any substance, material or things forfeited to the council under section 16		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 19(1)	Declare a person to be exempt from the application of section 18		council
section 19(2)	Receive an application for an exemption under section 19		council
section 19(2)(b)	Specify any information the council requires to be provided with an application under section 19		council
section 19(4)	Determine conditions to apply to a declaration under section 19		council
section 19(5)	Vary or revoke a declaration under section 19		council
section 19(6)	Specify a date of expiry in a declaration under section 19		council
section 19(7)	Publish a declaration under section 19 or any variations to a declaration on a website determined by the council		council
section 22(3)(a)(i)	Provide a bin or other receptacle for litter of a particular kind		council
section 22(3)(a)(ii)	Approve or authorise the disposal of litter in a manner other than in a bin or receptacle provided by the council		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 25(1)	Receive a citizen's notification from a person who reasonably suspects another person has committed an offence under Division 2, Part 4 of the Act		council
section 26(3)	Issue a notice to the owner of a vehicle for an alleged offence		council
section 29	Notify the Environment Protection Authority of a belief that an offence committed under section 18 of section 22 has, or may have, resulted in material environmental harm or serious environmental harm		council
section 30(1)(a)	Issue a nuisance abatement notice		council
section 30(1)(b)	Issue a litter abatement notice		council
section 30(7)	Issue and serve a notice confirming an emergency notice		council
section 30(8)	Vary or revoke a notice issued under section 30		council
section 31(1)	Take action required by a nuisance abatement notice or a litter abatement notice if the requirements of the notice has not been fulfilled		council
section 31(2)	Authorise a person to take action on behalf of the council if the requirements of a nuisance abatement notice or a litter abatement notice have not been fulfilled		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 31(3)(a)	Issue an instrument of authority to a person other than an authorised officer taking action on behalf of the council under section 31(1)		council
section 31(5)	Recover the reasonable costs and expenses incurred in taking action under section 31		council
section 31(6)	Fix a period within which an amount under section 31(5) must be paid to the council		council
section 32(4)	Participate as a party to any proceedings under section 32		council
section 33(6)(a)	Make an application to the Environment, Resources and Development Court for an order under section 33(1)		council
section 33(8)(a)	Serve a copy of an application under section 33 on the Minister		council
section 33(9)(b)	Apply to the Environment, Resources and Development Court to join proceedings for an order under section 33(1) commenced by another person		council
section 33(14)	Apply to the Environment, Resources and Development Court for an interim order under section 33		council
section 33(19)	Apply to the Environment, Resources and Development Court to vary or revoke an order under section 33		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 34(1)	Agree with a person who the council is satisfied has contravened the Act a civil penalty in respect of the contravention		council
section 34(1)	Apply to the Environment, Resources and Development Court for an order for a civil penalty in respect of a contravention of the Act		council
section 34(3)(a)	Serve a notice on a person who the council is satisfied has contravened the Act advising the person that they may elect to be prosecuted for the contravention		council
section 40	Require a person required by or under the Act to provide information to the council to verify the information by statutory declaration		council
section 43(1)(d)	Commence proceedings for an offence against the Act		council
section 48(1)	Serve notice on a person who has contravened the Act requiring the person to pay the reasonable costs of the council taking prescribed action under the Act		council
section 48(3)(a)	Extend the time for payment of an amount payable under a notice under section 48(1)		council
section 48(3)(b)	Waive or reduce payment of an amount payable under a notice under section 48(1)		council
section 48(6)	Recover an amount payable under a notice under section 48(1) which is unpaid as a debt		council

Local Nuisance and Litter Control Act 2016			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 50(4)	Execute a certificate regarding the appointment or non-appointment of a person as an authorised officer; a delegation or authority under the Act; a notice, requirement or direction of the council; any other decision of the council; receipt or non-receipt of a notification, report or information		council
section 50(5)	Execute a certificate detailing costs and expenses and the purpose for which they were incurred for the purposes of proceedings to recover the reasonable costs of the council		council
section 51(9)	Participate in consultation with the Minister in regard to proposed regulations		council

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

Local Nuisance and Litter Control Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(1)(a)(ii)(A)	Fix a lodgement period for an application under section 19(2) of the Act in relation to an activity that is to take place over a period not exceeding 24 hours		council
regulation 6(1)(a)(ii)(B)	Fix a lodgement period for an application under section 19(2) of the Act in relation to an activity that is to take place over a period of 24 hours or longer		council

Local Nuisance and Litter Control Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(1)(b)	Fix a fee for an application under section 19(2) of the Act		council
regulation 6(2)	Refuse to consider an application for the purposes of section 19(2) of the Local Nuisance and Litter Control Act		council
regulation 13(2)(a)	Give notice to the Registrar-General for the purposes of creating a charge on land		council
regulation 13(2)(g)	Give notice to the Registrar-General for the purposes of cancelling a charge on land		council
regulation 13(3)	Recover costs or expenses incurred by the council in relation to the creation or cancellation of a charge over land		council
regulation 15(1)	Allow a fee payment under the Local Nuisance and Litter Control Act or regulations to be paid in instalments		council
regulation 15(1)	Add a charge by way of interest or an administrative fee to the payment of a fee by instalments		council
regulation 16	Waive or refund a fee or other amount payable under the Local Nuisance and Litter Control Act or regulations		council

Local Nuisance and Litter Control Regulations 2017			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 17	Recover a fee or other amount payable under the Local Nuisance and Litter Control Act or regulations		council

Mining Act 1971

Mining Act 1971			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of council**
section 9AA(1)	Enter into an agreement with a mining operator to waive the benefit of an exemption		council
section 9AA(1a)	Advise a tenement holder of the council's position in relation to a waiver of the benefit of an exemption and the conditions which may apply to such a waiver		council
section 9AA(4)	Give written notice to a mining operator rescinding an agreement to waive an exemption		council
section 9AA(7)	Participate in proceedings before the Environment, Resources and Development Court brought by a mining operator seeking an order waiving the benefit of an exemption		council

Mining Act 1971			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of council**
section 9AA(8a)	Apply for a court order under section 9AA(9) of the Mining Act		council

Mining Regulations 2020

Mining Regulations 2020			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of council**
regulation 74(3)(b)	Make submissions to the Director of Mines in regard to the draft objectives and criteria of a mine operations plan for a mine located in the council area		council

Instrument of Delegation under the Ombudsman Act 1972

Ombudsman Act 1972			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration		public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration		public authority
section 12H(1)(b)	Act on a referral from the Ombudsman		public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter		public authority
section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the written notice so requires, verify the statement by statutory declaration		public authority
section 18(4)	To comment on the subject matter of a report		public authority
section 19A(1)	Comply with a notice of the Ombudsman		agency

Ombudsman Act 1972			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable		agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman		public authority
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction		agency
section 28A(1)	Comply with directions of the Ombudsman		public authority
section 28A(2)	Comply with varied or further directions of the Ombudsman		public authority
section 28A(3)	Provide comments to the Ombudsman		public authority
section 29(8)	Act on a referral of the inspector		public authority
section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action		Agency/ prosecution authority

Instrument of Delegation under the Private Parking Areas Act 1986

Private Parking Areas Act 1986				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 9(1)	Enter into an agreement with the owner of a private parking area for council to enforce Part 3 of the Act with respect to the private parking area	This power remains with CEO - no further sub-delegation		council

Instrument of Delegation under the Real Property Act 1886

Real Property Act 1886			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 223LDA(b)(i)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered to, or is in force, as to the variation or termination of the statutory encumbrance		holder of statutory encumbrance
section 223LH(1)(c)	Issue a certificate certifying the council's consent to the division of land		holder of statutory encumbrance
section 252	Provide the Registrar-General with a map or plan showing particulars of the new street or road vested in the council		council

Instrument of Delegation under the Road Traffic (Miscellaneous) Regulations 2014

Road Traffic (Miscellaneous) Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(2)	Participate in consultation with respect to an event management plan		council
regulation 7(3)	Participate in consultation with respect to an order to close a road		council
regulation 8	Provide information supplied by the Minister for the inspection of the public at the office of the council until the event causing a road closure has occurred		council
regulation 66	Designate an area for parking		council

Instrument of Delegation under the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 17(2)	Determine for the purposes of rule 185 of the Australian Road Rules: (a) the class of permits required for vehicles to stop in the permit zone; (b) the persons entitled to such permits; (c) any fees to be paid for such permits; (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles)		council
regulation 17(2)	Vary a determination under regulation 17(2)		council
regulation 17(3)	Issue for the purposes of rule 185 of the Australian Road Rules permits in respect of the permit zone to persons entitled to them		council
regulation 17(3)	Determine conditions to apply to permits issued under regulation 17(3)		council

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 22(2)	Determine for the purpose of rule 207(2) of the Australian Road Rules the fees payable for parking in the length of road or the area by (a) operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area; or (b) the use of an electronic device or an electronic method of payment determined by the council that is indicated on or with the sign or a meter, ticket or ticket vending machine		council
regulation 22(2)	Vary a fee determined under regulation 22(2)		council
regulation 22(2)(b)	Determine the electronic method of payment		council

Instrument of Delegation under the Road Traffic Act 1961

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 17(1)	Install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road		road authority
section 17(2)	Remove a traffic control device or cause a traffic control device to be removed		road authority
section 17(3)	Install, display, alter, operate or remove traffic control device: (a) in relation to an area where persons are engaged in work or an area affected by works in progress; (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or (c) for any temporary purposes.		road authority
section 17(5)	Apply to the Minister for approval to take action under section 17 of the Road Traffic Act		road authority
section 18(5)	Comply with a direction of the Minister to install, maintain, alter, operate or remove a traffic control device on, above or near a road		road authority
section 18(6)	Carry out a direction with which a road authority has failed to comply at the direction of the Minister		council

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18(7)	Recover as a debt from a defaulting road authority any expenses incurred in carrying out a direction under section 18(6)		council
section 19(6)	Maintain a traffic control device for which the council is liable to bear the costs in good order		council
section 19A(3)	Recover any amount due under a requirement under section 19A as a debt		road authority
section 20(3)	Place speed limit signs on road		public authority
section 20(4)(b)	Place speed limit signs on road		public authority
section 20(5)	Close road pursuant to a permit		public authority
section 20(6)	Apply to the Minister for a road works permit		public authority
section 20(9)	Apply to the Minister for an extension of time		public authority

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 20(13)	Engagement of a contractor to undertake works on behalf of the public authority		public authority
section 20A(1)	Appeal a decision of the Minister under section 17 or section 20 to the District Court		public authority
section 20A(2)	Request the Minister to provide reasons in writing for a decision under section 17 or section 20		public authority
section 21(2)	Certify that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road		road authority
section 21(3)	Comply with conditions of approval under section 17 or a permit under section 20		road authority
section 31(2)	Remove any false traffic control device or any device, structure or thing that might constitute a hazard to traffic.		road authority

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 32(1)	Cause a notice of a proposal to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; (b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; (c) if the road is a prescribed road, to be given to each affected council; and (e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.		public authority
section 32(2)	Consider written submissions made		public authority
section 32(6)	Cause a notice of a decision to close a road or part of a road to all vehicles or vehicles of a specified class or to cause a road as a through road for motor vehicles to be: (a) published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; (b) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; (c) if the road is a prescribed road, to be given to each affected council; and (e) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.		public authority

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 33(2)	Consent to the closure of a road for an event		council
section 40P(3)	Offer a vehicle for sale by public auction		council
section 40P(4)	Dispose of a vehicle as the council thinks fit		council
section 40P(6)	Make reasonable enquiries to locate the owner of a vehicle		council
section 86(a)	Determine that a ticket must be obtained for parking in a length of road or area without the payment of a fee		council
section 86(a)	Vary or revoke a determination under section 86(a)		council
section 163ZC(2)	Apply for a compensation order		road authority
section 163ZD(2)(c)	Certify that the road authority maintains a road		road authority

Road Traffic Act 1961			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 163ZD(2)(c)	Certify other matters including: (a) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; (b) estimating the cost of remedying the damage; or (c) estimating the extent of the offender's contribution to the damage		road authority
section 163ZE(1)	Serve a certificate referred to in section 163ZD on the defendant		road authority
section 163ZH(1)(b)	Repay payments under an order to the extent that the order is void		road authority
section 174A(4)	Issue notice inviting the owner of a vehicle issued with an expiation notice or expiation reminder notice under the Expiation of Offences Act 1996 to provide a statutory declaration setting out the name and address of the driver or the details of the transfer of the vehicle		council
section 174C(1)	Exempt a person or a person of a specified class or any vehicle or any vehicle of a specified class from compliance within the council areas with a prescribed provision of the Road Traffic Act		council
section 174C(2)	Specify conditions to apply to the granting of an exemption under section 174C(1)		council

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

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 4	Make a road process order		relevant authority
section 5	Commence a road process in relation to a road or a proposed road		council
section 9(1)	Cause to be prepared: (a) a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and (b) a statement in a form approved by the Surveyor-General containing the names and addresses of those persons affected who can be identified by reasonable enquiry and such information in relation to the land subject to the proposed road process as is required by the Surveyor-General		council
section 9(2)	Deposit a copy of the preliminary plan and statement at the Adelaide office of the Surveyor-General with the prescribed fee		council
section 10(1)(a)	Give public notice in accordance with the regulations of the proposed road process		relevant authority
section 10(1)(b)	Serve notice of the proposed road process on each person affected who can be identified by reasonable enquiry		relevant authority
section 10(2)	Deposit a copy of the notice at the Adelaide office of the Surveyor-General		relevant authority

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 11(a)(ii)	Lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the council		council
section 11(b)(iii)	Lodge a copy of the notice of the proposed road opening at the General Registry Office		council
section 11(b)(iii)	Serve a notice on any person requiring the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land		council
section 12(1)	Make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owners of land adjoining that land		council
section 12(3)(a)	Endeavour to secure an agreement for exchange with a person who owns adjoining land and land subject to a proposed road opening		council
section 12(3)(b)	Invite offers from the owners of land adjoining the land subject to the proposed road closure		council
section 13(3)	Receiving an objection or application in respect of a proposed road process		relevant authority

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 14(1)	Notify a person who has made an objection or application in relation to a proposed road process of the time and place at which the relevant authority will meet to consider all such objections and applications		relevant authority
section 15(1)	Determine whether or not to make a road process order		relevant authority
section 15(3)	Give notice of a decision that no road process order is to be made to the Surveyor-General, any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3 and, in the case of a proposed road opening, to any person who has an interest in land over which a road was proposed to be opened		relevant authority
section 17	Make one or more of the orders listed in section 17 as part of a road process order dealing with land the subject of a road closure		relevant authority
section 18(1)	Make an order as part of a road process order for the granting of an easement over land subject to the road closure		relevant authority
section 19(a)	Give notice of the making of a road process order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1, Part 3		relevant authority
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road will be opened		relevant authority

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 19(b)(i)	Give notice of the making of a road process order to any person who has an interest in land over which a road was proposed to be opened, but which does not form part of the land over which the road will be opened, advising of the discontinuance of the road process in respect of that land		relevant authority
section 19(c)	Deliver to the Adelaide Office of the Surveyor-General a copy of the minutes of all meetings held by the authority in relation to the proposed road process certified by the chief executive officer of the council		relevant authority
section 20(1)	Deposit at the Adelaide Office of the Surveyor-General prescribed documents after making a road process order and any fee prescribed by regulation		council
section 20(3)	Give notice of the lapsing of a road process to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened		council
section 22(1)	Request that the Surveyor-General amend a road process order to correct an error or deficiency prior to confirmation of the order by the Minister		relevant authority
section 22(1)	Participate in consultation with the Surveyor-General regarding the amendment of a road process order to correct an error or deficiency prior to confirmation of the order by the Minister		relevant authority
section 22(2)(a)	Receive notice of an amendment of a road process order from the Surveyor-General		relevant authority

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 22(2)(b)	Give notice of an amendment of a road process order to any person who was required to be given notice of the road process order under sections 19(a) or 19(b) and, if the road authority is not the council, the council		relevant authority
section 22(2)(b)	Receive notice from the relevant authority of an amendment of a road process order		council
section 24(2)(b)	Give notice of a decision by the Minister to decline to confirm a road process order to any person who made an objection of application in relation to the proposed road process pursuant to Division 1, Part 3 and any person who has an interest in the land over which the road was proposed to be opened		council
section 31(1)(a)	Serve notice of the road process order on each person who had an interest in the land immediately before it vested in the council by virtue of the road opening and append to the notice an offer in writing stating the total amount of compensation that the council proposes to pay to the person and dividing that amount so far as practicable into separate components		council
section 31(1)(b)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed		council
section 32(3)	Assess and pay compensation in respect of a road opened over land not owned by the council as prescribed		council

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 33(1)	Acquire additional land adjoining or near the land to which the proposed road opening relates with the approval of the Minister		council
section 33(4)	Sell or otherwise deal with additional land acquired under section 33		council
section 33(4)	Apply the proceeds from the sale of additional land to defraying expenses incurred by the council in connection with the road opening		council
section 33(5)	Comply with conditions imposed by the Minister on the manner in which additional land may be dealt with by the council		council
section 34(1)(b)	Receive a notice of a proposal to close a road from the Surveyor-General		council
section 34(2)	Make a representation to the Surveyor-General regarding the proposed road closure		council
section 34B(2)(a)(i)	Receive notice of a proposal to open or close a road in an environmental impact statement		council
section 34B(2)(c)	Make written submissions on the proposal to open or close a road		council

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 34G(1)	Apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B of the Roads (Opening and Closing) Act	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(a)	Give public notice of the proposal, in accordance with the regulations, if the Minister determines that the application under section 34G(1) should be considered	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(b)	Give notice of the proposal to any State authority or council specified by the Minister	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(4)(c)	Give notice of the proposal to the Adelaide Park Lands Authority	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(6)	Forward to the Surveyor-General any representation in relation to the proposal made to the council within the period under section 34G(5) and any response that the council wishes to make in relation to those representations	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide

Roads (Opening and Closing) Act 1991			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 34G(9)	Consult with the Surveyor-General regarding survey plans and other documents to be prepared as required by the Registrar-General	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(9)	Submit survey plans and other documents as required by the Registrar-General to the Minister	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 34G(14)	Provide any documentation required by the Registrar-General to the Registrar-General	This power remains with Council - delegation does not apply.	Adelaide City Council or council adjoining the City of Adelaide
section 35(2)	Reserve any question of law for the consideration of the Supreme Court, prior to making any road process order	This power remains with Council - delegation does not apply.	relevant authority
section 36(2)(a)	Repay any amount paid to the council in pursuance of an agreement for exchange or transfer which is avoided by virtue of the operation of section 12(4)		council
section 39	Fence along its boundaries a road as altered or diverted by the council with a substantial fence of the same nature as the fence previously in the boundary of the road and abutting the land		council

SA South Australian Public Health Act 2011 (Covid-19)

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s44(1)	1. Local Authorised Officers 1.1 The power pursuant to Section 44(1) of the South Australian Public Health Act 2011 (the Act), subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	
s44(2)	1. Local Authorised Officers 1.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	
s44(4)	1. Local Authorised Officers 1.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	
s44(6)	1. Local Authorised Officers 1.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	
s44(7)	1. Local Authorised Officers 1.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate: 1.5.1 makes an appointment under Section 44 of the Act; or 1.5.2 revokes an appointment under Section 44 of the Act.	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s44(9)	1. Local Authorised Officers 1.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	
s46(1)	2. Identity Cards 2.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer: 2.1.1 containing the person's name and a photograph of the person; and 2.1.2 stating that the person is an authorised officer for the purposes of the Act; and 2.1.3 setting out the name or office of the issuing authority.	
s92(1)	3. Notices 3.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of: 3.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or 3.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s92(2)	3. Notices 3.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act: 3.2.1 have regard to: 3.2.1.1 the number of people affected, or potentially affected, by the breach of the duty; 3.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty; 1.1.1.1 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty, and such other matters as the Delegate thinks fit; and 3.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing: 3.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and 3.2.2.2 stating the reasons for the proposed action; and 3.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).	
s92(2)(b)(iii)	3. Notices 3.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s92(3)	3. Notices 3.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act: 3.4.1 issue a notice in accordance with the terms of the original proposal; or 3.4.2 issue a notice with modifications from the terms of the original proposal; or 3.4.3 determine not to proceed further under Section 92.	
s92(4)	3. Notices 3.5 The power pursuant to Section 92(4) of the Act to: 3.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and 3.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	
s92(5)	3. Notices 3.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act: 3.6.1 in the form of a written notice served on the person to whom it is issued; and 3.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and 3.6.3 directing 2 or more persons to do something specified in the notice jointly; and 3.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	3.6.4.1 is the owner or occupier of the premises; or 3.6.4.2 has the management or control of the premises; or 3.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and 3.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and 3.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following: 3.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority; 3.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions; 3.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances; 3.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity; 3.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice; 3.6.6.6 a requirement that the person undertake specified tests or monitoring; 3.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports; 3.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
	3.6.6.9 a requirement prescribed under or for the purposes of the regulations; and 3.6.7 stating that the person may, within 14 days, apply for a review of the notice under the provisions of the Act.	
s92(9)	3. Notices 3.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.	
s92(15)	3. Notices 3.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.	
s93(1)	4. Action on Non-compliance with Notice 4.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	
s93(2)	4. Action on Non-compliance with Notice 4.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.	

South Australian Public Health Act 2011 (Covid-19)		
Provision	**Power and Functions Delegated**	**Conditions and Limitations**
s93(4)	4. Action on Non-compliance with Notice 4.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	
s93(5)	4. Action on Non-compliance with Notice 4.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	

Instrument of Delegation under the Safe Drinking Water Act 2011

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 7(1)	Notify the Minister if the council ceases to be engaged in the supply of drinking water		drinking water provider
section 8(3)	Apply to the Minister for a variation in a condition on the council's registration as a drinking water provider		drinking water provider
section 8(5)	Comply with a condition on the council's registration as a drinking water provider		drinking water provider
section 9(3)	Receive notice from the Minister proposing the suspension of the council's registration as a drinking water provider		drinking water provider
section 9(5)	Lodge a written objection with the Minister regarding a proposed suspension of the council's registration as a drinking water provider		drinking water provider
section 9(6)	Make submissions to the Minister regarding a proposed suspension of the council's registration as a drinking water provider		drinking water provider
section 9(10)	Apply to the Minister for the cancellation of a suspension to the council's registration as a drinking water provider		drinking water provider

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 10(1)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of: a condition imposed by the Minister in relation to a registration under Part 2 of the Act; a variation of a condition of registration made by the Minister on the Minister's own initiative; a decision of the Minister to refuse to grant an application to vary a condition of registration; a decision of the Minister to suspend a registration under Part 2.		drinking water provider
section 11(3)	Receive a notice of registration of a drinking water provider from the Minister		council
section 12(1)(a)	Prepare a risk management plan in relation to the supply of drinking water		drinking water provider
section 12(1)(b)	Keep the risk management plan in relation to the supply of drinking water under continuous review		drinking water provider
section 12(1)(c)	Revise the risk management plan		drinking water provider
section 12(3)	Adopt a standard risk management plan published for the purposes of section 12		drinking water provider
section 14(2)	Furnish a copy of its monitoring program and incident identification and notification protocol to the Minister		drinking water provider

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 14(3)(b)	Participate in consultation with the Minister in regard to proposed alterations to the program or protocol		drinking water provider
section 14(4)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of proposed alterations to the program or protocol		drinking water provider
section 14(7)	Implement the council's risk management plan		drinking water provider
section 20(4)	Ensure that an audit or inspection is carried out by an approved auditor or approved inspector in accordance with a determination of the Chief Executive of the State government department administering the Act		drinking water provider
section 22(6)	Receive a copy of a report provided to the Chief Executive of the State government department administering the Act under section 20(1) or 20(4)		drinking water provider
section 23(1)	Comply with a reasonable request or requirement of an auditor or inspector in or in connection with an audit or inspection under Division 2, Part 4		drinking water provider
section 25(1)	Ensure drinking water supplied by the council is collected and tested in accordance with prescribed requirements		drinking water provider

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 27(1)	Make available to the public the results of any monitoring program that the drinking water provider conducts on drinking water for the purpose of the council's risk management plan		drinking water provider
section 34(1)	Appoint a person with appropriate qualification or experience to be an authorised officer		enforcement agency
section 34(2)	Prepare and maintain a list of authorised officers		enforcement agency
section 35(1)	Provide each authorised officer with a certificate of authority		enforcement agency
section 35(2)	Determine limits on the powers of an authorised officer		enforcement agency
section 35(4)	Receive a surrendered certificate of authority		enforcement agency
section 37(2)	Approve the removal or interference with a thing subject to a seizure order under section 37		enforcement agency
section 37(3)(a)	Hold a thing subject to a seizure order pending proceedings		enforcement agency

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 37(3)(a)(i)	Authorise the release of a thing subject to a seizure order ending proceedings subject to conditions which the council thinks fit		enforcement agency
section 37(3)(a)(ii)	Order that a thing subject to a seizure order be forfeited to the council		enforcement agency
section 37(3)(b)(i)	Receive a thing forfeited to the council by court order		enforcement agency
section 37(3)(d)	Dispose of a thing forfeited to the council under section 37		enforcement agency
section 38(1)	Issue a notice to secure compliance with a requirement imposed by or under the Act or to avert, eliminate or minimise a risk, or a perceived risk, to the public in relation to drinking water		enforcement agency
section 38(5)	Issue a notice confirming an emergency notice issued by an authorised officer		enforcement agency
section 38(6)	Vary or revoke a notice to secure issued under section 38		enforcement agency
section 39(1)	Take action required by a notice issued under Division 3, Part 7 which has not been undertaken		enforcement agency

Safe Drinking Water Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 39(2)	Authorise a person to take action under section 3991) on behalf of the council		enforcement agency
section 39(3)	Enter relevant land in order to take action under section 39		enforcement agency
section 39(4)	Recover the reasonable costs and expenses in taking action under section 39		enforcement agency
section 39(5)	Fix a period from the date of a notice issued under section 39 within which an amount under section 39(4) must be paid		enforcement agency
section 40(5)	Recover the reasonable costs and expenses incurred by an authorised officer taking action under section 40		enforcement agency
section 41(1)	Require a person to furnish information relating to the quality or supply of drinking water or any other matter associated with the administration or operation of the Act		enforcement agency
section 42(3)	Act as a party in proceedings under section 42		enforcement agency
section 52(1)	Furnish a report to the Minister on or by 30 September on the activities of the council under the Act during the financial year ending on the preceding 30 June		enforcement agency

Instrument of Delegation under the Safe Drinking Water Regulations 2012

Safe Drinking Water Regulations 2012				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
regulation 4	Observe the Australian Drinking Water Guidelines 2011 prepared by the National Health and Medical Research Council and the Natural Resources Management Ministerial Council in relation to the quality and supply of drinking water	Director Development and Community Services, Manager Health Services		drinking water provider
regulation 9(5)	Keep copies of each risk management plan prepared or adopted by the council and all documents generated in the implementation of the risk management plan	Director Development and Community Services		drinking water provider
regulation 15(2)	Determine the fee payable for an authorised officer appointed by the council carrying out an inspection of any premises or vehicle reasonably required in connection with the administration or enforcement of the Safe Drinking Water Act	Director Development and Community Services, Manager Health Services		enforcement agency

Instrument of Delegation under the South Australia Public Health (General) Regulations 2013

South Australia Public Health (General) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 5B(2)	Deliver a notice to the Registrar-General setting out the amount recoverable under section 93 of the South Australian Public Health Act, setting out the land in relation to which the relevant action was taken and requesting the registrar-General to make a notation under regulation 5B in relation to the relevant land		local public health authority
regulation 5B(7)	Recover an amount under section 93 of the South Australian Public Health Act as if it were a rate constituting a charge on land under section 144(2) of the Local Government Act		local public health authority
regulation 8(1)	Operate and maintain a public pool in accordance with regulation 8(1)		public pool/spa pool operator
regulation 8(2)	Take prescribed steps to monitor compliance with regulation 8(1)		public pool/spa pool operator
regulation 8(3)	Maintain records made under regulation 8(2)		public pool/spa pool operator
regulation 8(4)	Close public pool if filtration system ceases to operate or a reading taken under regulation 9 indicates that the total chlorine concentration in the water exceeds 10mg/L		public pool/spa pool operator

South Australia Public Health (General) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 9(1)	Operate and maintain a public spa pool in accordance with regulation 9(1)		public pool/spa pool operator
regulation 9(2)	Take prescribed steps to monitor compliance with regulation 9(1)		public pool/spa pool operator
regulation 9(3)	Maintain records made under regulation 9(2)		public pool/spa pool operator
regulation 9(4)	Close public spa pool if filtration system ceases to operate or a reading taken under regulation 9 indicates that the total chlorine concentration in the water exceeds 10mg/L		public pool/spa pool operator
regulation 11A(1)	Refund, reduce or remit payment of a prescribed fee		relevant authority under South Australian Public Health (Legionella) Regulations 2013 or South Australian Public Health (Wastewater) Regulations 2013
regulation 11A(2)	Recover a prescribed fee as a debt in a court of competent jurisdiction		relevant authority under South Australian Public Health (Legionella) Regulations 2013 or South Australian Public Health (Wastewater) Regulations 2013

Instrument of Delegation under the South Australia Public Health (Legionella) Regulations 2013

South Australia Public Health (Legionella) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 5(3)	Approve the manner and form for applying to register a high risk manufactured water system		relevant authority
regulation 5(3)	Receive fee for registration of a high risk manufactured water system		relevant authority
regulation 5(3)	Register a high risk manufactured water system		relevant authority
regulation 5(6)	Approve the manner and form for applying to renew the registration of a high risk manufactured water system		relevant authority
regulation 5(6)	Receive fee for renewal of registration of a high risk manufactured water system		relevant authority
regulation 5(6)	Register a renewal of the registration of a high risk manufactured water system		relevant authority
regulation 6(1)	Keep a register of high risk manufactured water system		relevant authority

South Australia Public Health (Legionella) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(2)	Determine manner and form of keeping a register of high risk manufactured water system		relevant authority
regulation 6(4)	Receive notice of a change in particulars from the owner of premises on which a high risk manufactured water systems registered with the council		relevant authority
regulation 6(5)	Receive notice of the permanent decommissioning or removal of a high risk manufactured water systems registered with the council		relevant authority
regulation 15(1)(a)	Cause an inspection of a high risk manufactured water systems registered with the council		relevant authority
regulation 15(1)(b)	Arrange for a NATA accredited laboratory to conduct microbiological testing of water taken from each cooling water and each warm water system		relevant authority
regulation 15(2)(a)	Notify the owner of premises on which a high risk manufactured water systems registered with the council of inspection and microbiological testing requirements		relevant authority
regulation 15(2)(b)	Receive reports from the owner of premises on which a high risk manufactured water systems registered with the council in regard to inspection of the system and microbiological testing		relevant authority
regulation 16(1)	Notify the owner of premises with a high risk manufactured water system of microbiological testing requirements		relevant authority

South Australia Public Health (Legionella) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 16(1)(d)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding microbiological testing		relevant authority
regulation 17(1)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella		relevant authority
regulation 17(2)(b)	Receive report from the owner of premises on which a high risk manufactured water system is installed regarding detection of Legionella		relevant authority
regulation 17(3)	Forward a report regarding detection of Legionella under regulation 17 to the Department of Health and Wellbeing		relevant authority
regulation 21(3)	Notify a person liable to pay a fee of a period in which the fee must be paid		relevant authority

Instrument of Delegation under the South Australia Public Health (Wastewater) Regulations 2013

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 6(1)(b)	Agree to act as a relevant authority in respect of a wastewater systems or wastewater works being undertaken by another council or a person in conjunction with another council		council
regulation 8(1)	Give notice to the owners of land in the area affected by the proposed establishment of a community wastewater management system by the council		council
regulation 8(2)	Consider any submissions received regarding the proposed establishment of a community wastewater management system by the council		council
regulation 8(3)	Obtain a wastewater works approval from the Minister		council
regulation 9(1)	Require the operator of an on-site wastewater system to connect the system to a community wastewater management system and submit an application for the connection to the relevant authority		council
regulation 9(1)(b)	Receive an application for connection of an on-site wastewater system to a community wastewater management system		relevant authority
regulation 9(4)	Grant approval for wastewater works for the connection of an on-site wastewater system to a community wastewater management system		relevant authority

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 9(6)	Cause the requirements of an approval under regulation 9 for wastewater works to be carried out		relevant authority
regulation 9(7)	Recover the costs and expenses reasonably incurred in exercising power under regulation 9(6) and the application fee which would have been payable		relevant authority
regulation 10(1)	Determine application for an exemption from regulation 9		council
regulation 10(3)	Impose conditions on an exemption from regulation 9		council
regulation 10(4)	Vary or revoke an exemption granted under regulation 10(3)		council
regulation 11(1)	Ensure that the requirements of regulation 11(1) are met		CWMS operator
regulation 11(2)	Receive a certificate indicating that wastewater works have been undertaken in accordance with the wastewater works approval and detailed drawings as prescribed		relevant authority
regulation 12(1)	Ensure that the wastewater system is operated, maintained and serviced in accordance with the conditions of any wastewater works approval and any prescribed code		CWMS operator

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 13(1)	Ensure that wastewater from the wastewater system is not reused or disposed of to land unless authorised by conditions of the wastewater works approval		CWMS operator
regulation 15(1)	Receive an application for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes		relevant authority
regulation 15(1)	Apply for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes		CWMS operator
regulation 15(3)	Determine conditions to apply to an exemption from a prescribed code		relevant authority
regulation 15(5)	Vary or revoke an exemption from a prescribed code		relevant authority
regulation 23(1)	Receive an application for a wastewater works approval		relevant authority
regulation 23(2)	Request applicant for a wastewater works approval to provide further technical specifications, information or documents		relevant authority
regulation 23(1)	Apply for a wastewater works approval		CWMS operator

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 23(2)	Provide further technical specifications, information or documents requested by the relevant authority		CWMS operator
regulation 24(1)	Refuse to grant a wastewater approval		relevant authority
regulation 24(2)	Provide SA Water with a reasonable opportunity to comment on an application for a wastewater works approval involving the connection of a community wastewater management system to SA Water sewerage infrastructure		relevant authority
regulation 25(1)	Specify conditions applying to a wastewater works approval		relevant authority
regulation 25(1)	Comply with conditions applying to a wastewater works approval		CWMS operator
regulation 25(4)	Provide a copy of a code referred to in a condition of approval for inspection and the council's office		relevant authority
regulation 25(6)	Vary or revoke a condition of a wastewater approval		relevant authority

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 25(6)	Apply for a variation or revocation of a condition of a wastewater approval		CWMS operator
regulation 25(7)	Vary or revoke a condition of a wastewater approval or impose a further condition		relevant authority
regulation 25(7)	Consent to the variation or revocation of a condition of a wastewater approval or the imposition of a further condition		CWMS operator
regulation 26(2)	Postpone the expiry of a wastewater approval		relevant authority
regulation 27(1)	Keep a register of wastewater approvals		relevant authority
regulation 27(5)	Enable the inspection of the register of wastewater works approvals at the council's offices and the provision of extracts of the register by electronic means		relevant authority
regulation 29(1)	Notify the operator of a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health to provide a report from an independent wastewater engineer		council

South Australia Public Health (Wastewater) Regulations 2013			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 29(1)	Provide a report from an independent wastewater engineer to the Minister or relevant authority as requested under regulation 29(1)		CWMS operator
regulation 29(3)	Obtain a report from an independent wastewater engineer regarding a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health		council
regulation 29(3)	Recover the costs and expenses reasonably incurred in obtaining a report from an independent wastewater engineer		council

Instrument of Delegation under the South Australian Public Health Act 2011

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 18(2)	Provide a report as required by the Minister on any matter relevant to the administration or operation of the Act		designated authority
section 22(2)	Respond to a request from the Chief Public Health Officer under section 22(1)		public authority
section 36	Enter an arrangement with the South Australian Public Health Council for the use of the staff, equipment or facilities of the council		public authority
section 37(2)(a)	Take action to preserve, protect and promote public health in the council area	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(b)	Cooperate with other authorities involved in the administration of the Act	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(c)	Ensure that adequate sanitation measures are in place in the council area	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(d)	Implement adequate measures in the council area (insofar as reasonably practicable) to ensure that activities do not adversely affect public health	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(e)	Identify risks to public health within the council area	This power remains with Council - delegation does not apply.	local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 37(2)(f)	Take remedial action to reduce or eliminate adverse impacts or risks to public health	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(g)	Assess activities and development, or proposed activities or development, within the council area in order to determine and respond to public health impacts (or potential public health impacts)	This power remains with Council - delegation does not apply.	local public health authority
section 37(2)(h)	Provide, or support the provision of, educational information about public health and to provide or support activities within the council area to preserve, protect or promote public health	This power remains with Council - delegation does not apply.	local public health authority
section 38(1)	Provide, or support the provision of, immunisation programs within the council area	This power remains with Council - delegation does not apply.	local public health authority
section 39(1)	Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils		local public health authority
section 39(3)	Furnish a written report to the Chief Public Health Officer responding to a request from the Chief Public Health Officer to cooperate with one or more other councils		local public health authority
section 40(2)	Participate in consultation with the Chief Public Health Officer regarding the Chief Public Health Officer exercising powers of the council under the Act		local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 41(1)	Participate in consultation with the Minister regarding the Minister's opinion that the council has failed to perform a function under the Act		local public health authority
section 41(6)(a)(ii)	Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act		local public health authority
section 42(1)	Request that a function of the council under the Act be performed by the Chief Public Health Officer		local public health authority
section 42(10)	Enter into an agreement with the Chief Public Health Officer		local public health authority
section 42(11)	Request that a notice issued by the Minister under section 42(4) vesting a council function in the Chief Public Health Officer be varied or revoked		local public health authority
section 42(11)	Participate in consultation the Minister regarding the proposed variation or revocation of the vesting of a council function in the Chief Public Health Officer		local public health authority
section 44(1)	Appoint a suitably qualified person as a local authorised officer		local public health authority
section 44(2)	Impose conditions on the appointment of a local authorised officer		local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 44(4)	Issue directions to a local authorised officer		local public health authority
section 44(6)	Vary or revoke the appointment of a local authorised officer		local public health authority
section 44(7)	Notify the Chief Public Health Officer of an appointment or the revocation of an appointment of a local authorised officer		local public health authority
section 46(1)	Issue an identity card of a local authorised officer		local public health authority
section 49(1)	Require a person to furnish information relating to public health as may be reasonably required for the purposes of the Act		local public health authority
section 51(1)	Prepare and maintain a regional public health plan		local public health authority
section 51(10)	Amend a regional public health plan		local public health authority
section 51(11)(a)	Prepare a draft regional public health plan		local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 51(11)(b)(i)	Provide a copy of a draft regional public health plan to the Minister, any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region, any relevant public health partner authority and any other prescribed body or group		local public health authority
section 51(11)(b)(ii)	Consult with the public in regard to a draft regional public health plan		local public health authority
section 51(12)	Participate in consultation with the Minister, or any other person or body specified by the Minister, before releasing a draft regional health plan under section 51(12)		local public health authority
section 51(13)	Submit a regional public health plan to the Chief Public Health Officer for consultation before bringing the plan into operation		local public health authority
section 51(15)	Take into account any comments of the Chief Public Health Officer, South Australian Public Health Council and any other body determined by the Chief Public Health Officer		local public health authority
section 51(16)	Adopt a regional public health plan either with or without amendment		local public health authority
section 51(17)	Incorporate a regional public health plan into the councils strategic management plan under the Local Government Act 1999		local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 51(19)	Review a regional public health plan at least every 5 years		local public health authority
section 52(1)	Prepare a report to the Chief Public Health Officer that contains a comprehensive assessment of the extent to which the council has in the reporting period succeeded in implementing its regional public health plan		local public health authority
section 64(3)	Receive a report from the Chief Public Health Officer regarding a suspected death from a notifiable condition in the council area		local public health authority
section 65(a)	Receive a report from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area and any problems or issues caused by or arising on account of such diseases of medical conditions in the council area		local public health authority
section 65(b)	Receive information from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area that constitutes, or may constitute, a threat to public health		local public health authority
section 66(6)	Recover costs and expenses reasonably incurred in an authorised officer taking action in accordance with a direction or requirement issued under section 66(1) which has not been complied with by the person subject to the direction or requirement		local public health authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 66(9)	Take action reasonably open to the council to prevent the spread of a disease constituting a notifiable condition		local public health authority
section 92(1)	Issue a notice for the purpose of securing compliance with the Act or averting, eliminating or minimising a risk, or a perceived risk, to public health		relevant authority
section 92(2)(b)	Give a preliminary notice to a person to whom it is proposed that a notice under section 91(1) will be given		relevant authority
section 92(8)	Confirm an emergency notice given by an authorised officer under section 92(6)		relevant authority
section 92(9)	Vary or revoke a notice issued by the council under section 92		relevant authority
section 93(1)	Take action required by a notice issued under Part 12 if the requirements of the notice have not been fulfilled		relevant authority
section 93(2)	Authorise a person to take action on behalf of the council under section 93(1)		relevant authority
section 93(3)	Enter any relevant premises at any reasonable time to take action under section 93		relevant authority
section 93(4)	Recover the reasonable costs and expenses incurred by the council in taking action under section 93 from the person who failed to comply with the requirements of the notice		relevant authority

South Australian Public Health Act 2011			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 93(5)	Fix a period from the date of a notice issued under section 93 within which an amount under section 93(4) must be paid		relevant authority
section 94(5)(b)	Recover the reasonable costs and expenses of a local authorised officer taking action under section 94 from any person who caused the risk to which the action relates		local public health authority
section 96(5)	Apply to the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the outcome of review proceedings by the Review panel under section 95		local public health authority
section 96(5)	Participate as a party to proceedings under section 96		relevant authority

Instrument of Delegation under the State Records Act 1997

State Records Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 13	Maintain official records in the council's custody in good order and condition		agency
section 15(2)	Afford the Manager of State Records reasonable cooperation and assistance in conducting surveys of the official records and record management practices of agencies		agency
section 18(1)	Deliver records voluntarily into the custody of State Records		agency
section 19(1)	Deliver records into the custody of State Records on the earlier of the council ceasing to require access to the record for current administrative purposes or during the year occurring 15 years after the creation of the record		agency
section 19(3)(c)	Participate in consultation with the Manager of State Records in regard to the postponement of delivery of records into the custody of State Records on the basis that the records are required for the administrative purpose of the council or should be retained by the council for another special reason		agency
section 19(5)(a)	Apply to the Manager of State Records for the variation or revocation of an exemption granted under section 19(4)		agency
section 20(1)	Advise the Manager of State Records of any restriction on the disclosure of contents of a record delivered into the custody of State Records		agency

State Records Act 1997			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 22(2)	Determine conditions reasonably required in regard to an arrangement under section 22(1)		agency
section 23(1)	Dispose of official records in accordance with a determination of the Manager of State Records		agency
section 23(2)	Request the Manager of State Records to make a determination as to the disposal of official records		agency
section 23(4)	Apply to the Minister to determine a dispute as to a determination under section 23		agency
section 24(3)	Consent to the disposal of a record under section 24(1)		agency
section 25(3)	Apply to the Minister to determine a dispute as to access under section 24		agency
section 26(1)	Determine in consultation with the Manager of State Records that access to a record delivered by the council into the custody of State Records is not subject to any restrictions other than those determined by the Manager		agency
section 26(2)	Determine in consultation with the Manager of State Records conditions excluding or restricting access to the record delivered by the council into the custody of State Records		agency

Instrument of Delegation under the Strata Titles Act 1988

Strata Titles Act 1988			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 12(2)(c)	Consent to an amendment of a deposited strata plan		council (as holder of a statutory encumbrance)
section 12(3a)(d)(i)	Consent to an encroachment over public land		council
section 12A(b)	Issue a certificate certifying compliance with the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance		council (as holder of a statutory encumbrance)
section 28(1)(c)	Specify work to be carried out by a unit holder		council

Instrument of Delegation under the Supported Residential Facilities Act 1992

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 9(1)(a)	Administer and enforce the Supported Residential Facilities Act in the council area		council
section 9(1)(b)	Licence supported residential facilities situated in the council area		council
section 9(1)(c)	Undertake other functions assigned to the council by the Supported Residential Facilities Act		council
section 9(1)(c)	Undertake other functions assigned to the council by the Supported Residential Facilities Act		council
section 9(2)	Delegate a power or function under the Supported Residential Facilities Act		council
section 9(5)	Participate in consultation with the Minister regarding a perceived failure of council to discharge duties under the Supported Residential Facilities Act		council
section 9(8)(a)(ii)	Make submissions to the Minister regarding the vesting of council powers or functions in another person or body		council
section 9(8)(b)	Undertake a delegation to discuss with the Minister the vesting of council powers or functions in another person or body		council

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 21(1)	Appoint an authorised officer		council
section 21(2)	Issue an identity card to an authorised officer		council
section 21(4)	Revoke the appointment of an authorised officer		council
section 24(1)	Receive an application from a proprietor of a supported residential facility for a licence		licensing authority
section 24(3)	Issue a notice to the applicant for a licence requiring further information to determine the application for a licence		licensing authority
section 24(5)	Require information provided by an applicant to be verified by statutory declaration		licensing authority
section 24(9)	Conditionally approve the issue of a licence		licensing authority
section 24(9)	Grant a licence		licensing authority
section 24(10)	Refuse an application for a licence		licensing authority
section 24(10)	Notify the applicant of a refusal of an application for a licence		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 25(1)	Determine matters to be taken into account in determining an application for a licence		licensing authority
section 25(2)	Determine matters to be taken into account in determining whether the applicant is suitable to be granted a licence		licensing authority
section 25(3)	Determine matters to be taken into account in determining whether the premises are suitable to be used as a supported residential facility		licensing authority
section 27(3)	Determine to consider a late application for renewal of a licence		licensing authority
section 27(4)	Notify the applicant of a decision on an application for the renewal of a licence		licensing authority
section 28	Refuse to renew a licence		licensing authority
section 29(1)(b)	Impose conditions on a licence		licensing authority
section 29(3)(b)	Vary or revoke a condition on a licence		licensing authority
section 30(1)	Receive an application for the transfer of a licence		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 30(3)	Request further information from an applicant for a transfer of a licence		licensing authority
section 30(4)	Transfer a licence		licensing authority
section 30(5)	Receive a surrendered licence		licensing authority
section 31(1)	Cancel a licence		licensing authority
section 31(2)(a)	Notify the holder of a licence of a proposed cancellation of the licence		licensing authority
section 31(2)(b)	Receive submissions from the holder of a licence regarding a proposed cancellation of the licence		licensing authority
section 31(3)	Impose conditions pending the cancellation of a licence to protect the interests of residents of the facility		licensing authority
section 31(4)(a)	Appoint an administrator to a facility		licensing authority
section 31(4)(b)	Take steps to secure the proper care of the residents of a facility		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 31(6)(a)	Determine whether or not the imposition of conditions pending the cancellation of a licence would adequately protect the interests of residents of the facility		licensing authority
section 31(6)(g)(ii)	Revoke the appointment of an administrator		licensing authority
section 32(1)	Participate in the review of a decision of the licensing authority by the South Australian Civil and Administrative Tribunal		licensing authority
section 32(3)	Order that a licence subject to an application to review decision regarding renewal remain in force until the determination of the review		licensing authority
section 32(4)(a)	Impose conditions on an order given under section 32(3)		licensing authority
section 32(4)(b)	Vary or revoke an order given under section 32(3)		licensing authority
section 33(1)	Grant licence		licensing authority
section 34(1)	Approve a manager of a facility		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 34(2)	Determine a time period after which the proprietor of a facility will be guilty of an offence if no approved person is managing the facility		licensing authority
section 35	Approval of a person to be the licence holder if a licence holder dies		licensing authority
section 37	Receive a copy of the prospectus and any alterations to the prospectus		licensing authority
section 39(2)(b)	Approve an alternative to the prescribed means of serving a notice of termination of a resident contract by the proprietor of a facility		licensing authority
section 43(1)(a)	Receive an application in regard to disputes between a resident of a supported residential facility and the proprietor		licensing authority
section 43(1)(b)	Receive an application if a resident of a support residential facility objects to a decision of the proprietor of the facility to terminate his or her residential contract		licensing authority
section 43(1)(c)	Receive an application if a resident of a support residential facility believes that the proprietor has failed to comply with the terms or their resident contract or a provision of the Support Residential facilities Act or the proprietor has acted in any unauthorised manner		licensing authority
section 43(2)	Explore avenues of conciliation between the resident and the proprietor		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 43(3)(a)	Make recommendations as to the settlement of a dispute between a resident and the proprietor		licensing authority
section 43(3)(b)	Order the proprietor to vary or reverse a decision or take such actions necessary to remedy the breach or reverse the effect of any act of the proprietor		licensing authority
section 43(3)(c)	Order the resident to refrain from any future action of a kind specified in the order or take action appropriate in the circumstances of the case		licensing authority
section 43(3)(d)	Order the resident or proprietor to take action to remedy any default or to correct any unauthorised act		licensing authority
section 43(3)(e)	Take any action appropriate in the circumstances		licensing authority
section 43(6)(a)	Require an applicant to furnish further information in relation to the subject matter of the application		licensing authority
section 43(6)(b)	Require an applicant to verify any information by statutory declaration		licensing authority
section 43(7)	Notify the applicant and respondent of the time and place of any hearing of the application		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 43(8)	Investigate or determine the subject matter of an application		licensing authority
section 43(9)	Make an interim order pending final resolution of the matter		licensing authority
section 43(10)(a)	Determine the time period (not exceeding 2 months) during which the interim order will operate		licensing authority
section 43(11)	Vary or revoke an order		licensing authority
section 43(12)(a)	Specify procedures for the resolution of the dispute		licensing authority
section 43(12)(a)	Decline to proceed with an application until reasonable steps have been taken to resolve the dispute pursuant to procedures specified by the licensing authority		licensing authority
section 43(12)(b)	Decline to proceed with an application if it would be more appropriate for the proceedings to be taken in a court or tribunal constituted by law		licensing authority
section 43(12)(b)	Decline to proceed (or further proceed) with an application if proceedings have been commenced in a court or tribunal constituted by law		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 44(1)	Participate in proceedings for a review of a decision or order of the licensing authority by the South Australian Civil and Administrative Tribunal		licensing authority
section 47(1)	Approve a person to enter any premises that comprise a support residential facility, or any residential-only premises, for the purpose of visiting or attending on any person residing at those premises		licensing authority
section 49(1)(a)	Receive complaints regarding the management of a supported residential facility or any residential-only premises		licensing authority
section 49(1)(b)	Receive complaints regarding the conduct of a resident of a supported residential facility or any residential-only premises		licensing authority
section 49(2)	Determine whether a complaint must be reduced to writing		licensing authority
section 49(3)	Take appropriate action in regard to a complaint		licensing authority
section 49(4)	Appoint an authorised officer to investigate the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible		licensing authority
section 56(4)	Pay prescribed percentage of licence fees into the Supported Residential Facilities Indemnity Fund		licensing authority

Supported Residential Facilities Act 1992			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 57(5)	Exempt a proprietor of a facility from a regulation that applies to the facility		licensing authority
section 57(6)	Attach conditions to an exemption granted under section 57(5)		licensing authority
section 57(7)(a)	Revoke an exemption granted under section 57(5)		licensing authority
section 57(7)(b)	Vary or revoke condition applying to an exemption granted under section 57(5)		licensing authority

Instrument of Delegation under the Supported Residential Facilities Regulations 2009

Supported Residential Facilities Regulations 2009			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 17(2)	Approve an acting manager of a facility		licensing authority
regulation 18(1)	Approve a registered nurse to oversee the provision of nursing care at a facility		licensing authority
regulation 18(2)	Revoke the approval of a registered nurse to overseeing the provision of nursing care at a facility		licensing authority
regulation 18(2)	Require a new appointment of a registered nurse to oversee the provision of nursing care at a facility		licensing authority
regulation 21(1)(b)	Approve a kitchen at a facility which does not meet the prescribed requirements		licensing authority
regulation 21(3)(e)	Require the fitting of handrails, ramps and lifts at a facility		licensing authority
regulation 24(1)	Direct a proprietor of a supported residential facility to install a communication system at the facility		licensing authority

Instrument of Delegation under the Water Industry Act 2012

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 19(1)	Apply for a licence		applicant for a licence
section 19(2)	Pay the application fee		applicant for a licence
section 19(4)	Provide further information requested by the Commission with respect to an application for a licence		applicant for a licence
section 22(1)	Provide services or carry on operations or activities in accordance with the terms and conditions of the licence		water industry entity
section 24(1)	Pay the annual licence fee		applicant for a licence
section 24(2)(a)	Provide annual return to the Commission		water industry entity
section 24(2)(b)	Pay the annual licence fee		water industry entity
section 25(2)	Participate in consultation with the Commission		water industry entity
section 28(2)(a)	Apply to the Commission for a variation in the terms and conditions applying the licence		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 28(2)(a)	Agree with the Commission a variation in the terms and conditions applying the licence		water industry entity
section 28(2)(b)	Make submissions to the Commission regarding a proposed variation to the terms and conditions applying to a licence		water industry entity
section 29(1)	Transfer licence with the Commission's agreement		water industry entity
section 29(4)	Apply to the Commission for the transfer of a licence		water industry entity
section 29(5)	Pay to the Commission the application fee for the transfer of a licence		water industry entity
section 29(6)	Provide to the Commission further relevant information requested by Commission in respect of the application fee for the transfer a licence		water industry entity
section 32(1)	Surrender a licence to the Commission		water industry entity
section 32(3)	Agree with the Commission a shorter notice period than the prescribe period for the surrender of a licence		water industry entity
section 33(3)(b)	Make submissions to the Commission in relation to a proposed suspension or cancellation of licence		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 36(1)	Fix standard terms and conditions governing the provision of services by the entity		water industry entity
section 36(2)	Publish standard terms and conditions governing the provision of services by the entity in the Gazette		water industry entity
section 36(3)	Publish notice in a newspaper circulating generally in the State regarding the standard terms and conditions		water industry entity
section 36(5)	Agree with a customer to exclude a standard term or condition		water industry entity
section 36(6)(a)	Supply a copy of the standard terms and conditions to the Commission		water industry entity
section 36(6)(b)	Publish a copy of the standard terms and conditions on the entities website		water industry entity
section 37(3)(a)	Adopt a customer hardship policy published by the Minister		water industry entity
section 37(3)(b)	Seek the approval of the Commission to adopt a customer hardship policy published by the Minister with modifications		water industry entity
section 37(3)(b)	Adopt a customer hardship policy published by the Minister with modifications in accordance with approval of the Minister		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 38(2)	Make submissions to the Commission as to proposed proclamation to take over the water industry entity's operations		water industry entity
section 39(2)	Accept an appointment to take over relevant operations of a water industry entity subject to a proclamation under section 38		water industry entity
section 39(3)	Facilitate the take-over of relevant operations by the operator		water industry entity
section 41(1)	Appoint a person to be a water industry officer		water industry entity
section 41(2)	Impose conditions of appointment of a water industry officer		water industry entity
section 42(1)	Impose time period for the appointment of a water industry officer		water industry entity
section 42(2)	Remove a water industry officer from office		water industry entity
section 43(1)	Issue a water industry officer with an identity card		water industry entity
section 44(1)	Agree with the occupier of land to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 44(1)	Seek the authorisation of the Minister to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure		water industry entity
section 44(3)(a)	Enter and remain on land to undertake prescribed works		water industry entity
section 45(1)	Give notice of proposed entry on land under section 44 to the occupier		authorised entity
section 45(3)(a)	Give notice of proposed entry on public land under section 45 to the authority responsible to the management of the public land		authorised entity
section 45(3)(b)	Agree with an authorised entity to enter onto public land within the care, control and management of the council		council
section 45(4)	Impose conditions on the entry of an authorised entity onto public land within the care, control and management of the council		council
section 45(7)	Refer a dispute regarding whether work should be permitted on public land within the care, control and management of the council by an authorised entry of the conditions applying to that work to the Minister		council authorised entity
section 45(9)(a)	Make submissions to the Minister in relation to a dispute referred under section 45(7)		council authorised entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 45(9)(b)	Settle a dispute referred under section 45(7)		council authorised entity
section 45(11)	Notify the occupier of public land of the reason and the date and time of proposed entry		authorised entity
section 45(14)	Use reasonable force to enter any land under section 45		authorised entity
section 45(16)	Request an authorised entity undertaking work on public land within the care, control and management of the council to separate the land on which the work is being undertaken from other parts of the land by a fence		council
section 45(16)	Separate the public land on which the work is being undertaken from other parts of the land by a fence		authorised entity
section 45(16)	Refer a dispute regarding the separation of a land by a fence to the Magistrates Court		council
section 45(17)	Make good any damage caused by exercise of powers under section 45		authorised entity
section 45(19)	Exercise of powers under section 45 in an emergency without prior notice or agreement		authorised entity
section 45(22)	Comply with conditions imposed by the Minister of the exercise of powers under section 45		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 46(1)	Acquire land in accordance with the Land Acquisition Act 1969		water industry entity
section 46(2)	Seek authorisation of the Minister to acquire land by compulsory acquisition under the Land Acquisition Act 1969		water industry entity
section 48(2)	Apply to the Minister for approval of a scheme under section 48		water industry entity
section 48(3)(c)	Approve a scheme as being fit and adequate for the provision of the services that are proposed to be offered under the scheme		council
section 48(3)(d)	Participate in consultation for the development of a scheme for sewerage services in the council area		council
section 48(6)	Issue a notice requiring the connection of drains, equipment or works to prescribed infrastructure in order to provide for the discharge of sewerage into the infrastructure		water industry entity
section 48(9)	Take action required by a notice served under section 48(6), if the recipient fails to take that action		water industry entity
section 48(10)	Authorise a person to take action under section 48(9) on the water industry entities behalf		water industry entity
section 48(12)	Recover the reasonable costs of taking action under section 48(9) as a debt		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 48(13)	Apply to the Minister for approval to vary a scheme under section 48		water industry entity
section 48(13)	Vary a scheme under section 48		water industry entity
section 49(1)	Consent to a person: (a) constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); (b) creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; (c) obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or (d) excavating or altering any land or structure supporting any water/sewerage infrastructure		water industry entity
section 49(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 49(1)		water industry entity
section 49(2)(b)	Serve a notice requiring a person to take action to remedy a contravention of section 49(1)		water industry entity
section 49(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land		water industry entity
section 49(4)	Take action required by a notice served under section 49(2)(b), if the recipient fails to take that action		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 49(6)	Recover the reasonable costs of taking action under section 49(4) as a debt		water industry entity
section 49(7)	Authorise a person to take action under section 49(4) on the water industry entities behalf		water industry entity
section 50(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 50(1)		water industry entity
section 50(2)(b)	Disconnect, close, turn off or remove anything that has been attached or used in connection with a contravention section 50(1)		water industry entity
section 50(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land		water industry entity
section 50(4)	Authorise a person to take action under section 50 on the water industry entities behalf		water industry entity
section 50(7)	Recover compensation from a person guilty of a contravention of section 50(1) on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction		water industry entity
section 51(1)	Receive notice from a person proposing to do work near water/sewerage infrastructure		water industry entity
section 51(3)(b)	Specify requirements to apply for the protection of the infrastructure or the safety of person carrying out the work		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 51(4)	Recover compensation from a person guilty of a contravention of section 51 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction		water industry entity
section 52(1)	Receive notice from a person proposing to: (a) to first lay the pavement or hard surface in any road; (b) to relay the pavement or hard surface in any road; (c) to widen or extend the pavement or hard surface in any road; (d) to alter the level of any road; (e) to construct or alter any footpaths, gutters, kerbing or water tables in any road; or (f) to construct or alter any drainage work in any road in which water/sewerage infrastructure is laid		water industry entity
section 52(2)	Advise the person giving notice under section 52(1) of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure		water industry entity
section 52(4)	Confer with a person giving notice under section 52(1) with respect to variations to the proposed work		water industry entity
section 52(6)	Waive the requirement to provide notice under section 52(1)		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 53(2)(b)	Approve the installation or maintenance of a pipe capable of conveying water beyond the boundaries of a site occupied by the person		water industry entity
section 53(1)	Authorise a person to: (a) abstract or divert water from any water infrastructure; or (b) abstract or divert any sewage from any sewerage infrastructure		water industry entity
section 53(3)	Recover compensation from a person guilty of a contravention of section 53 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction		water industry entity
section 54(1)(a)	Require a person supplied water by the water industry entity to allow a person authorised by the entity to enter land and fix a meter supplied by the entity		water industry entity
section 54(1)(b)	Require a person supplied water by the water industry entity to ensure that a meter of a kind specified by the entity is fixed and used for the purposes of measuring water supplied to the person		water industry entity
section 54(3)	Supply a water meter		water industry entity
section 54(4)	Issue a direction or requirement in regard to the installation or use of a meter		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 54(10)	Serve a notice on a person who fails to ensure that access to the meter or fitting for the purpose of reading, replacement, repair or maintenance is not obstructed requiring the person to take specified action to provide access to the meter or fitting		water industry entity
section 54(11)	Enter land and take action to provide access to the meter or fitting		water industry entity
section 54(12)	Recover compensation from a person guilty of a contravention of section 54 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction		water industry entity
section 54(13)	Recover costs of taking action under section 54(11) as a debt		water industry entity
section 55(1)	Authorise a person to discharge any solid, liquid or gaseous materials, or any other item or thing, into water infrastructure		water industry entity
section 55(3)	Recover compensation from a person guilty of a contravention of section 55 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction		water industry entity
section 56(1)	Authorise a person to discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure		water industry entity
section 56(3)(a)	Authorise a person to discharge specific waste material into sewerage infrastructure		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 56(3)(b)	Enter into a contract with a person in regard to the provision of a sewerage service authorising the discharge specific waste material into sewerage infrastructure		water industry entity
section 56(5)	Authorise a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure		water industry entity
section 56(7)	Attach conditions to an authorisation under section 56(5)		water industry entity
section 56(7)	Vary or revoke an authorisation under section 56(5)		water industry entity
section 56(9)	Recover the reasonable costs and expenses incurred by the water entity in addressing any damage or loss caused as a result of, on in remedying circumstances caused by, a contravention of section 56 as a debt		water industry entity
section 57(1)	Issue a notice requiring an owner or occupier of land to carry out specified work		water industry entity
section 57(3)	Vary or revoke a notice issued under section 57(1)		water industry entity
section 57(5)	Take action required by a notice if the recipient of the notice fails to take the action		water industry entity
section 57(6)	Authorise a person to take action under section 57(5) on the entity's behalf		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 57(8)	Recover the reasonable costs and expenses incurred by the water industry entity taking action under section 57(5) as a debt		water industry entity
section 58(1)	Close off or disconnect from the sewerage infrastructure one or more drains on the land that are connected to the sewerage infrastructure or restrict the provision of any sewerage service to the land		water industry entity
section 58(2)	Reopen or reconnect a drain closed off or disconnected under section 58(1)		water industry entity
section 58(2)	Require the owner or occupier of land to pay the prescribed fee prior to reopening or reconnecting a drain closed off or disconnected under section 58(1)		water industry entity
section 59(3)(a)	Lessen the supply through any infrastructure		water industry entity
section 59(3)(b)	Prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used		water industry entity
section 59(3)(c)	Prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used		water industry entity
section 59(3)(d)	Prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 59(3)(e)	Discontinue the supply of water		water industry entity
section 59(4)	Impose a requirement that a permit of the water industry entity must be held to undertake an activity involving the use of water		water industry entity
section 59(4)	Issue a permit authorising an activity involving the use of water		water industry entity
section 59(5)(b)	Publish or serve a notice regarding a prohibition or notice under section 59(3)		water industry entity
section 59(5)(b)	Vary or revoke a prohibition or notice under section 59(3)		water industry entity
section 60(1)	Serve notice on the owner or occupier of land that is connected to water infrastructure operated by the entity directing the owner or occupier to install a flow reducing device of a specified kind and to use the device to reduce flow in the pipes on the land which are connected to the water infrastructure		water industry entity
section 60(5)	Install a flow reducing device if the owner or occupier has failed to comply with the requirements of a notice under section 60(1)		water industry entity
section 60(6)	Recover the reasonable costs and expenses incurred by the water industry entity as a debt from the person who failed to comply with the notice under section 60(1)		water industry entity
section 63(3)(a)	Disconnect the supply of water or the collection of sewage, or restrict the supply of services		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 63(3)(b)	Obtain a warrant under Part 10 to enter a place for the purpose of disconnecting the supply of water or the collection of sewage, or restricting the supply of services		water industry entity
section 63(5)(b)	Restore a connection for the supply of water or the collection of sewage		water industry entity
section 64	Cut off the supply of water to any region, area, land or place if it is necessary to do so to avert danger to any person or property		water industry entity
section 68	Comply with prescribed technical and safety requirements or any technical and safety requirements of the Technical Regulator		water industry entity
section 69(3)	Disconnect the supply of water or the collection of sewerage, or restrict the supply of services		water industry entity
section 84(1)(b)	Make an application to the Commission for a review of a decision of the Commission under Part 4 to suspend or cancel the entity's licence or vary the terms or conditions of the entity's licence		water industry entity
section 85(1)(a)	Make an application for a review of a decision or an enforcement notice under Part 8, Division 4 under section 34 of the South Australian Civil and Administrative Tribunal Act 2013		water industry entity
section 88(1)	Provide information requested by the Minister		water industry entity

Water Industry Act 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
section 98(1)	Provide and maintain fire plugs, maintain various standards, and comply with any other requirements relating to the provision of water for fire-fighting purposes, in accordance with any scheme determined by the Minister		water industry entity
section 102(2)	Commence proceeding for an offence under the Water Industry Act		water industry entity
section 111(7)	Certify a plan delineating the position of any equipment, plant or drain connected to any water/sewerage infrastructure		water industry entity
section 111(8)	Certify a date on and from which the water industry entity was prepared to supply water by means of a direct service to land specified in the certificate or could by means of drains or other infrastructure, be drained or serviced by a sewer		water industry entity
section 111(9)	Certify a copy or extract of a register of readings of meters maintained by the water industry entity		water industry entity
section 113(1)	Cause a ventilating shaft, pipe or tube for any sewerage infrastructure or drain to be attached to the exterior wall of a building		water industry entity

Instrument of Delegation under the Water Industry Regulations 2012

Water Industry Regulations 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 9	Enter into an agreement with a person undertaking work which would involve the alteration of any water/sewerage infrastructure to share the cost of the work		water industry entity
regulation 11(1)	Provide a statement of the amount paid to a person who has paid an amount for the provision of retail services		water industry entity
regulation 11(2)	Provide a consumer with a statement of the quantity of water supplied by the entity to the consumer in the financial year		water industry entity
regulation 11(3)	Provide a statement of the amount paid for retail services or the quantity of water supplied by the entity financial year to any other person acting with the consent of the person referred to in regulations 11(1) and 11(2)		water industry entity
regulation 12(1)	Provide a statement as the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994		water industry entity
regulation 13(a)(i)	Seek the approval of a water industry entity (that owns or operated sewerage infrastructure that may be affected by the planting) to plant trees and shrubs (except those listed I Schedule 2 and Schedule 3) on public land		council

Water Industry Regulations 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 13(a)(i)	Grant approval to plant trees and shrubs on public land		water industry entity
regulation 13(b)	Grant approval to plant trees and shrubs on a road closer than 1 metre to any water infrastructure		water industry entity
regulation 14(1)	Receive and comply with a notice from water industry entity directing action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure		council
regulation 14(1)	Direct a council or other person with care, control or management of land to take action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure		water industry entity
regulation 14(2)	Take action specified in a notice under regulation 14(1) if the recipient fails to comply with the notice		water industry entity
regulation 14(3)	Recover costs of taking action specified in a notice under regulation 14(2) as a debt		water industry entity
regulation 15	Recover costs of taking action specified in a notice under regulation 14 as a debt		water industry entity

Water Industry Regulations 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 16(3)(b)	Authorise a person to enter infrastructure owned or operated by the entity		water industry entity
regulation 17(1)(a)	Obtain the approval of ESCOSA prior to taking action under sections 59(3)(a) to 59(3)(e) (inclusive)		water industry entity
regulation 17(1)(b)(i)	Notify the public of the intention to exercise a power under sections 59(3)(b) to 59(3)(d) (inclusive) by notice in the Gazette		water industry entity
regulation 17(1)(b)(ii)	Notify the public of the intention to exercise a power under sections 59(3)(a) to 59(3)(e) (inclusive) by a notice of a website, in a newspaper circulating throughout the area of the State in which person affected by the exercise of the power are situated and in any other manner considered appropriate		water industry entity
regulation 18	Issue a permit for the purposes of section 59(4) of the Water Industry Act		water industry entity
regulation 23(2)(a)	Give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration to the surface height of a road, footpath or easement to a water industry entity		council
regulation 23(2)(b)	Alter the height of an entry point, inspection point or other fitting		water industry entity

Water Industry Regulations 2012			
Provision	**Power and Functions Delegated**	**Conditions and Limitations**	**Capacity of Council**
regulation 23(3)	Recover costs under regulation 23(2)(b) as a debt from entity which altered the height of the road, footpath or easement		water industry entity
regulation 34(1)(b)	Direct a person to disconnect a pipe which is intersected by the boundary of adjoining allotments from water/sewerage infrastructure		water industry entity
regulation 34(4)	Direct a person to disconnect a pipe which lies across the boundary of adjoining allotments from water/sewerage infrastructure		water industry entity
regulation 34(7)	Enter land and undertake work required by a notice under regulation 34 if the recipient has failed to undertake the required work		water industry entity
regulation 36	Estimate the quantity of water supplied through a meter		water industry entity
regulation 38	Impose a charge in respect of land of a kind specified by the Minister by notice in the gazette despite the fact that the land is not connected to infrastructure by which a retail service is provided by the water industry entity or the provision of a retail service to the land by the water industry entity has been reduced or discontinued		water industry entity

DEBATE REPORTS

7.2 Corporate Services and Business Innovation Report

7.2.2 MONTHLY FINANCE REPORT AS AT 31 JULY 2023

Author: Senior Accountant
23/44370

PURPOSE

The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

RECOMMENDATION

That Council receive and note the Monthly Finance Report as at 31 July 2023, Attachment 1.

REPORT

The Monthly Finance Report (as at 31 July 2023) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council July 23

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work - Good Governance

Corporate Plan

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.3. Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
6.4. Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
6.9. Provide access to Council's plans, policies and processes and communicate with the community in plain English.

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

Legislative Requirements
Local Government (Financial Management) Regulations 2011, Regulation 9(1)(b) LGA Information paper no.25 – Monitoring Council Budget Performance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

COMMUNITY ENGAGEMENT

Community Consultation was part of the original budget adoption process in June/July 2023, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 31 JULY 2023
FOR YEAR ENDING 30 JUNE 2024

Uniform Presentation of Finances

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) $'000	Actual Result (Year-to-Date) $'000
OPERATING ACTIVITIES:		*Operating*		
Operating Income			45,014	37,907
Less Operating Expenses		**7.65%**	(47,359)	(3,620)
Operating Surplus / (Deficit)			**(2,345)**	**34,287**
CAPITAL ACTIVITIES:				
Net Outlays on Existing Assets		*Capital*		
Capital Expenditure on Renewal and Replacement of Existing Assets		7.87%	(8,031)	(632)
Add back Depreciation, Amortisation & Impairment			10,170	848
Add back Proceeds from Sale of Replaced Assets			224	54
Subtotal			**2,363**	**270**
Net Outlays on New and Upgraded Assets				
Capital Expenditure on New and Upgraded Assets		0.00%	(14,822)	0
Add back Amounts Received Specifically for New and Upgraded Assets			2,796	20
Add back Proceeds from Sale of Surplus Assets			0	0
Subtotal			**(12,026)**	**20**
Net Lending/(Borrowing) for the Financial Year			**(12,008)**	**34,577**
Total % Capital Budget Spent		**2.77%**		

NOTES
1) Rates income generated in July
2) 2023/24 Capital Expenditure to end of July includes:
Tanunda Rec Park Junior Sports Field - $20K
Asset Management System - $24k
The Rex LED Lighting - $6k
Road Resheeting $16k

DEBATE REPORTS

7.2 Corporate Services and Business Innovation Report

7.2.3 MINOR AMENDMENT OF FEES AND CHARGES REGISTER 2023-2024

Author: Director Corporate Services and Business Innovation
23/44420

PURPOSE

Following Council's recent approval of the 2023/2024 Fees and Charges Register, a small number of additional fees were identified as requiring update from 2022/23 and a minor anomaly was identified within BelgraviaPRO charges for the Mount Pleasant Caravan Park requiring correction and Council approval for the 2023-2024 financial year.

RECOMMENDATION

That Council approve the amended Fees and Charges for the 2023/2024 budget year included as Attachments 1 and 2 and backdate their application to 1 July 2023.

REPORT

Discussion
At its meeting of 18 July 2023, Council adopted a list of Fees and Charges for 2023/2024. The list was intended to be encompassing of all sundry fees charged by Council in its general service provision, however Officers subsequently identified a further seven fees requiring update and formal approval of Council. These fees relate to Rate Notice Charges, Assessment Book Extracts and Debt Collection and are included for Council consideration at Attachment 1.

In addition to the above fees and charges inclusions, a minor amendment is also required to the fees and charges list for Mount Pleasant Caravan Park to revise the maximum stay period for longer term powered and unpowered sites from 90 days to the 42-day maximum stay period adopted by Council at its meeting of 20 June 2023. An amended Fees and Charges extract for the Mount Pleasant Caravan Park is provided at Attachment 2.

Summary and Conclusion
Additional and amended fees and charges are attached for Council consideration and approval.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Fees and Charges Additions - 2023-24 ⇩
Attachment 2 Mount Pleasant Caravan Park Fees and Charges - 2023-24 - Draft Amendments ⇩

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.3. Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
6.4. Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
6.9. Provide access to Council's plans, policies and processes and communicate with the community in plain English.
6.16. Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements
Section 188 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The current budget is aligned to the Fees and Charges register and this report represents no change in risk, financial outcomes, or resource allocations.

COMMUNITY ENGAGEMENT

The revised fees and charges will be available for the Community to access on Council's website once approved.

Register of Fees and Charges
As at 1 July 2023

Service	Title	General Information	GST	2022-2023	2023-2024
Other Administration	Dishonoured Cheque Fee	At Cost	Yes	At Cost	At Cost
Other Administration	Debtor Collection Agency Court Fees (Rates and Accounts Receivable)	At Cost (per Magistrates Court Scale)	No	At Cost	At Cost
Other Administration	Debtor Collection Agency Other Collection Fees (Rates and Accounts Receivable)	At Cost	No	At Cost	At Cost
Publications	Assessment Book extract	Per Property	No	$1.15	$1.15
Rates	Copy of Rate Notices	Per Assessment Current and Prior Financial Year(s) - No Charge	Yes	$0.00	$0.00
Rates	Copy of Rate Notices	Per Assessment 2 to 5 Financial Years	Yes	$15.00	$15.00
Rates	Copy of Rate Notices	Per Assessment Schedule of Multiple Financial Years	Yes	$30.00	$30.00

Mt Pleasant Caravan Park

	FY23	FY24	Variance	Comments
Powered Site	$35	$40	14.3%	Up to 2 Adults, Children 5 & under are free
Unpowered Site	$25	$26	4%	Up to 2 Adults, Children 5 & under are free
Extra Person on Site (per night)	$10	$12	20%	Consistency across all sites
Cabin	$115	$120	4.3%	Up to 2 Adults, Children 5 & under are free
Premium Cabin	$160	$160	0%	Up to 2 Adults, Children 5 & under are free
Extra Person on Site in Cabin (per night)	$10	$12	20%	Children 5 & under are free
Stay 7, Pay 6	Yes	Yes		All year round
Midweek Stay – Stay 4, Pay 3	Yes	Yes		All year round
Shower Only	$5	$5	0%	
Washing Load (Guests only)	$4	$4	0%	Consistency across parks
Longer-term Powered Site	$130	$165	27%	(maximum 42 days)
Longer-term Unpowered Site	NA	NA		(maximum 42 days)
Daily Pavilion Hire	$200	See below		
Tennis Court Hire	NA	NA		

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DEBATE REPORTS

7.3 Infrastructure and Environment Services Report

7.3.1 WINTON ROAD UPGRADE

Author: Manager, Engineering Services
23/41092

PURPOSE

A number of Customer Requests have been received for construction of the unmade section of Winton Road, Rosedale, from the entranceway to 67 Winton Road to the northern road end at the intersection with Dalgety Road.

RECOMMENDATION

That Council:

(1) with reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classification for the unmade section of Winton Road, Rosedale, from the driveway entrance to 67 Winton Road to the northern road end at the intersection with Dalgety Road, be amended to have the following asset assessment rating scores:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority – Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority – Score 0 (No commercial vehicles)
4. Tourist Priority – Score 0 (No tourist potential)
5. Economic Priority – Score 0 (No development potential)
6. Accident History – Score 0 (No accident history)

(2) construct the unmade section of Winton Road, Rosedale, from the driveway entrance to 67 Winton Road to the northern road end at the intersection with Dalgety Road, - a distance of approximately 1,100 metres - be constructed to a sheeted rural road level of service.

REPORT

Background

The section of Winton Road, Rosedale, forming the subject of this report is the unmade section of road from the existing compacted rubble road formation adjacent the driveway entrance to 67 Winton Road, to the northern road end at the intersection with Dalgety Road - a distance of approximately 1,100 metres. Refer *attached* general locality plan.

A number of customer requests have been received from nearby property owners requesting the section of unmade Winton Road be constructed with an all-weather road surface for road safety reasons. Customer Request references include 30859, 31776 and 178597.

Introduction

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport" outlines service level classifications for all roads across the Council area, defined in terms of Community Levels of Service and Technical Levels of Service. The maintenance interventions of Council roads are determined from the rated score on the six measures of road assessment:

1. Function
2. Social Importance
3. Freight Use
4. Tourist Importance
5. Development Potential
6. Accident History

Council's asset management data base currently identifies the section of Winton Road in question as a rural road reserve with an unmade natural clay earth track. It is signed as "Dry Weather Road Only" and is currently graded as required to maintain a safe surface at this Level of Service.

This section, however, becomes very slippery and deeply rutted when wet due to the natural clay earth formation of the unmade road. There is an increase in the frequency of vehicles getting stuck or bogged at various times of the year due to the nature of the unmade road surface.

Separately, the first 700 metres of Winton Road is sheeted with compacted rubble to single lane width rural road formation. There is no formed road shoulder. This section provides the principal all weather access to the residential property addressed 67 Winton Road.

Discussion

The section of unmade road in question is not currently registered as a road asset on Council's IAMP and therefore is not included in Council's road maintenance plans.

The road is deemed to be fit for purpose in its current form for dry weather access only. In wet weather, however, the local stormwater drainage flow path is directed longitudinally along the road, resulting in significant rutting and areas of silty clay bog.

Any upgrade of the unmade section of Winton Road will require the road to be allocated with a Level of Service classification in accordance with Council's IAMP. The appropriate Level of Service would be the same as the first 700 metres of Winton Road (north of McCallum Road), which is the lowest classification for a rural road in Council's IAMP and is consistent with other roads in the nearby area, with similar uses and community expectations.

The proposed Level of Service scores for the unnamed section of Winton Road is as follows:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority – Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority – Score 0 (No commercial vehicles)
4. Tourist Priority – Score 0 (No tourist potential)
5. Economic Priority – Score 0 (No development potential)
6. Accident History – Score 0 (No accident history)

The average daily traffic counts on the unmade road are very low.

There has been no recorded crash accident history on the unmade road, but there is an increase in the frequency of vehicles getting bogged in winter due to the natural clay earth formation of the unmade road which becomes very slippery and deeply rutted when wet. Assistance from adjacent residents is increasingly being sought by road users to help with bogged vehicles.

The section of unmade road does not provide access to residential properties not already serviced by the existing made road segment but does provide access to several rural paddocks.

The section of unmade road is currently traversable in dry weather only, and is sign posted as such. It is a shortcut between McCallum Road and Rosedale Road and has experienced increased traffic counts over the years, with corresponding decrease in the condition of the unmade road and increase in the frequency of grading required beyond what is normally required to ensure it is passable.

The construction of the unmade road would require the addition of minimum 200mm compacted rubble so that the road can be graded and maintained in accordance with Council's IAMP.

The construction of the unmade road would also have the following advantages:

- improved all-weather safe access for stock truck and fire appliance vehicles to access the rural properties,
- improved safe and convenient local area connectivity.

Summary and Conclusion

For construction of the unmade section of Winton Road, Council is required to approve the creation of a new road asset and assign an appropriate level of service.

The new road will provide all-weather safe and convenient access for the expected range of truck and car vehicle uses with improved local area connectivity.

The new road will incur future capital upgrade grading and operational maintenance interventions as outlined in Council's IAMP. The frequency of grading is expected to be as required, subject to inspection and would not be more than once per year.

The budget cost estimate for construction of the approximately 1.1 kilometre unmade section of Winton Road to a rural unsealed road is approximately $95,000

The scope of works would notionally include:

- 6 metres width minimum road formation
- 200mm depth compacted rubble pavement
- Allowance for 2 x 375 diameter RCP stormwater pipe culvert crossings

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Winton Road - Rosedale - Proposed Upgrade - site plan

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal
7. Community infrastructure planning is aligned to both current and the future needs of the community
8. To have a connected and safe transport network that meets the needs of our community

Strategies
7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Legislative Requirements

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The budget cost estimate for construction of the approximately 1.1 kilometre unmade section of Winton Road to a rural unsealed road is approximately $95,000

With acceptance of this asset rating amendment recommendation the road upgrade cost of $95,000 will require a budget adjustment to be funded from the unallocated road re-sheet budget.

Any increase to the levels of service associated with a road upgrade will require a commensurate increase in the necessary capital road upgrade and operational road maintenance budgets.

With acceptance of this asset rating recommendation the operations maintenance budget is required to be increased to accommodate the costs of approximately one grade per year along the length of the constructed road section.

COMMUNITY ENGAGEMENT

The IAMPS have previously been presented for community review.

Current Time: 26/07/2023 6:10 PM

Winton Road, Rosedale

While every effort has been made to ensure the accuracy of the product, location and attribute data can not be guaranteed. Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



TheBarossaCouncil

Scale: 1:10,000

0 0.17 0.35 0.7 1.05 km

LEGEND:

- SEALED RURAL ROAD
- UNSEALED RURAL ROAD
- UNMADE ROAD RESERVE (TO BE CONSTRUCTED)

N

DEBATE REPORTS

7.3 Infrastructure and Environment Services Report

7.3.2 BALMORAL ROAD - LEVEL OF SERVICE CHANGE

Author: Manager, Engineering Services
23/41099

PURPOSE

Planned upgrade work on Balmoral Road, Sandy Creek, requires Council to confirm the designated road surface seal treatment.

RECOMMENDATION

That Council with reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the road level of service for Balmoral Road, Sandy Creek, be designated as Rural Sealed Road - bitumen spray seal surface.

REPORT

Background

Balmoral Road, Cockatoo Valley is a sealed Rural Arterial road connecting between Calton Road, Kalbeeba, and Williamstown Road, Cockatoo Valley. Refer *attached* general locality plan.
With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the road level of service is designated as Rural Sealed Road, bitumen surface.

Introduction

The Balmoral Road pavement seal is currently a mix of bitumen Hotmix surface (from Calton Road to Davies Road) and 2 coat bitumen spray seal surface (from Davies Road to Williamston Road).

The Hotmix section surface was applied in 2011 as a trial energy efficient 'warm mix' asphaltic Hotmix experiment, in conjunction with Boral Asphalt. The Hotmix treatment was offered to Council with at a reduced rate at the time, however, is inconsistent with the Rural Arterial Road surface treatment of 2 coat bitumen spray seal provided on other roads in the Council area functioning at the same level of service.

A recent condition assessment of Balmoral Road has identified that some sections with severe longitudinal cracking requiring considerable capital interventions, especially between Kalperri Road and Davies Road. The cost of continuing a Hotmix surface on Balmoral Road is significantly more expensive than the spray seal treatment otherwise allocated for a road of this level of service, for both the initial construction and whole of life costs.

Discussion

With reference to The Barossa Council "Infrastructure Asset Management Plan" (IAMP), the Level of Service allocation for Balmoral Road, Sandy Creek, is as follows:

- Road Function Score - 9 - Rural Road, Sealed
- Function Priority - Class 3: Rural Arterial (mainly non local, between towns, greater than 300 vehicles per day)
- Social Priority – Critical Social Importance
- Freight Priority - Light Industry Use (all year round)
- Tourist Priority - No Tourist Importance

The segment of Balmoral Road between Kalperri Road and Davies Road, approximately 1.3 kilometres, has been identified with significant dilapidation and is planned to be upgraded in the current financial year sealed road upgrade program. This segment has currently has a Hotmix surface as mentioned above.

The default remedial treatment of planing the existing Hotmix surface down and replacing with new 50mm depth Hotmix is more than 4 times the cost of the more standard 2 coat spray seal treatment for this type of road asset. The Hotmix 'plane and replace' treatment will cost approximately $290,000 whilst the 2 coat spray seal treatment will cost approximately $65,000.

Given that the Balmoral Road Hotmix surface was applied in 2011 without consideration of the high whole of life cost implications for the road, and that Council's Infrastructure Asset Management Plan designates this road and all other roads functioning at a similar level of service with a 2 coat bitumen spray seal surface, and that two thirds of Balmoral Road (from Davies Road to Williamstown Road) already has a 2 coat spray seal surface - it would be reasonable to assign a 2 coat spray seal surface to Balmoral Road for all new upgrade work on the road.

Summary and Conclusion

The advantages of designating a bituminous 2 coat spray seal road wearing course are summarised as:

- Reduced construction and resealing costs - more than 4 times less than a Hotmix treatment over the whole of life of the road,
- Reduced repair costs when remedial intervention is required,
- Importantly, a more flexible road seal treatment to better protect the road against water ingress in the highly reactive clay soils at this location,
- Provides a more cost effective, durable and flexible pavement surface commensurate to the required level of service,
- Maintains better alignment with the whole of life cost of the road asset and the long term financial plan,
- Creates greater alignment of consistent road surface treatments across the Council Region.

The disadvantage of designating a bituminous 2 coat spray seal road wearing course is the higher level of road noise from the more granular surface. This would be alleviated by applying a smaller 14mm / 7mm stone size, to reduce the roughness and road travel noise.

It is therefore recommended, in alignment with the Barossa Council Infrastructure Asset Management Plan, to designate the road level of service for Balmoral Road, Sandy Creek, as Rural Sealed Road - bitumen spray seal surface.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Balmoral Road - Sandy Creek - Site plan ⇩

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal

7. Community infrastructure planning is aligned to both current and the future needs of the community
8. To have a connected and safe transport network that meets the needs of our community

Strategies

7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.
7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Legislative Requirements
Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

To maintain a Hotmix surface on Balmoral Road will incur an overall long term reseal upgrade cost of more than 4 times the cost of a regular 2 coat spray seal surface.

COMMUNITY ENGAGEMENT

The IAMPS have previously been presented for community review.

Current Time: 4/08/2023 1:59 PM

Balmoral Road, Sandy Creek

While every effort has been made to ensure the accuracy of the product, location and attribute data can not be guaranteed. Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



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Scale: 1:18,056

0 0.35 0.7 1.4 2.1 km

1. Balmoral Road extent - HOTMIX
2. Balmoral Road extent - SPRAYSEAL
3. Proposed section for reseal

Roads - DPI Roads
DPI Roads

N

DEBATE REPORTS

7.3 Infrastructure and Environment Services Report

7.3.3 ELECTRIC VEHICLE (EV) CHARGING STATION - NURIOOTPA SOLDERS MEMORIAL HALL

Author: Manager Development Services and Director Infrastructure and Environmental Services
23/41101

PURPOSE

To endorse proposal by NRMA to establish an electric vehicle (EV) charging station facility at the Nuriootpa Soldiers Memorial Hall Car Park, 8-10 Park Avenue, Nuriootpa, subject to undertaking public consultation.

RECOMMENDATION

That Council:

(1) Resolves to undertake public consultation in accordance with Council's Public Consultation Policy in respect to the proposed registration of a licence to NRMA for an EV charging station, over the Nuriootpa Soldiers Memorial Hall Car Park, 8-10 Park Avenue, Nuriootpa.

(2) Should objections not be received during the period of public consultation under Resolution 1, approves for the Chief Executive Officer to negotiate a licence in support of an EV charging station facility by NRMA and to approve the technical design to enable construction of the facility under the terms of the license.

(3) Subject to Resolution 1 and 2, authorises the Chief Executive Officer to enter into a licence, or if the document must be sealed, authorise the Mayor and Chief Executive Officer to sign and seal the said license, as described under Resolution 1 above.

REPORT

Background
In April 2023, NRMA and the Australian Government formally announced a partnership program to build a national EV fast charging network with a focus on connecting regional communities. The $78.6 million funding partnership will see the creation of 117 fast charging sites across the national highway network. A copy of the NRMA's Energy's EV statement is contained in *Attachment 1*.

NRMA approached The Barossa Council in April 2023 to invite discussions regarding possible Council sites that may be suitable to establish a new EV charging station in the vicinity of Nuriootpa township, following NRMA establishing its first site in The Barossa Council at the Tanunda Visitor Information Centre in December 2020.

NRMA undertook an initial feasibility of sites within and near Nuriootpa based on a number of operational requirements including proximity to the national highway network, availability of high voltage power to the site and proximity of the charging site to local amenities including public toilets and shops.

Following the site feasibility process, the Nuriootpa Soldiers Memorial Hall car park, 8-10 Park Avenue, Nuriootpa was identified as the preferred site to establish an EV charging station. NRMA have subsequently progressed discussions and Council staff have executed a letter of intent with NRMA to enable this proposal to be pursued, subject to Council support.

A copy of the signed letter of intent is contained in Attachment 2.

Introduction
NRMA is proposing to establish an EV charging station at the Nuriootpa Soldiers Memorial Hall car park, 8-10 Park Avenue, Nuriootpa. The proposal is to establish 4 bay DC fast chargers which will be powered by two 150kW Kempower or ABB charges capable of delivering 75kWs of charge to 4 vehicles simultaneously.

The proposed charging station will represent the latest in EV technology available to support the customer demand of the future to charge vehicles efficiently to avoid queuing. The proposed facility will supplement the existing destination charging station at the Tanunda Visitor Information Centre.

A preliminary design has been prepared for the facility which is contained in Attachment 3.

Discussion
The 4 bay DC fast charges is proposed to be sited in the central aisle of the Nuriootpa Soldiers Memorial car park and will occupy five car parks on the southern side of the central aisle, nearest to Murray Street. The proposal would necessitate repurposing of five existing car parks for electric vehicle charging, comprising two pairs of EV charging bays and a central car park occupied by bollards.

While the proposed license would not seek to create exclusive rights of use, clearly the four car parking bays would only be available for EV charging. A car parking survey has not been undertaken at this time but anecdotal observations of use of this car park suggest the car park is not frequently at capacity and could therefore accommodate the additional demands generated by the proposed facility.

The location for the four bays has been selected as these are the ones nearest to the existing pad mount transformer, that is located next to the existing public toilets at the site. Works will be required within the site in order to underground new electric cabling to connect the charging bay infrastructure to the pad mount transformer. The central bollards would mean there will be loss of one car parking space.

It is proposed that all costs associated with the installation of the vehicle charging bays and associated works will be borne by NRMA. NRMA is proposing a license agreement to occupy the site and NRMA's preference is for a 5 year plus 5 year license period.

Should the Council wish to support the proposal for the proposed EV charging facility at this site, it is proposed that further negotiation regarding the terms of the license

between Council and NRMA be delegated to the CEO. NRMA have provided a draft license agreement which is contained in *Attachment 4*. The technical design for the EV charging bays would also be approved under the terms of the license.

The Nuriootpa Soldiers Memorial Hall car park is identified within Council's Community Land Register and Management Plan 4 – 2019 as '*Institutes and Halls*'. Pursuant to Section 202 of the *Local Government Act 1999*, a council may grant a lease or license over community land, however, before the Council grants a lease or license, it must undertake public consultation.

Summary and Conclusion
The proposed facility will form part of the national EV charging network that is being proposed by NRMA in partnership with the Commonwealth Government.

With the growth in the electric vehicle market, facilities of this kind will be critical to supporting customer needs and to ensure that electric vehicles are viable for regional travel. At the same time, this facility will support economic development in Nuriootpa and surrounds by encouraging visitors to stop and spend time within the region.

The proposed site is considered to represent an optimal location for an EV charging facility, having regard to the site's proximity to the main street environs, availability of public toilets, high voltage power and the car park being of adequate capacity to ensure ongoing car park provision for all users.

It is therefore recommended that Council endorse the proposal to establish an EV charging facility at the Nuriootpa Soldiers Memorial Hall, subject to public consultation. It is proposed that the terms of a license agreement be delegated to the CEO as well as final approval of the technical design for the facility.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Attachment 1 NRMA Energy - EV Statement
Attachment 2 NRMA - EV Charging Station - Signed Letter of Intent
Attachment 3 NRMA - Draft License Agreement - EV Charging Station
Attachment 4 NRMA - Preliminary Design - EV Charging Station
Attachment 5 NRMA - EV Charging Station - Communications Plan

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal
6. The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.
7. Community infrastructure planning is aligned to both current and the future needs of the community
8. To have a connected and safe transport network that meets the needs of our community

Strategies

6.3. The use of new and emerging technologies, alternative and renewable materials where appropriate and cost effective will be trailed.

7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Legislative Requirements

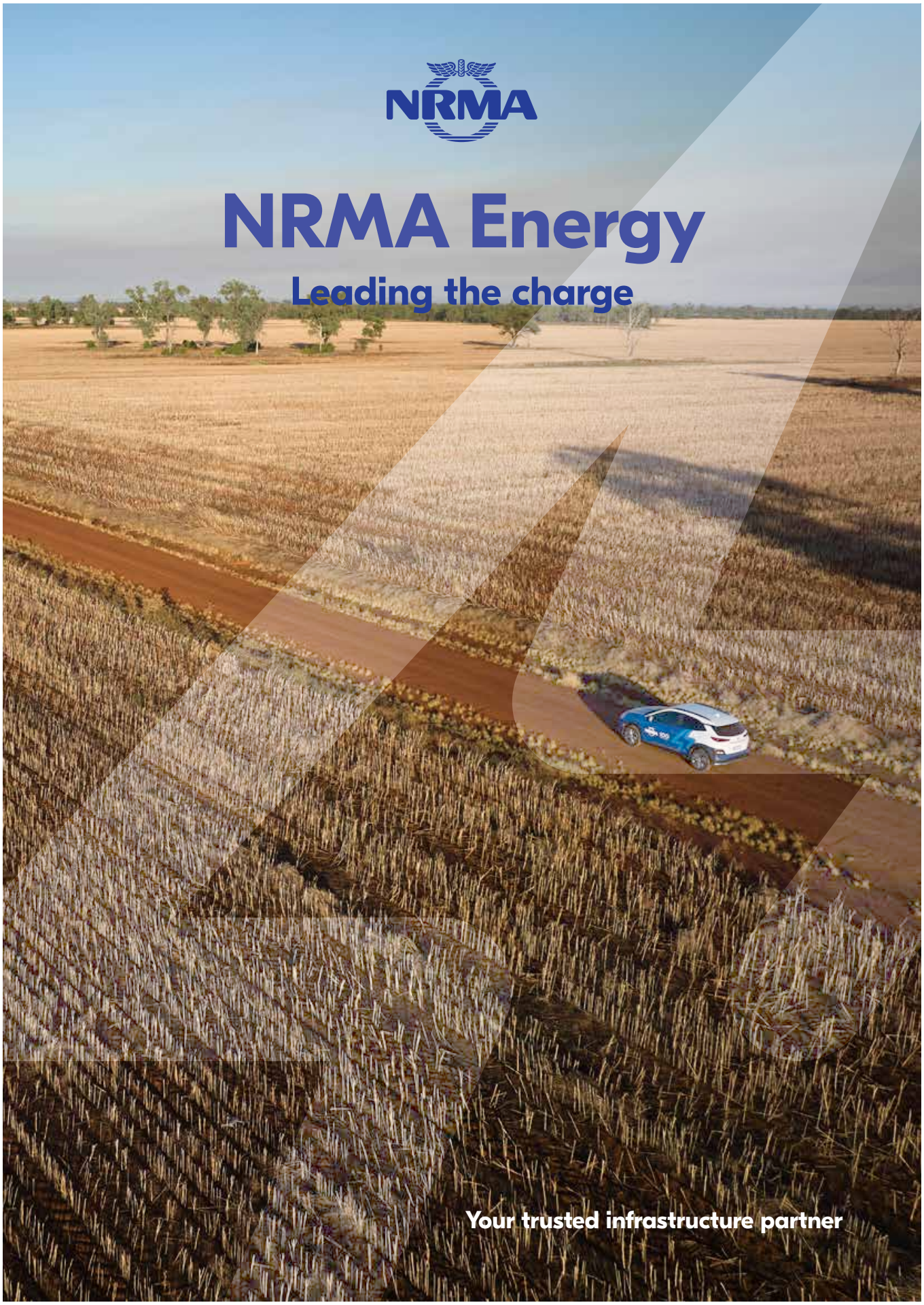
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

NRMA will bear all costs associated with construction of the electric vehicle charging facility.

COMMUNITY ENGAGEMENT

Community consultation will be required pursuant to Section 202(2) of the *Local Government Act 1999*.

A Communications Plan has been prepared, pursuant to Council's Public Consultation Policy and is contained in Attachment 5.


NRMA
NRMA Energy
Leading the charge
Your trusted infrastructure partner





The NRMA has existed for over 100 years to keep people moving. The electrification of cars and transport presents an exciting opportunity to move the needle on climate change and shape the future mobility of Australia.

NRMA Energy will build Australia's largest national electric vehicle (EV) charging network, connecting communities and enabling journeys, ensuring no-one gets left behind in the transition to zero emissions transportation. We will do this nationally, connecting cross-border, in partnership with community and government.

NRMA Energy is your trusted network partner in the delivery of EV charging and energy storage solutions. We have tried and tested experience in the delivery of charging infrastructure, backed by our commitment as a mutual to support local communities grow and prosper.

This document outlines our purpose and vision, our core competencies as an EV network provider, and our commitment to you as a partner in the delivery and rollout of EV infrastructure.

As one of Australia's most trusted brands and mobility advocates, we strive to make our Members lives, and those of their community, better. Help is what we do, it's in our DNA. Developing a network that facilitates the transition to EV is our way of supercharging the next 100 years of mobility in Australia.

Carly Irving-Dolan
Chief Executive Officer

NRMA Energy

About NRMA Energy

NRMA Energy is a division of the NRMA Group responsible for the design, delivery and operation of EV charging infrastructure across the country. With an existing network of more than 60 EV fast chargers across regional NSW and beyond, the NRMA will apply its expertise to develop a national backbone of ultra-fast chargers connecting regional, rural, remote and metropolitan Australia.

Our goal is to ensure no Australian is left behind in the transition to cleaner transport, providing Australians with access to charging infrastructure across key transportation corridors nationwide, regardless of which state they call home.

We've set ourselves the ambitious goal of providing Australian communities with more than 250 EV fast charging sites by 2026, with more than 70% of these to exist in regional Australia.

We will do this by providing a mix of charging infrastructure and energy storage solutions to support the journeys Australians make every day, for work or play, including national highway charging, metropolitan and regional hubs, and destination charging.

About the NRMA

The National Roads & Motorists' Association (NRMA) is one of Australia's largest mutuals, representing over 2.7 million Members across NSW, the ACT and beyond. More than just a roadside business, the NRMA has grown to become one of the largest tourism and transport operators in Australia.

With 52 holiday parks nationwide, Sixt car rental, roadside assistance, cruising and a regional EV charging network, the NRMA continues to ensure our Members and the community can go further, together.

Why NRMA, why now?

The NRMA has always played a role in nation-building: from the founding of AMPOL to NRMA insurance, we have always stepped in to keep Australians moving. Beyond our current regional NSW network, we believe there is a need to connect communities and ensure we are ready to transition to zero emissions vehicles.

That's why the NRMA will provide matched funding with the Australian Government to develop the first ever national network of EV charging infrastructure. The network will take us beyond NSW; connecting rural and remote Australia to one another so these communities are ready and able to transition to EVs. It will reduce range anxiety, build consumer confidence, and facilitate greater adoption of lower emissions vehicles in Australia.



Our credentials

Our mission

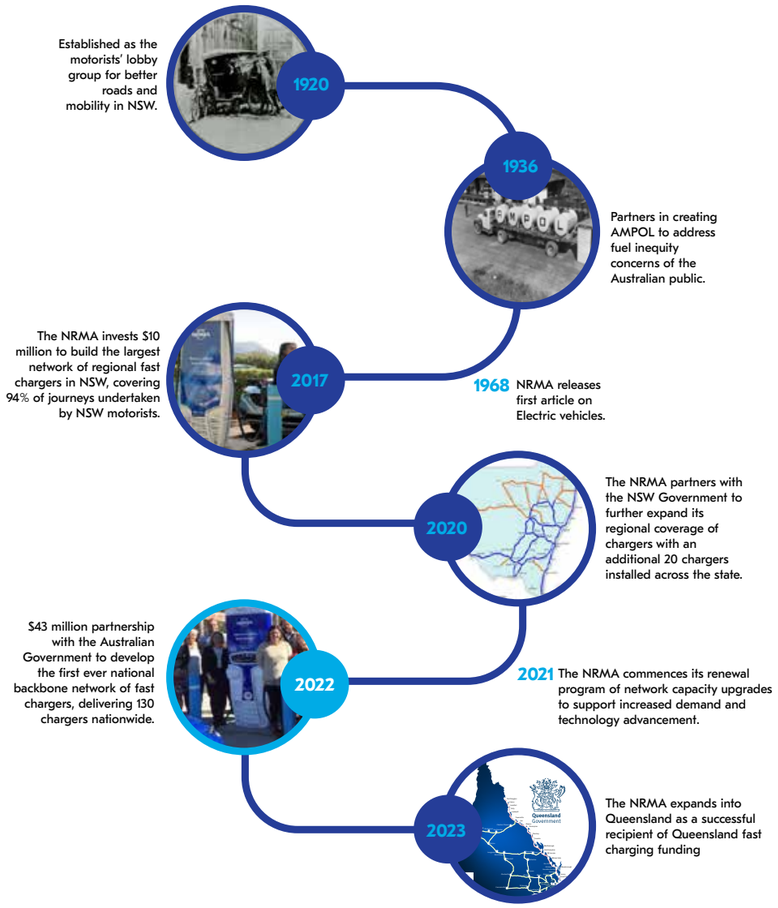
To connect communities to an electric future, by building an energy ecosystem of renewable EV charging infrastructure and storage across Australia. In so doing, we enable all people to move when, where and how they want to. Changing the way people live, work and play.

100 years of innovation for Members & Communities

Working together to support Members and the communities they live, work and visit is at the heart of the NRMA.

With major automotive manufacturers investing nearly $100 billion in the transition away from petrol and diesel cars, EVs are the next inevitable step in our automotive future.

NRMA Energy is leading the charge building Australia's largest, regional EV Fast Charging network to facilitate this transition.

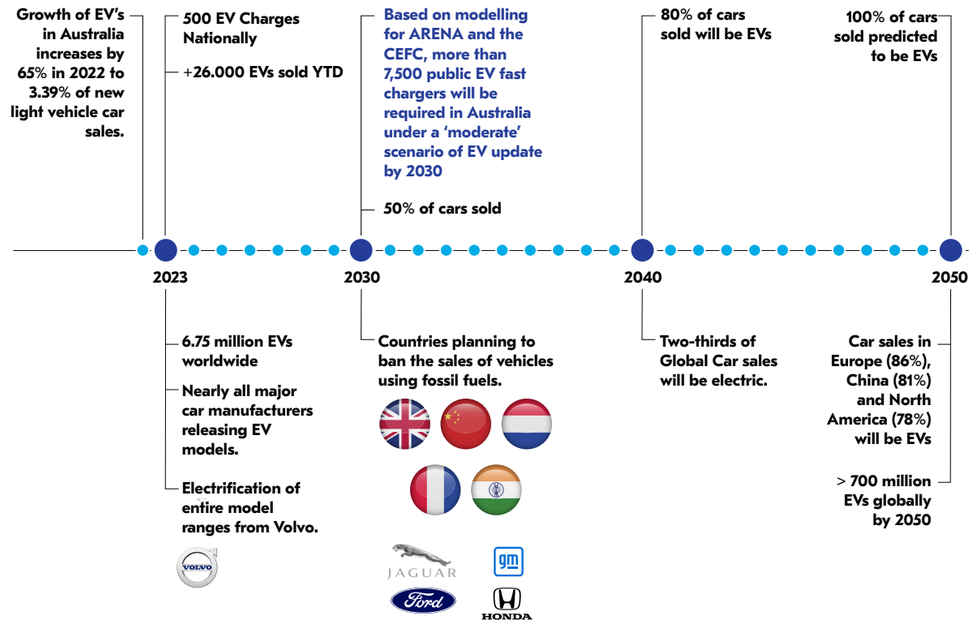


Leading the charge

Regional towns alone will require 1,000 fast charging sites by 2030

Further, the forecast of 2-3 million EVs on the road in Australia by 2030 would mean the country requires an additional 20,000 -30,000 public fast chargers by this same time period (using typical ratios from international precedence).

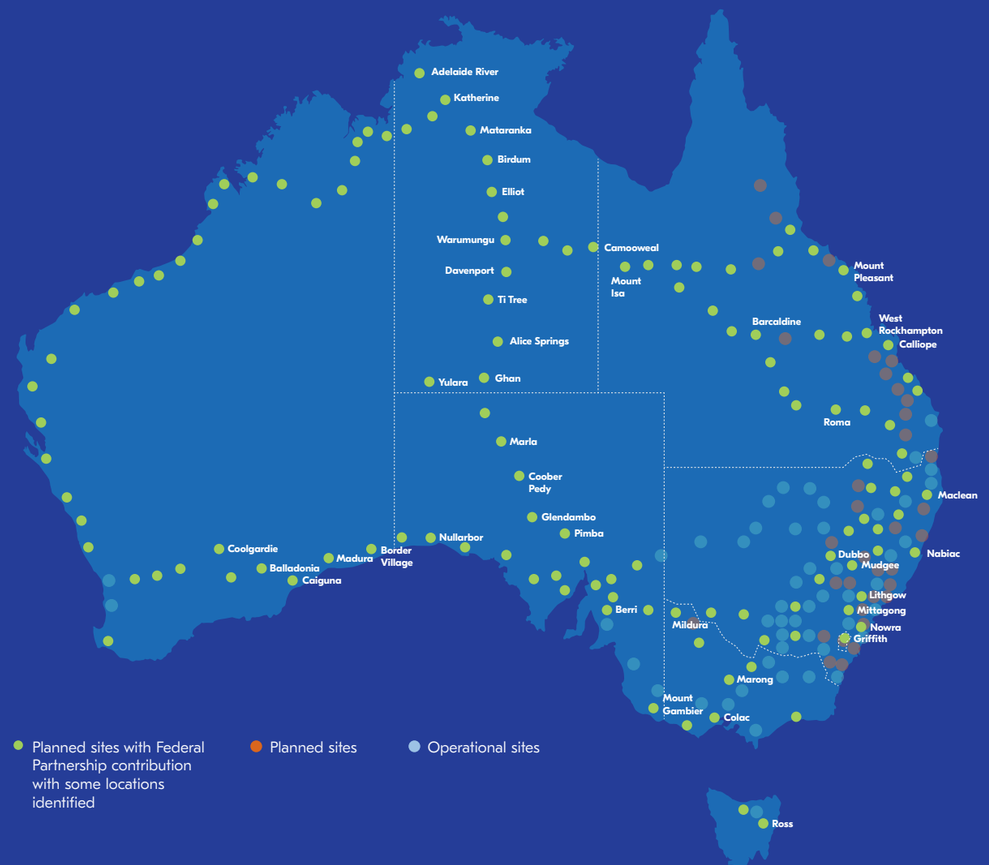
NRMA Energy is committed to connecting Australia investing in the Nation's largest, regional based, public charging network.



NRMA Electric

Building the national EV backbone

In partnership with the Federal Government, the NRMA is on track to build a vital EV charging network to support everyone on electric journeys across the country.



The core features of the network:

- Australia-wide and fast - connecting national highways and larger regional communities
- EV fast charges located at least every 150 kilometres on national highways
- Universal access supporting charging for most makes and models of battery EVs.
- Built for the future - sites ideally featuring a 4-bay design with each charge point delivering a minimum of 75kW of charge.
- Delivered in partnership with local communities and businesses
- Connected, reliable and trusted underpinned by the NRMA's integrated services and 24 hour support.

We can go further, together

Forging partnerships with communities to evolve our transport network has always been the NRMA way of doing business. We listen, use local knowledge and work collaboratively to deliver outcomes that best suit the regions we are in. The NRMA Electric network cannot be built in isolation - local site partners will be critical to the deployment of the next generation of charging infrastructure in Australia.

What NRMA brings to a site partnership

In delivering EV Charging sites NRMA Energy will:

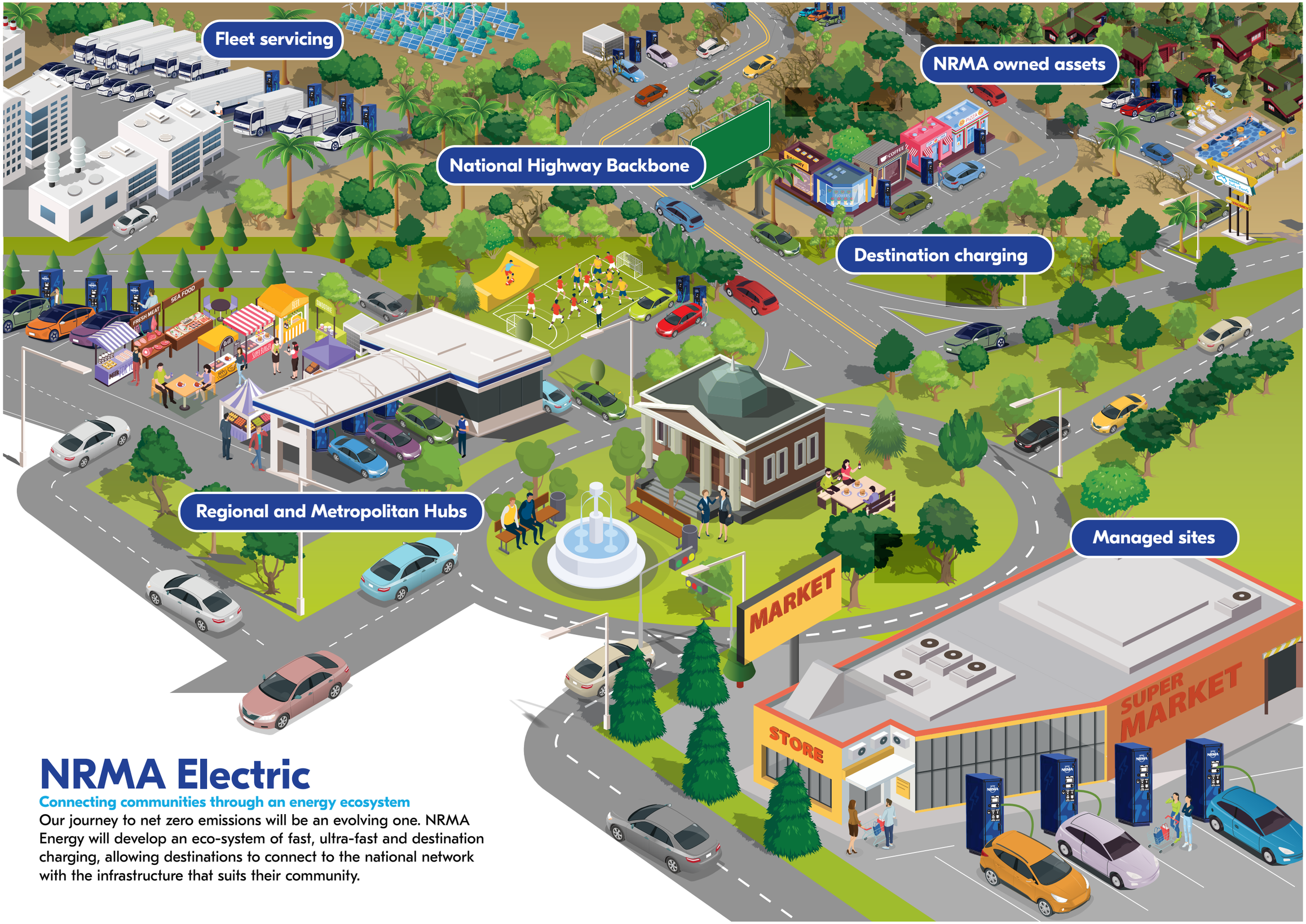
- Undertake all site and power investigations
- Undertake any/all energy upgrades to support the site installation
- Manage the procurement, purchase and installation of all charging equipment
- Undertake all site design works, seek necessary approvals and manage the onsite build (including civil and electrical works)
- Manage and facilitate the site commission
- Cover the ongoing monitoring and maintenance of the charger hardware
- Support the customer experience with access to the NRMA's 24/7 customer support

What the NRMA is seeking from site partners

In delivering a National EV Charger Network we are seeking site partners who:

- Will help us to identify locations that are suitable for future investigation
- Can potentially provide the site to the NRMA under a peppercorn Licence ($1/yr.) arrangement on a 5 + 5 year under a Licence to Occupy arrangement
- Are supportive of delivery within the next 12-24 months.
- There are no immediate or ongoing costs to site partners.

Attachment 1



NRMA Electric

Connecting communities through an energy ecosystem

Our journey to net zero emissions will be an evolving one. NRMA Energy will develop an eco-system of fast, ultra-fast and destination charging, allowing destinations to connect to the national network with the infrastructure that suits their community.

What we bring to the table

Most trusted brand in Australia

The NRMA is the second most trusted brand in Australia with an NPS score of +85. We are known for our reliability, automotive expertise and professionalism in the industry.

Mobility advocate

The NRMA has been the leading EV advocate in Australia, making a $10 million social investment in regional fast-charging infrastructure to support the transition to EVs.

Proven EV charging experience

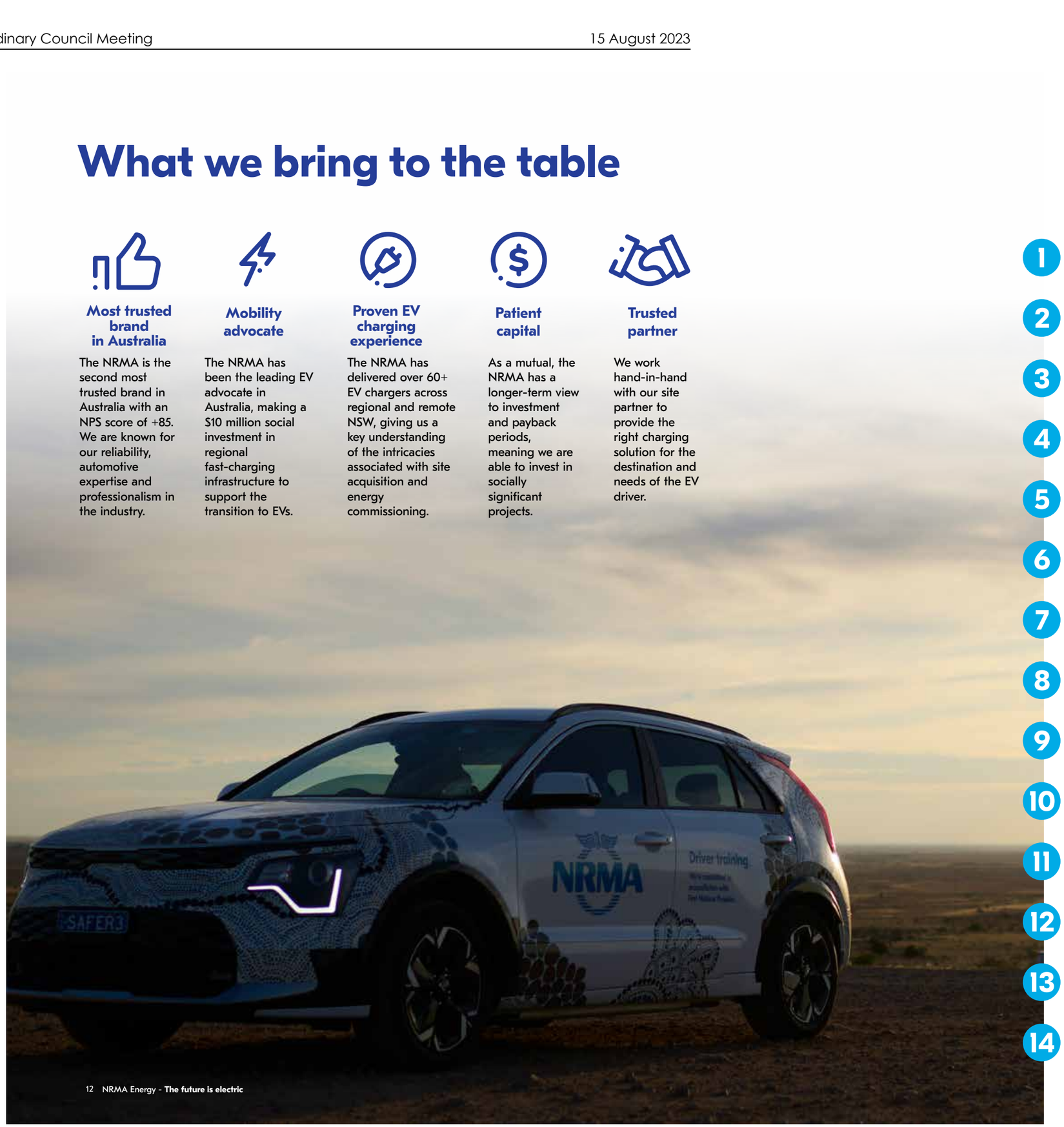
The NRMA has delivered over 60+ EV chargers across regional and remote NSW, giving us a key understanding of the intricacies associated with site acquisition and energy commissioning.

Patient capital

As a mutual, the NRMA has a longer-term view to investment and payback periods, meaning we are able to invest in socially significant projects.

Trusted partner

We work hand-in-hand with our site partner to provide the right charging solution for the destination and needs of the EV driver.



Site location identification

1. **Identified in network plan**
2. **Acquisition - Candidate site identified**
3. **Acquisition - Candidate qualified**
4. **Site inspected**
5. **Acqusition - Letter of intent issued**
6. **Acquisition - Letter of intent signed**
7. **Engineering - Further desktop review**
8. **Engineering - Site plan issued**
9. **Engineering - DNSP enquiry**
10. **Engineering - Design brief issued**
11. **Engineering - DNSP application**
12. **Engineering - NRMA design complete**
13. **Engineering - DNSP design complete**
14. **Acquisition - LTO issued and signed**

39 weeks E2E set indicative timeframes across each phase to facilitate setting reporting and tracking against committed milestones

The site acquisition and development process



Our people

NRMA Energy has assembled a dedicated team of highly skilled professionals to oversee the development of our electric network:

Key contacts to discuss site acquisition opportunities are listed below:



Carly Irving-Dolan | Chief Executive Officer

Carly is responsible for developing, driving and evolving the NRMA's EV and energy strategy, including identifying solutions to our future energy infrastructure needs. She will lead the deployment of our NRMA Electric and EV Fast Charging network and Ecosystem.

Carly has demonstrated experience in industrial relations, acquisitions, mergers, risk management and most importantly, achieving organisational growth and success., was formerly the Executive General Manager of Yurika, responsible for the operation and strategic management of Energy Queensland's commercial, unregulated arm. Prior to this, Carly held executive general management roles across the marketing and education sectors.



Katrina Small | GM – Commercial & Strategy, Risk & Compliance

Katrina oversees the businesses strategic direction and governance program of our EV network rollout, including site scouting process, contract negotiation and stakeholder relations. Katrina is an experienced strategy and finance professional, with a strong track record of leveraging technical and commercial expertise to deliver projects that enable Australia's renewable energy transformation.

Katrina leads a team of dedicated stakeholder specialists:



Amelia Starr | Partnerships & Engagement Adviser

Site partner identification, national partnerships
E: amelia.starr@mynrma.com.au
T: 0403 091 452



Michelle Lacey | Stakeholder Engagement Manager

Local council, community and site liaison
E: michelle.lacey@mynrma.com.au
T: 0437 783 647



Alex Courtis | Land Acquisitions Manager

Site identification and acquisition, specification design
E: alex.courtis@mynrma.com.au
T: 0438 283 276

Want more information?

W: www.mynrma.com.au/cars-and-driving/electric-vehicles

E: energyadmin@mynrma.com.au

10 July 2023

Dear Mr Curtis,

NRMA Electric Highways Pty Ltd

Electric Vehicle Charging Infrastructure Scheme – Letter of Intent

The NRMA's mission is to support the transition to electric vehicles through the electric vehicle charging network across Australia. The NRMA aims to support the transition to electric vehicles by providing Australian's with access to more fast charging points.

While endeavouring on this mission, the NRMA has reviewed your site and confirm that The Memorial Hall Car Park at 8-10 Park Street, Nuriootpa SA, specifically Lot 1 F34655 is a potential site where NRMA electric vehicle charging infrastructure could be built.

In light of the above, we **enclose** both a site map of the land, as well as a draft licence agreement for your perusal.

The NRMA is seeking your support in achieving its mission to create additional access to fast charging points across Australia.

While you consider the site map and the draft to licence agreement, we kindly ask that you sign this letter on the following page. Signing this page **does not create or hold any obligations on you to the NRMA**. By signing the page, you are merely agreeing to consider the substance of this letter and making an obligation free commitment to contribute to the NRMA's mission, if you choose to do so.

If you have any questions, we encourage you to direct them to Alex Courtis on 0438 283 276 or via email to alex.courtis@mynrma.com.au

We kindly ask that if you sign this letter, you return a copy to Alex Courtis via the email address above.

Sincerely,

Alex Courtis
Land Acquisition Manager, NRMA

Signed by

BClark

Signature

Ben Clark

Name

31/07/2023

Date

National Roads and Motorists' Association Limited ABN 77 000 010 506
PO Box 1026 Strathfield NSW 2135 Call **02 8741 6000** or visit **mynrma.com.au**

Classified as Internal

Site Map: **Proposed NRMA EV Fast Charging Location**

Address: 8-10 Park Street, Nuriootpa, SA 5355

Lot 1 F34655

The below site map shows the area under investigation with the footprint of the specific area highlighted in green forming the area of initial review.





Draft ##: ##insert date eg. 1 September 2018

Licence for Charging Stations for Electric Vehicles

Licensed Area: ##Insert address and description of area, if there is one

##Insert Licensor's name
ABN ##Insert Licensor's ABN

and

NRMA Electric Highways Pty Ltd
ABN 35 659 311 163

DRAFT

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Maddocks

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Maddocks

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Licence Particulars

Item 1.	**Licensor:**	##Name ##ABN Address: ## Contact: ## Email: ## Licensor's Disputes Representative: ##
Item 2.	**Licensee:**	NRMA Electric Highways Pty Ltd ABN 35 659 311 163 Address: Level 13, 151 Clarence Street, Sydney NSW 2000 Contact: Company Secretary Email: notices.cosec@mynrma.com.au Licensee's Disputes Representative: General Manager, Property
Item 3.	**Land:**	The land contained in Certificate of Title Folio Identifier ## and known as ##address of licensed area
Item 4.	**Licensed Area:**	Those areas forming part of the Land indicatively shown on the Plan at Attachment 1, being: • [the red highlighted area, comprised of: ○ [description of parking bay location and street reference]; and ○ [description of charger area]; and • [description of MSB location]
Item 5.	**Commencing Date:**	##insert date
Item 6.	**Terminating Date:**	##insert date
Item 7.	**Term:**	5 years
Item 8.	**Further Term(s):**	5 years commencing on the day after the Terminating Date.
Item 9.	**Licence Fee during Term:**	$1 per annum plus GST, if demanded
Item 10.	**Licence Fee during Further Term(s):**	$1 per annum plus GST, if demanded
Item 11.	**Permitted use:**	Installation, operation, repair and replacement of Charging Stations and ancillary purposes including generating photovoltaic electricity, operating an energy storage system, operating a payment system and installing and operating security monitoring devices.
Item 12.	**Agreed Amendments:**	Agreed amendments to the Standard Terms (clauses 1 – 20 inclusive): ##Yes (see Schedule 2 for applicable amendments)/Not applicable
Item 13.	**Special Conditions:**	Special Conditions apply to this Licence: Yes (see Schedule 3 for applicable special conditions)/Not Applicable
Item 14.	**Licensor's Works**	(a) ## Yes (as described below)/Not Applicable

Description of Licensor's Works

(b) **Target Date for Completion of the Licensor's Work**: [####]/Not applicable

Item 15. Licensee's Works

(a) Number of Charging Stations:

(b) Description of Licensee's Works

The installation of the number of Charging Stations set out in Item 15(a) on and in the Licensed Area, including all works ancillary to that installation and necessary or desirable (in the opinion of the Licensee) for the on-going operation of the Charging Stations, including:

a. the installation of concrete footings and conduits
b. the installation of the electrical cabling required for the operation of the Charging Stations including the cabling to the nearest local transformer;
c. the installation of electrical switchboard with meters and electrical protection equipment;
d. the installation of signage providing network information and user instructions;
e. the installation of electric vehicle parking signage; and
f. marking or painting of Charging Spaces with electric vehicle parking or charging symbols.

Item 16. Interdependent Works

(a) Yes (as described below)/Not applicable.

Description of Interdependent Works:

Those parts of the Licensor's Works and the Licensee's Works that are interdependent and require the Licensor and the Licensee (and the respective employees, contractors and agents of each) to work together and consult with each other to enable the Licensor's Works and the Licensee's Works to be completed, including:

a. the installation of electrical cabling by the Licensee within conduits to be installed by the Licensor; and
b. the installation of a concrete footing for the Charging Station by the Licensor and the installation of the final metre of electrical cabling to the Charging Station by the Licensee.

Licence

Dated ##insert date

Parties

The Licensor defined in Item 1

The Licensee defined in Item 2

This Deed Witnesses

A. The Licensor owns the Licensed Area.

B. The Licensee has agreed to carry out the Licensee's Works on the Licensed Area and the Licensor has agreed to allow the Licensee to carry out the Licensee's Works on the Licensed Area.

C. The Licensor has agreed to grant and the Licensee has agreed to accept a licence of the Licensed Area for the Permitted Use for the Term.

Part A. Standard Terms

Each of the Standard Terms apply to this Licence.

1. Definitions

In this Licence:

Agreed Amendments means the amendments to the Standard Terms, if any, set out in Schedule 2.

Business Day means a day that is not a Saturday, Sunday or public holiday in [insert relevant State or Territory].

Charging Spaces means those parts of the Licensed Area designated as car parking bays or car parking spaces serviced by Charging Stations.

Charging Station means any electric vehicle fast charging station installed or to be installed on or in the Licensed Area, including any and all hardware, software, communications devices and all other associated equipment or parts provided by the Licensee.

Claim means any action, claim, demand or proceeding (including based in contract, tort or statute or under any indemnity, and including any action based on personal injury or death) made against the person concerned however it arises and whether it is present or future, fixed or unascertained, actual or contingent.

Commencing Date means the date specified in Item 5.

Dispute means any dispute, difference of opinion or disagreement between the Licensor and the Licensee, arising out of or in connection with the Licence, the Licensor's Works or the Licensee's Works including any question regarding its formation, existence, validity, interpretation, performance, breach or termination.

Dispute Representatives means the representative of the Licensor identified as the Licensor's Disputes Representative in Item 1 and the representative of the Licensee identified as the Licensee's Disputes Representative in Item 2.

Further Term means each further term specified in Item 8.

Government Authority means any government, government department, government agency or government authority; governmental, semi-governmental, municipal, judicial, quasi-judicial, administrative or fiscal entity or person carrying out any statutory authority or function; or other entity or person (whether autonomous or not) having powers or jurisdiction under any statute, regulation, ordinance, by-law, order or proclamation, or the common law.

Insolvency Event means, in relation to a person, any of the following events:

(a) the person, being an individual, becomes bankrupt;

(b) the person becomes insolvent;

(c) the person assigns any of its property for the benefit of creditors or any class of them;

(d) a receiver, receiver and manager, administrator, controller, provisional liquidator or liquidator is appointed to the person or the person enters into a scheme of arrangement with its creditors or is wound up;

(e) the holder of a Security Interest takes possession of any assets of the person or exercises any power of sale;

(f) a judgment or order is made against the person in an amount exceeding $50,000 (or the equivalent in any other currency) and that judgment or order is not satisfied, quashed or stayed within 20 Business Days after being made; and

(g) any event that is analogous or has a substantially similar effect to any of the events specified in this definition.

Installation Works means the Licensee's Works, the Licensor's Works (if any) and the Interdependent Works, as applicable.

Interdependent Works means the works described in Item 16(a), if applicable.

Item means an item in the Licence Particulars.

Land means the land specified in Item 3.

Law includes any law, statute, regulation, ordinance, by-law, order or proclamation, and the common law; and any authorisation, ruling, judgment, order, decree or other requirement of any Government Authority.

Liability means any and all damages, punitive damages, liabilities, actions (including actions based on personal injury or death), obligations, duties, losses, charges, costs or expenses (including legal expenses and consulting fees), interest, penalties, fines and taxes, and

excludes any consequential loss or damage which does not naturally or directly result in the ordinary course of events from the breach, action or inaction in question, whether or not a party has been advised of or is aware of that loss or damage, including any loss of revenue, profit, data, opportunity, business, goodwill or future reputation, any failure to realise anticipated savings, any downtime costs, any damage to credit rating, and any penalties payable under contracts other than this Licence.

Licence means this licence between the Licensor and the Licensee, which includes the Licence Particulars, the Standard Terms, the Agreed Amendments and the Special Conditions.

Licence Fee means the amount specified in Item 9.

Licence Particulars means the schedule of items at the front of this Licence.

Licensed Area means the Licensed Area specified in Item 4.

Licensee means the Licensee specified in Item 2 and includes the Licensee's successors and assigns and where it is consistent with the context includes the Licensor's employees and agents.

Licensee's Employees and Agents means each of the Licensee's employees, officers, agents, contractors, consultants, sublessees, licensees and any other person on or about the Licensed Area who are under the control or direction of the Licensee.

Licensee's Property means all plant, equipment, fixtures, fittings, and other property installed or situated in or relevant to the Licensed Area and owned or controlled by the Licensee, including the Charging Stations and the Signage and any other item installed as part of the Licensee's Works and expressly excludes the Licensor's Property.

Licensee's Works means the works specified in Item 15(b).

Licensor means the Licensor specified in Item 1 and includes the Licensor's successors and assigns and where it is consistent with the context includes the Licensor's Employees and Agents.

Licensor's Adjoining Land means any part of the Land and any other land adjoining or near the Licensed Area that is not part of the Licensed Area but is owned by the Licensor.

Licensor's Employees and Agents means each of the Licensor's employees, officers, agents, contractors, consultants, invitees, sublessees, licensees and any other person on or about the Licensed Area (with or without invitation) or under the control or direction of the Licensor other than the Licensee.

Licensor's Property includes all plant, equipment, fixtures, fittings, and other property installed or situated in or relevant to the Licensed Area and owned or controlled by the Licensor, including anything installed as part of the Licensor's Works, if any, and expressly excludes the Licensee's Property.

Licensor's Works means the works specified in Item 14(a), if applicable.

New Licensee means the proposed assignee, novate or sublicensee in connection with a proposed dealing by the Licensee in accordance with clause 11.3.

Parking Spaces means those parts of the Licensor's Adjoining Land designated as car parking bays or car parking spaces.

Permitted Use means the use specified in Item 11**.**

Plan means the plan that describes the Licensed Area at Attachment 1.

Related Body Corporate has the meaning given to that term in the *Corporations Act 2001* (Cth).

Services means all services in connection with the Licensed Area, including electricity, gas, water, waste collection and telecommunication services.

Signage means all and any signage and information material in connection with the installation, operation and use of a Charging Station including any information placard, operating instructions, Charging Station livery, signs to identify Charging Stations and their use and signs delineating Charging Spaces.

Signage Plans means the plans at Attachment 2 showing the indicative design and location of the Signage approved by the Licensor as at the date of this Deed and updated from time to time during the Term in accordance with clause 6.3.

Special Conditions means the clauses, if any, in Schedule 3.

Standard Terms means clauses 1 to 20 inclusive of this Licence.

Term means the term specified in Item 7 and also includes any holding over period, in each case, subject to any earlier termination in accordance with the terms of this Licence.

Terminating Date means the date specified in Item 6.

WHS Laws means the relevant workplace health and safety legislation applicable to the state in which the Land is located.

2. Installation Works

Each Party must carry out and complete its respective parts of the Installation Works in accordance with the Installation Works Schedule at Schedule 1.

3. Grant of Licence

3.1 Licence

The Licensor grants to the Licensee a non-exclusive licence during the Term for the Licensee to use the Licensed Area in common with the Licensor and persons authorised by the Licensor in accordance with this Licence.

3.2 Nature of Licence

3.2.1 This Licence is personal to the Licensee.

3.2.2 The Licensee expressly acknowledges and agrees that:

(a) this Licence does not give the Licensee any right to exclusive possession or occupancy of the Licensed Area;

(b) the Licensor may use, or permit other parties to use, the Licensed Area;

(c) this Licence will not create, or be construed as creating, any form of tenancy or other right or interest in or to the Licensed Area, other than a contractual right; and

(d) this Licence does not constitute a lease at Law and the Licensee will not claim before a court or tribunal that this Licence constitutes a lease at Law.

3.3 Licensor's rights

The Licensor may enter the Licensed Area with all necessary materials and equipment to comply with its obligations under this Deed and any laws or notice of any Government Agency affecting the Licensed Area, subject to it complying with clauses 10.1.2(c) and clause 10.1.2(d).

4. Payments by the Licensee

4.1 Payment of Licence Fee

4.1.1 The Licensee must pay the Licence Fee for the whole of the Term to the Licensor in advance.

4.1.2 If the Licence is terminated prior to the date in Item 6, the Licensor may retain the whole of the amount paid by the Licensee in accordance with clause 4.1.1.

4.2 Payment of charges for Services

4.2.1 If and for so long as the Charging Stations are directly connected to the National Electricity Grid and the Licensed Area is separately metered, the Licensee must pay to the relevant Government Authority or utility provider, as applicable, all charges in connection with Services provided to the Licensed Area.

4.2.2 If and for so long as the Charging Stations are not directly connected to the National Electricity Grid and the Licensed Area is not separately metered, the Licensee must within 10 Business Days of the Licensor's demand pay to the Licensor as payment for the all charges in connection with Services provided to the Licensed Area the amount determined in accordance with the following:

(a) the Licensee will reimburse the Licensor at cost for incremental electricity charges incurred and directly attributable to the use of the Licensee's Property;

(b) reimbursement will include direct energy usage charges (cents per kilowatt hour, "c/kWh") as well as a calculated contribution towards any increased maximum demand charge (cost per kilo Volts Amperes per month, "$/kVA/mth") directly attributable to the use of the Licensee's Property during the billing cycle; and

(c) the operational requirements for the reimbursement process will include:

1. the Licensee will install private electricity metering into the electrical switchboard dedicated to the Licensee's Property;

2. the Licensee will arrange for this private meter data to be read and made available for the purpose of calculating electricity reimbursement;

3. the Licensor will provide the parent National Meter Identification (NMI) metering data and/or authorise the Licensee access to this data;

4. the Licensee will reconcile parent NMI data with data from the private meter to determine any incremental impact on maximum demand charges;

5. the Licensee will reimburse agreed electricity charges at cost to the Licensor; and

6. review and optimisation of the process will be carried out as necessary to ensure efficient operation.

4.2.3 The Licensor's demand referred to in clause 4.2.2 must include details of the Licensor's calculation of the amount due and payable under clause 4.2.2.

5. Use of Licensed Area

5.1 Permitted use

The Licensee may:

5.1.1 use the Licensed Area for the Permitted Use and for any purpose ancillary to the Permitted Use;

5.1.2 permit members of the public to use the Charging Stations to charge electric vehicles; and

5.1.3 use either or both any Licensor's Adjoining Land and any Parking Spaces within or proximate to the Licensed Area on a temporary basis, in connection with the Permitted Use or to perform its obligations under clause 12.1.1.

5.2 Access

The Licensee may:

5.2.1 access the Licensed Area 24 hours a day, seven days a week to exercise its rights under this Deed; and

5.2.2 access any Licensor's Adjoining Land to use any lavatories situated on any Licensor's Adjoining Land during times these are open to the public.

5.3 Compliance with Laws

The Licensee must comply with all Laws and any requirements of any utility provider in connection with the Licensed Area and the Licensee's use and occupation of the Licensed Area, except the Licensee will not be required to carry out any structural works unless the need for those works arises from:

5.3.1 the negligent act or omission of the Licensee or the Licensee's Employees and Agents;

5.3.2 the failure by the Licensee or the Licensee's Employees and Agents to comply with the Licensee's obligations under this Licence; or

5.3.3 the use of the Licensed Area by the Licensee or the Licensee's Employees and Agents.

5.4 Licences and permits

The Licensee must maintain all licences and permits required for the Licensee's use of the Licensed Area and obtain the Licensor's written consent before varying any licence or permit or applying for any new licence or permit.

5.5 Fee for use

Provided that it is not a breach of clause 5.1 or clause 5.3 to do so, the Licensee may, but is not required to, impose a fee or charge on users of the Charging Stations.

5.6 Licensor's use of the Licensed Area

The Licensee must permit the Licensor to enter the Licensed Area at all reasonable times on reasonable notice to undertake its lawful rights and obligations.

5.7 Licensee's Employees and Agents

The Licensee must use all reasonable endeavours to ensure that the Licensee's Employees and Agents observe and comply with the Licensee's obligations under this Licence, where appropriate.

6. Licensee's right to install Signage

6.1 Installation of Signage

6.1.1 The Licensee may install Signage in the Licensed Area at any time at its own cost, without the Licensor's consent if that Signage complies with the Signage Plans.

6.1.2 The Licensee must not install any Signage on or in the Licensed Area without the Licensor's prior consent if that Signage does not comply with the Signage Plans.

6.1.3 The Licensee must ensure that any Signage that it installs is professionally prepared, installed and maintained.

6.2 Wayfinding and directional signage

The Licensee may install way-finding and directional signage on any Licensor's Adjoining Land with the Licensor's prior consent.

6.3 Update of Signage Plans

6.3.1 The Licensee may update the Signage Plans throughout the Term with the Licensor's prior consent.

6.3.2 If the Licensor consents to any update to the Signage Plans, the updated Signage Plans will apply on and from the date of the Licensor's consent.

7. Maintenance, alterations and safety

7.1 Routine repairs and maintenance

The Licensee must keep the Licensee's Property clean and maintained in reasonable order and condition. The Licensor acknowledges that in order to comply with this obligation the Licensee may:

7.1.1 replace or remove all or part of one or more Charging Stations upon giving reasonable notice to the Licensor, other than in the case of an emergency, when no prior notice is required; and

7.1.2 temporarily close a small area around a Charging Station while the Charging Station is being serviced.

7.2 Repairing damage

The Licensee must:

7.2.1 promptly make good any damage to the Licensed Area caused by the Licensee in exercising its rights under this Deed; and

7.2.2 promptly after becoming aware of it, repair any damage to the Licensee's Property whether caused by vandalism, attempted or actual theft or other unlawful activity, or by accident or negligence of a third party other than the Licensor.

7.3 Upgrading Charging Stations

7.3.1 The Licensee may replace or upgrade existing Charging Stations and upgrade the electricity infrastructure for either or both future and increased power capacity.

7.3.2 Before commencing any works referred to in clause 7.3.1, the Licensee must seek and obtain the Licensor's consent. When requesting consent the Licensee must provide the Licensor with plans and specifications of the relevant works.

7.3.3 The Licensee must ensure any works referred to in clause 7.3.1 are carried out in accordance with plans and specifications approved by the Licensor, by qualified tradespersons, and otherwise in compliance with all applicable Laws.

8. Insurance

8.1 Insurances to be effected by the Licensee

The Licensee must maintain insurance for:

8.1.1 public liability:

(a) for the amount of $20 million concerning one single event (or any greater sum as reasonably required by the Licensor);

(b) which, without limiting the rest of this clause 8, covers death and injury to any person, and damage to property of any person, sustained when that person is using, entering or near any entrance, passage or stairway to or in the Licensed Area; and

(c) which expressly refers to and covers all of the Licensee's obligations under this Licence, including the obligation to indemnify the Licensor;

8.1.2 the Licensee's Property for their full replacement value; and

8.1.3 other insurances which are required by Law or which, in the reasonable opinion of the Licensor, a prudent licensee would take out, including in connection with any Licensee's Works.

8.2 Policies

In respect of each insurance policy that the Licensee is required to maintain under this Licence, the Licensee must:

8.2.1 pay all insurance premiums on or before the due date for payment; and

8.2.2 give the Licensor a copy of the certificate of currency on or before each anniversary of the Commencing Date.

8.3 Group Policies

For so long as the Licensee is National Roads and Motorists' Association Limited ACN 000 010 506 or a Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time) the Licensee will have complied with its insurance obligations under clause 8.1 and clause 8.2 if the Licensee provides to the Licensor on request, a copy of a certificate of currency of insurance from the Licensee's insurer or insurance broker confirming that its obligations under clause 8.1 and clause 8.2 are covered by the terms of any group policy held by the Licensee or any other company in the NRMA group of companies.

9. Indemnity and release

9.1 Indemnity

Except to the extent that the Licensor is negligent or in breach of its obligations under this Deed, the Licensee indemnifies the Licensor against any Claim or Liability that the Licensor incurs or is liable for in connection with:

9.1.1 any damage, loss, death or injury to property or person in connection with the use of the Licensee's Property; and

9.1.2 the use or occupation by the Licensee or the Licensee's Employees and Agents of, or the existence of, the Licensee's Property.

9.2 Release

Except to the extent that the Licensor is negligent or in breach of its obligations under this Deed, the Licensee:

9.2.1 uses the Licensed Area at its own risk; and

9.2.2 releases the Licensor from, and agrees the Licensor is not liable for, any Claim or Liability in connection with any damage, loss, injury to or of any person or property in connection with the use or existence of the Licensed Area.

10. Licensor's Obligations

10.1 Use of Licensed Area

10.1.1 The Licensor must, at no cost to the Licensee:

(a) keep the Land (including all Parking Spaces) clean and tidy and in a good and safe state of repair and condition;

(b) keep the Land well-lit at all times;

(c) promptly make good any damage to the Land or the Licensed Area that it is not the Licensee's obligation to repair under this Licence;

(d) if any Signage includes a requirement that a Charging Space only be used for charging an electric vehicle, use its best endeavours to monitor and enforce the use of that Charging Space for that purpose only and for no other purpose.

10.1.2 The Licensor must not:

(a) alter the Licensor's Property or any other part of the Licensed Area or the Land in a way that would interfere with the conduct of the Permitted Use or that would result in the Licensed Area or the Licensee's Property being inaccessible;

(b) repair, service, tamper with, change, alter or otherwise interfere with the Licensee's Property (and if it does so, the Licensor must reimburse to the Licensee the cost of repairing the Licensee's Property if the Licensor causes any damage to the Licensee's Property);

(c) do anything that derogates from the Licensee's rights under the Licence;

(d) impede access to the Licensed Area without first giving the Licensee reasonable notice and details of its intention to temporarily do so, other than in the case of an emergency, when no prior notice is required;

(e) install and must ensure that no third party installs any electric vehicle fast charging station in or on the Licensed Area or the Land during the Term;

(f) remove, alter or obstruct any Signage without the Licensee's prior consent (except in the case of an emergency); and

(g) not affix and must not grant any third party the right to affix any advertising or promotional material to any Signage, Charging Station or any Charging Space.

10.2 Electricity

The Licensor must, if requested by the Licensee:

10.2.1 provide to the Licensee at the Licensee's cost the ability to connect the Licensee's Property to an electricity supply on the Land or the Licensor's Adjoining Land during the Term; and

10.2.2 maintain and where required, promptly repair or replace the earthing apparatus and any other plant, equipment or infrastructure which enables the supply of



electricity to the Charging Stations, including where this is required as a result of power surges or electrical faults; and

10.2.3 do all other things reasonably necessary to ensure the supply of electricity for the safe and continuous supply of electricity to the Licensee's Property.

10.3 Security

The Licensor must:

10.3.1 use its best endeavours to advise the Licensee of any damage, attempted or actual theft, vandalism or unlawful activity to the Licensed Area or the Licensee's Property as soon as the Licensor is aware of it; and

10.3.2 in the case of any damage, attempted or actual theft, vandalism or unlawful activity to the Licensed Area or the Licensee's Property, allow the Licensee to have access to all relevant closed circuit television (CCTV) camera recordings (if available).

11. Dealings

11.1 Dealings by Licensor

The Licensor may grant easements or other rights over the Land provided that they do not interfere with the Permitted Use and the Licensee's rights under this Licence.

11.2 Dealings by Licensee

The Licensee must not assign, novate or sublicense its rights and obligations under this Licence without the Licensor's consent, which must not be unreasonably delayed or withheld provided that the Licensee complies with clause 11.3, except where clause 11.4 applies, in which case the Licensor's consent cannot be withheld.

11.3 Novation and sublicensing

The Licensor must not unreasonably withhold or delay its consent, if:

11.3.1 the Licensee gives the Licensor at least 1 months' written notice of the proposed dealing; and

11.3.2 before any dealing is completed:

(a) the Licensee has provided reasonable evidence to demonstrate that the New Licensee is respectable, solvent and capable of adequately carrying out the Permitted Use;

(b) the New Licensee has agreed to perform the obligations of the Licensee under this Licence (in the case of a sublicense, to the extent of the area sub-licenced);

(c) the Licensee and the New Licensee have agreed to enter into such documentation reasonably required by the Licensor to give effect to clause 11.3.2(b); and

(d) the Licensee has paid the Licensor's reasonable costs of considering the proposed dealing and entering into the documentation referred to in clause 11.3.2(c).

11.4 NRMA group of companies

For so long as the Licensee is National Roads and Motorists' Association Limited ACN 000 010 506 or a Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time), the Licensee:

11.4.1 may assign, novate or sublicense to or share possession of the whole or any part of the Licensed Area with any other company, including any Related Body Corporate or a member of the consolidated group, for tax purposes, of which National Roads and Motorists' Association Limited ACN 000 010 506 is the head company (as notified by National Roads and Motorists' Association Limited ACN 000 010 506 to the Australian Taxation Office from time to time) without complying with clause 11.3; and

11.4.2 must notify the Licensor within a reasonable time after it assigns, novates, sublicenses or shares possession of the whole or any part of the Licensed Area.

12. Licensee's obligations at the end of this licence

12.1 Licensee's obligations

12.1.1 At the expiry or other termination of this Licence, the Licensee must:

(a) vacate the Licensed Area;

(b) remove the Licensee's Property from the Licensed Area; and

(c) subject to clause 12.1.2, make good any damage caused by the removal of the Licensee's Property from the Licensed Area.

12.1.2 The Licensee is not required to remove any part of the Licensor's Property or make good any part of any concrete footing that comprises Licensor's Property that is damaged by the removal of the Licensee's Property.

13. Termination of Licence

13.1 For convenience

13.1.1 The Licensee may terminate this Licence at any time by giving the Licensor at least 120 days' written notice.

13.1.2 If the Licensee terminates this Licence in exercise of its rights under clause 13.1.1, neither party will have any Claim against the other (including any claim for compensation), except for any rights that accrued before that termination.

13.2 Default

The Licensor may terminate this Licence by written notice, require the Licensee to vacate the Licensed Area, and exercise any other legal right, if:

13.2.1 any amount payable by the Licensee under this Licence, is in arrears for 20 Business Days, and the Licensee fails to make the relevant payment within 20 Business Days after the Licensor has demanded payment;

13.2.2 if the Licensee does not comply with any other express or implied obligation under this Licence within a reasonable time after the Licensor has issued a notice requesting that the Licensee so comply; or

13.2.3 an Insolvency Event occurs in respect of the Licensee.

13.3 Damages following termination

If the Licensor terminates this Licence under clause 13.2, the Licensee must compensate the Licensor for any loss or damage the Licensor suffers in connection with the event that gave rise to the termination, but is not liable for the Licensor's loss of the benefit of the Licensee performing its obligations under this Licence up to the expiry of the Term.

14. Holdover and Option for Further Term

14.1 Holding over

14.1.1 If the Licensee continues to occupy the Licensed Area after the Terminating Date with the Licensor's consent (except under a licence arising from a valid exercise by the Licensee of an option for a Further Term in accordance with clause 14), the Licensee will do so as a 6-monthly licensee.

14.1.2 Subject to this clause 14.1, the monthly licence is on the same terms as this Licence, but including any changes necessary to make the terms appropriate for a 6-monthly licence.

14.2 Exercise of option for a Further Term

If a Further Term is specified in Item 8 the Licensor must grant to the Licensee, at the Licensee's cost, a new licence for the Further Term if the Licensee gives the Licensor written notice asking for a new licence, not earlier than 12 months or later than 3 months before the Terminating Date.

14.3 New licence for Further Term

The new licence for the Further Term contains the same terms and conditions as this Licence except for all changes necessary to reflect the new term of the licence and any variations made to this Licence during the Term.

15. Dispute Resolution

15.1 Dispute

Any Dispute is to be dealt with in accordance with this clause 15.

15.2 Notice of Dispute

15.2.1 If a Dispute between the parties arises then either party may give the other a written notice of Dispute adequately identifying and providing details of the Dispute.

15.2.2 Notwithstanding the existence of a Dispute, the parties must continue to perform their obligations under this Licence.

15.3 Dispute Representatives Determination

15.3.1 The Disputes Representatives must meet to discuss the Dispute in good faith within 10 Business Days after service of a notice of dispute under clause 15.2.1.

15.3.2 The Disputes Representatives must use reasonable endeavours to:

(a) settle or resolve the Dispute; or

(b) agree a process for settling or resolving the Dispute, such as referral to a technical expert or mediation or such other forms of alternative dispute resolution,

within 15 Business Days after the Disputes Representatives have met.

15.3.3 If the Dispute is not resolved within 30 Business Days after issue of a notice of Dispute under clause 15.2.1, clause 15.4 applies.

15.4 Litigation

15.4.1 If the Dispute is not resolved in accordance with clause 15.3 or a disputes process agreed under clause 15.3, then either party may commence proceedings in relation to the Dispute.

15.4.2 Subject to clause 15.5, the parties must follow the Dispute resolution procedures set out in this clause 15 before either commences litigation or takes similar action.

15.5 Summary relief

Nothing in this clause 15 will prejudice the right of a party to seek injunctive or urgent declaratory relief.

15.6 Survive termination

This clause 15 will survive the termination of the Licence.

16. GST

16.1 Definitions

In this clause:

16.1.1 words and expressions that are not defined in this Licence but which have a defined meaning in the GST Law have the same meaning as in the GST Law;

16.1.2 **GST** means GST within the meaning of the GST Law and includes penalties and interest. If under or in relation to the *Intergovernmental Agreement Implementation (GST) Act 2000* (NSW) the supplier makes voluntary or notional payments, then:

(a) the definition of GST includes those voluntary or notional payments; and

(b) expressions containing the term 'GST' have a corresponding expanded meaning; and

16.1.3 **GST Law** has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

16.2 GST exclusive

Except where specified to the contrary in this Licence, all consideration payable under this Licence in relation to any supply is exclusive of GST. If GST is payable in respect of any supply made by a supplier under this Licence (**GST Amount**), the recipient must pay to the supplier an amount equal to the GST payable on the supply. Provided that the supplier has provided a tax invoice, the recipient must pay the GST Amount at the same time and in the same manner as the consideration for the supply is to be provided under this Licence in full and without deduction, set off, withholding or counterclaim (unless otherwise provided in this Licence).

16.3 Reimbursements

If this Licence requires a party to pay, reimburse or contribute to any expense, loss or outgoing suffered or incurred by another party, the amount which the first party must pay, reimburse or contribute is the sum of:

16.3.1 the amount of the payment, reimbursement or contribution, less any input tax credit in respect of the payment, reimbursement or contribution to which the other party is entitled; and

16.3.2 if the payment, reimbursement or contribution is subject to GST, an amount equal to that GST.

17. Notices

17.1 Delivery of notice

17.1.1 A notice or other communication required or permitted to be given to a party under this Licence must be in writing and may be delivered personally to the party, by leaving it at the party's address, by posting it by registered post, priority registered post or express post addressed to the party at the party's address or by electronic mail to the party's email address, in each case, as specified in the notice details of that party or as notified by one party to the other from time to time during the Term.

17.1.2 If the Licensee is a company, the notice or other communication may be served on it at its registered office.

17.2 Time of service

A notice or other communication is deemed delivered:

17.2.1 if delivered personally or left at the person's address, upon delivery;

17.2.2 if posted within Australia to an Australian address using registered post or priority registered post, 4 Business Days after posting and using express post, 2 Business Days after posting;

17.2.3 if delivered by electronic mail, subject to clause 17.2.4, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient; and

17.2.4 if received after 5.00pm in the place it is received or on a day which is not a business day in the place it is received, at 9.00am on the next business day.

18. Governing law

This Licence is governed by the law applying in [insert State or Territory] and the parties submit to the non-exclusive jurisdiction of the courts of [insert State or Territory].

19. Interpretation

19.1 Words and headings

In this Licence, unless expressed to the contrary:

19.1.1 words denoting the singular include the plural and vice versa;

19.1.2 the word 'includes' in any form is not a word of limitation;

19.1.3 where a word or phrase is defined, another part of speech or grammatical form of that word or phrase has a corresponding meaning;

19.1.4 headings and subheadings are for ease of reference only and do not affect the interpretation of this Licence; and

19.1.5 no rule of construction applies to the disadvantage of the party preparing this Licence on the basis that it prepared or put forward this Licence or any part of it.

19.2 Specific references

In this Licence, unless expressed to the contrary, a reference to:

19.2.1 a gender includes all other genders;

19.2.2 any legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it;

19.2.3 any document (such as a deed, agreement or other document) is to that document (or, if required by the context, to a part of it) as amended, novated, substituted or supplemented at any time;

19.2.4 writing includes writing in digital form;

19.2.5 'this Licence' is to this Licence as amended from time to time;

19.2.6 'A$', '$', 'AUD' or 'dollars' is a reference to Australian dollars;

19.2.7 a clause, schedule or attachment is a reference to a clause or attachment in or to this Licence;

19.2.8 any property or assets of a person includes the legal and beneficial interest of that person of those assets or property, whether as owner, lessee or lessor, licensee or licensor, trustee or beneficiary or otherwise;

19.2.9 a person includes a firm, partnership, joint venture, association, corporation or other body corporate;

19.2.10 a person includes the legal personal representatives, successors and permitted assigns of that person, and in the case of a trustee, includes any substituted or additional trustee;

19.2.11 any body (**Original Body**) which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the Original Body; and

19.2.12 a month is a calendar month.

20. General

20.1 Costs and expenses

Each party must pay its own costs and expenses in connection with:

20.1.1 the preparation, execution, stamping and any necessary registration of this Licence and any related document (including penalties and fines);

20.1.2 any request for the consent of the Licensor; and

20.1.3 any amendment to, waiver under, surrender of, or dealing contemplated by, this Licence or any related document.

20.2 Variation

This Licence may only be varied or replaced by a document duly executed by the parties.

20.3 Counterparts

This Licence may be executed in counterparts, all of which taken together constitute one instrument.

20.4 Entire agreement

This Licence constitutes the entire agreement between the parties; and supersedes and cancels any contract, deed, arrangement, related condition, collateral arrangement, condition, warranty, indemnity or representation imposed, given or made by a party (or an agent of a party) prior to entering into this Licence.

20.5 Liability

If a party consists of 2 or more people or entities, an obligation of that party binds each of them jointly and severally.

20.6 Severability

20.6.1 Any provision of this Licence that is held to be illegal, invalid, void, voidable or unenforceable must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.

20.6.2 If it is not possible to read down a provision as required by this clause, part or all of the clause of this Licence that is unlawful or unenforceable will be severed from this Licence and the remaining provisions continue in force.

20.7 Further assurance

Each of the Licensor and the Licensee must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Licence.

20.8 Survival and enforcement of indemnities

20.8.1 Each indemnity of the Licensor or the Licensee is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Licence.

20.8.2 The party with the benefit of an indemnity must before enforcing a right of indemnity under this Licence:

(a) use reasonable endeavours to mitigate its loss; and

(b) actually incur an expense or make payment.

20.9 Business Day

If a payment or other act is required by this Licence to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

20.10 Exclusion of statutory provisions

To the full extent permitted by law, any legislation that adversely affects an obligation of the Licensor or the Licensee under this Licence, or the exercise of a right or remedy by the Licensor or the Licensee under this Licence, is excluded from this Licence.

20.11 Licensor's consent

Where the Licensor is required to give its consent under this Licence, the Licensor must not unreasonably delay or withhold its consent, but may give its consent subject to such reasonable conditions as the Licensor may reasonably determine.

B. Agreed Amendments

Each of the Agreed Amendments in Schedule 2 apply to this Licence.

C. Special Conditions

Each of the Special Conditions in Schedule 3 apply to this Licence.

Schedule 1 Installation Works Schedule

1. Licensor's Works

1.1 The Licensor must use its best endeavours to:

1.1.1 commence the Licensor's Works promptly after the date that the last of the parties signs this Deed; and

1.1.2 complete the Licensor's Works by the Target Date for Completion of the Licensor's Works as shown in Item 14(b).

1.2 The Licensor must have the Licensor's Works carried out and completed at its own cost and:

1.2.1 diligently, efficiently and in a proper and workmanlike manner;

1.2.2 with high quality and proper materials;

1.2.3 in accordance with the description in Item 14(a) and the Licensor's Works Plans;

1.2.4 in accordance with the requirements of all relevant Government Agencies; and

1.2.5 by qualified tradespeople that have been approved by the Licensee.

1.3 The Licensor must not make any changes to the Licensor's Works (including to the Licensor's Works Plans) without the approval of the Licensee, which may be withheld if the proposed change will affect:

1.3.1 the position, size or layout of or access to the Licensed Area or any Charging Station;

1.3.2 the Services or facilities available in connection with the Licensed Area;

1.3.3 the carrying out of Interdependent Works;

1.3.4 the Licensee's Works; or

1.3.5 the on-going use and operation of any Charging Station.

1.4 If the Licensor has not obtained a Completion Acknowledgement by the Target Date for Completion of the Licensor's Work, the Licensee can elect to either:

1.4.1 terminate this Deed; or

1.4.2 complete the Licensor's Works at the Licensee's own cost.

1.5 If the Licensee exercises its rights under clause 1.4.2 then the Licensor must reimburse the Licensee's costs incurred in exercising its rights under clause 1.4.2 within 20 Business Days after demand by the Licensee.

1.6 The Licensor must:

1.6.1 rectify any Defects existing at the Date of Practical Completion of the Licensor's Works as soon as possible after the Date of Practical Completion of the Licensor's Works; and

1.6.2 ensure that the rectification of Defects is carried out at times and in a manner which causes as little inconvenience to the Licensee and the users of the Licensed Area as is reasonably possible.

1.7 If at any time prior to the expiration of any Defects Liability Period (including, prior to the Date of Practical Completion of the Licensor's Works), the Licensee discovers or believes there is a Defect, the Licensee may inform the Licensor of the Defect and the Licensor must promptly rectify the Defect:

1.7.1 diligently, efficiently and in a proper and workmanlike manner;

1.7.2 with high quality and proper materials;

1.7.3 in accordance with the requirements of all relevant Government Agencies;

1.7.4 by qualified tradespeople that have been approved by the Licensee;

1.7.5 so as to minimise the impact on the use of the Licensed Area and the Licensee's Property; and

1.7.6 in a manner which causes as little inconvenience as possible to the Licensee, the users of the Charging Stations, any Service or any access to the Licensed Area.

1.8 If the Licensor fails to comply with clause 1.7, the Licensee may carry out the works necessary to rectify the Defects.

1.9 If the Licensee exercises its rights under clause 1.8 then the Licensor must reimburse the Licensee's costs incurred in exercising its rights under clause 1.8 within 20 Business Days after demand by the Licensee.

1.10 The Licensor indemnifies the Licensee from and against any Claim or Liability brought against, suffered or incurred by the Licensee in respect of:

1.10.1 damage to, or loss or destruction of, any real or personal property (including the Licensee's Property); or

1.10.2 injury to, or illness or death of, any person,

arising out of or in connection with the performance of, or any act or omission of the Licensor in connection with, the Licensor's Works.

1.11 The Licensor's liability to indemnify the Licensee under clause 1.10 will be proportionately reduced to the extent that a negligent act or omission of the Licensee caused or contributed to the Claim or Liability.

2. Licensee's Works

2.1 The Licensor grants and the Licensee accepts a licence of the Licensed Area and any Licensor's Adjoining Land that the Licensee needs to use in connection with the Licensee's Works, and where required to complete the Licensor's Works or carry out works to rectify any Defects.

2.2 Before it commences the Licensee's Works, the Licensee must:

2.2.1 at its own cost, obtain any necessary consent or approval from any Government Agency to carry out the Licensee's Works;

2.2.2 provide to the Licensor plans, drawings and specifications of the Licensee's Works; and

2.2.3 provide to the Licensor details of those of the Licensor's Works and the Licensee's Works that the Licensee has identified as Interdependent Works.

2.2.4 The Licensor:

(a) will not charge the Licensee for any permit, consent or approval required by the Licensee for the construction and maintenance of the Licensee's or the Charging Stations; and

(b) agrees that by signing this Deed, it grants to the Licensee land owner consent to the Licensee lodging with any Government Agency any application for any permit, consent or approval required by the Licensee for the construction and maintenance of the Licensee's Works or the Charging Stations.

2.3 The Licensee must have the Licensee's Works carried out and completed at its own cost and:

2.3.1 diligently, efficiently and in a proper and workmanlike manner;

2.3.2 in accordance with the requirements of all relevant Government Agencies; and

2.3.3 in performing its obligations under clauses 2.3.1 and 2.3.2:

(a) use reasonable endeavours to ensure it does not cause undue noise or nuisance to the occupiers of the Land;

(b) comply with reasonable directions by the Licensor's responsible officers; and

(c) comply with all applicable WHS Laws as principal contractor with respect to the Licensee's Works.

2.4 Once the Licensee's Works have been completed the Licensee must promptly:

2.4.1 notify the Licensor that the Licensee's Works have been completed; and

2.4.2 provide to the Licensor copies of all certificates in its possession that evidence that the Licensee's Works have been completed in accordance with clause 2.3.2.

3. Interdependent Works

3.1 Each of the Licensor and the Licensee agree to work together in a consultative and co-operative manner to ensure that the Interdependent Works are completed diligently, efficiently and in a proper and workmanlike manner, including to ensure that:

3.1.1 the performance and sequencing of the Interdependent Works is optimised;

3.1.2 the timeframe for the completion of the Interdependent Works is minimised;

3.1.3 the Interdependent Works are completed by the Target Date for Completion of the Licensor's Work; and

3.1.4 the safety of all individuals working on or near the Interdependent Works is maintained.

4. Definitions

4.1 In this Schedule:

A reference to a clause is a reference to a clause in this Schedule and:

Completion Acknowledgement means a notice issued by the Licensee to the Licensor which acknowledges that Practical Completion of the Licensor's Works has been achieved to the reasonable satisfaction of the Licensee.

Date of Practical Completion of the Licensor's Works means the date on which the Licensee gives to the Licensor a Completion Acknowledgement.

Defects means any defect, deficiency, fault, error or omission in or from the Licensor's Works, or any other aspect of the Licensor's Works that:

(a) does not comply with the requirements of this Schedule; or

(b) prevents the Licensee's Property or the Licensed Area from being reasonably capable of being used for the Permitted Use.

Defects Liability Period means the period commencing on the Date of Practical Completion of the Licensor's Works and expiring on the date that is 12 months after the Date of Practical Completion of the Licensor's Works.

Interdependent Works means the works described in Item 16(a).

Licensee's Works means the works described in Item 15(b).

Licensor's Works means the works described in Item 14(a) and in the Licensor's Works Plans.

Licensor's Works Plans means the plans, drawings and specifications of the Licensor's Works agreed by the Licensor and the Licensee on or before the date of this Deed.

Practical Completion of the Licensor's Works means the point at which the Licensor's Works have been completed in accordance with clause 1 (except for minor omissions and defects that in the Licensee's reasonable opinion would not prevent the Licensee from either commencing or completing the Licensee's Works and would not prevent the Licensee from using the Licensed Area for the Permitted Use.

Target Date for Completion of the Licensor's Work means the date in Item 14(b).

Schedule 2 Agreed Amendments

The parties agree that the Standard Terms are amended as follows:

Not Applicable / [Insert]

Schedule 3 Special Conditions

[##Add / remove as applicable for site]

1 Sale or transfer by Licensor

If the Licensor proposes to sell, transfer or otherwise dispose of its interest in this Licence or in the Land during the Term, the Licensor must give notice to the Licensee of the proposed disposal and procure that the proposed purchaser or transferee enters into a deed under which the proposed purchaser or transferee agrees to be bound by the terms of the Licence as Licensor, and otherwise on terms acceptable to the Licensee acting reasonably.

2 Relocation

2.1 The Licensor may require the Licensee to relocate the Charging Stations to other car parking bays or car parking spaces on the Land or the Licensor's Adjoining Land in accordance with this clause.

2.2 If the Licensor want to relocate the Charging Stations, the Licensor must:

(a) first provide the Licensee with details of a proposed redevelopment of the Land sufficient to indicate a genuine proposal that:

(i) is to be carried out within a reasonably practicable time after relocation of the Charging Stations; and

(ii) cannot be carried out practicably without vacant possession of the Licensed Area; and

(b) give the Licensee a written notice that:

(i) specifies a relocation date that is at least 6 months after the date of service of the notice;

(ii) gives details of alternative car parking bays or car parking spaces on the Land or the Licensor's Adjoining Land to be made available to the Licensee (**Alternative Licensed Area**); and

(iii) offers the Licensee a licence of the Alternative Licensed Area on the same terms and conditions as this Licence, but commencing on the date which is one day after the date that is 6 months after the date of service of the Relocation Notice and ending on the same day as this Licence (**Alternative Licence**),

(**Relocation Notice**).

2.3 Once the Licensor has issued a Relocation Notice, the Licensee may either terminate this Licence or accept the relocation.

2.4 If the Licensee wants to terminate this Licence after the Licensor has issued a Relocation Notice, the Licensee must give the Licensor a written termination notice within 2 months after receiving the Relocation Notice. In that case:

(a) this Licence will terminate on the date that is 6 months after the date of service of the Relocation Notice, unless the Licensor and the Licensee agree on another date;

(b) subject to clause 2.4(c), each of the Licensor and the Licensee must continue to comply with the terms of this Licence, until that date of termination; and

(c) the Licensee must vacate the Licensed Area by that date of termination, as if it were the Terminating Date.

2.5 If the Licensee does not give the Licensor a written termination notice within 2 months after receiving the Relocation Notice, the Licensee is taken to have accepted the offer to relocate on the terms of the Alternative Licence, unless the Licensor and the Licensee have agreed to a licence on some other terms.

2.6 If the Licensee has accepted the offer to relocate then:

(a) before the date that is 6 months after the date of service of the Relocation Notice (unless the Licensor and the Licensee agree another date):

(i) the Licensor must carry out the installation of a concrete footing, bollards, signage and markings for each Charging Station and installation of conduits for the electrical cabling from the concrete footing to point of connection with the electricity grid or power supply in accordance with the plans, drawings and specifications provided by the Licensee (**Relocation Works**), at its own cost and Schedule 1 of this Licence applies as if the Relocation Works were the Licensor's Works;

(ii) the Licensee must arrange for its lawyers to prepare an Alternative Licence;

(iii) the Licensee must give the Licensor an executed Alternative Licence; and

(b) until the date that is 6 months after the date of service of the Relocation Notice (unless the Licensor and the Licensee agree another date):

(i) subject to clause 2.6(b)(ii), each of the Licensor and the Licensee must continue to comply with the terms of this Licence, until the date that the Alternative Licence commences; and

(ii) the Licensee must vacate the Licensed Area by the date that is one day before the date that the Alternative Licence commences, as if it were the Terminating Date; and

(c) the Licensee will carry out any works, other than the Relocation Works, necessary to allow the Licensee to use the Alternative Licensed Area for the Permitted Use and Schedule 1 of this Licence applies as if those works were the Licensee's Works.

3 First right of refusal

3.1 If during the Term or any Further Term:

(a) an additional area or areas on the Land adjacent to the Licensed Area become vacant (**Additional Space**) and available for lease or licence, the Licensor must, at least 28 days prior to the Additional Space becoming available, give written notice to the Licensee providing details of the Additional Space (including but not limited to the size and location) and subject to clause 3.3 any other relevant terms; and

(b) the Licensee requires additional space on the Land to carry out any works, repairs or replacements of any part of the Charging Stations or the Licensee's Property (**Works Area**) and the Licensee provides to the Licensor details of the Works Area that it requires, the Licensor must on each occasion, within 28 days of receiving the Licensee's notice, notify the Licensee which part or parts of the Works Area or any

other parts of the Land is at the time vacant or is to become vacant within the following six months and subject to clause 3.3, any other relevant terms on which the Licensor proposes to licence that part of the Land.

3.2 If the Licensee wishes to enter into a lease or licence of the Additional Space or Works Area the Licensee must notify the Licensor within 14 days of receipt of the Licensor's notice under clause 3.1.

3.3 If the Licensee gives the Licensor a notice in accordance with clause 3.2 the Licensor must grant to the Licensee a lease or licence of the relevant part of the Land (**New Licence**) on the same terms and conditions contained in this Licence (with such changes as the context requires).

3.4 The Licensee must execute and return to the Licensor the New Licence within 28 days of receiving it from the Licensor. The Licensee and the Licensor agree to be bound by the provisions of the New Licence even if a party has not executed the New Licence.

3.5 If the Licensee does not give notice in accordance with clause 3.2, the Licensor may grant a lease or licence of the whole or any part of the Additional Space or the Works Area specified in the Licensor's notice under clause 3.1 to a party other than the Licensee.

4 Warranty

4.1 The Licensor warrants that the usability, power, electricity and energy storage systems of the Licensee's Charging Stations will not be affected or impacted by the installation of a Charging Station on the Land by any other party or supplier that is not the Licensee. The Licensor also warrants that any other party or supplier that is not the Licensee will not benefit from the Licensee's Works.

SIGNING PAGE

Executed by the parties as a Deed

Executed on behalf of **the Licensor** pursuant to the power delegated to them by an authorised delegate pursuant to the *Local Government Act 1993* in the presence of:	) .....) Signature of delegate) .....) Full name of delegate (please print)

.....
Signature of Witness

.....
Full name of Witness (please print)

The Common Seal of ## **ACN** ## was affixed in accordance with s 127(2) of the *Corporations Act 2001* in the presence of:	)

.....	.....
Signature of Director	Signature of Director/Company Secretary
.....	.....
Print full name	Print full name

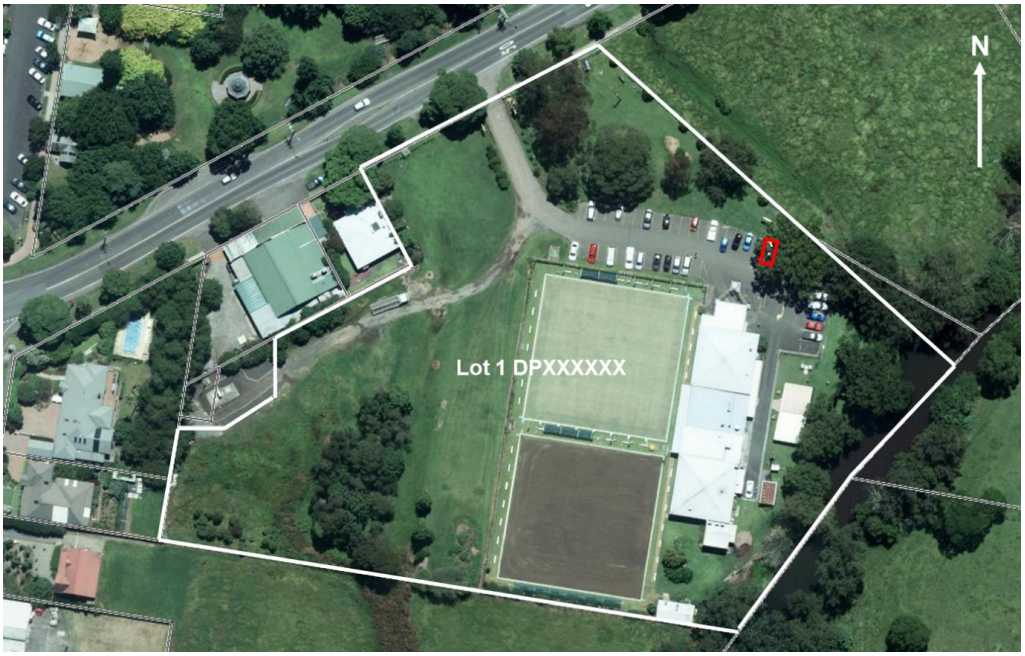
Executed by **the Licensee** by **NRMA Electric Highways Pty Ltd** (ABN 35 659 311 163) by its attorneys pursuant to power of attorney dated 2 April 2019 who state that no notice of revocation of the power of attorney has been received and that he/she has not ceased to hold office with or to be an employee of National Roads and Motorists' Association Limited or a subsidiary of National Roads and Motorists' Association Limited in the presence of:	) .....) Signature of Attorney) .....) Full name of Attorney (please print)) .....) Signature of Attorney) .....) Full name of Attorney (please print)

Attachment 1 Plan of Licensed Area

The Licensed Area is shown as the red [and blue] highlighted area on the Land in the plans below.

[For draft version show aerial(s) of location(s) with red highlighting]

[For final version show aerial with exact location with red highlighting of car space charger and bollards. Blue highlighting for MSB. Note: Lot / DP number clearly shown, thick white border for boundary, full lot visible, North arrow]



Additional plan showing details of the location of the Charging Station, parking bays, bollards and main switchboard panel.

[To be inserted once build and electrical team have carried out site inspection and provided detailed plans.]

[Licence is not to be signed until plans are inserted.]

Attachment 2 Signage Plans

Indicative design is shown below. As-built design may vary.



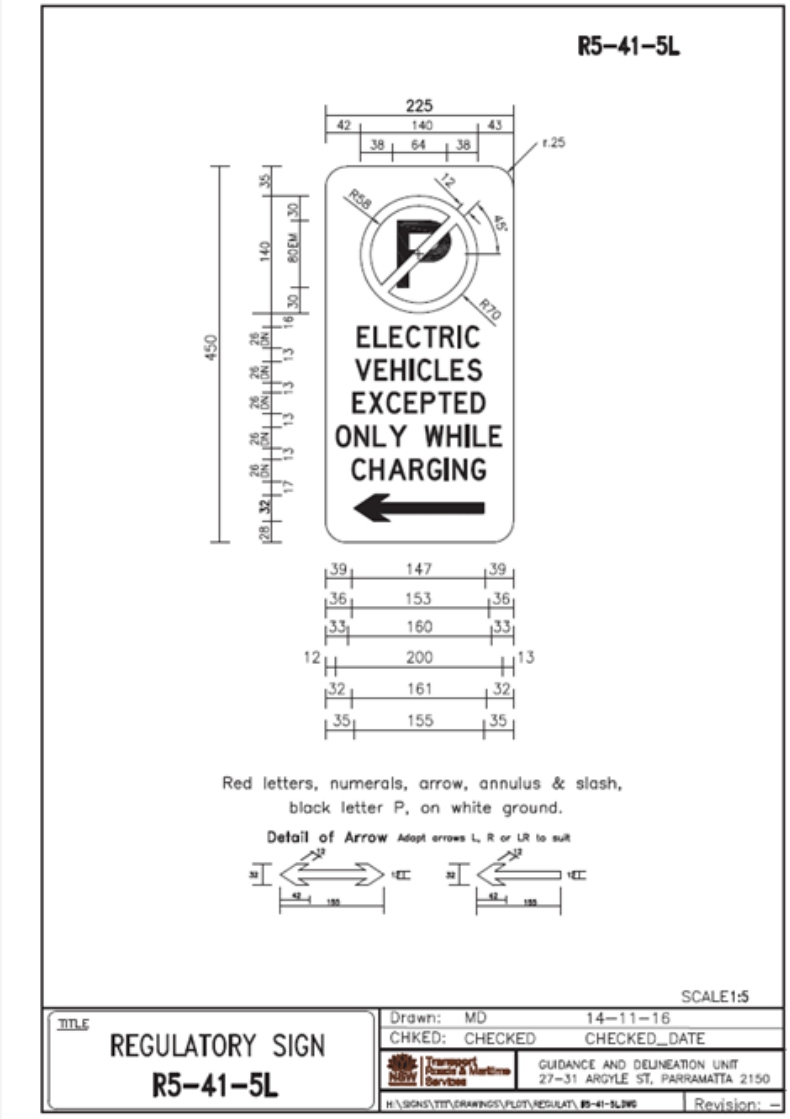

Electric
vehicle
charging
only

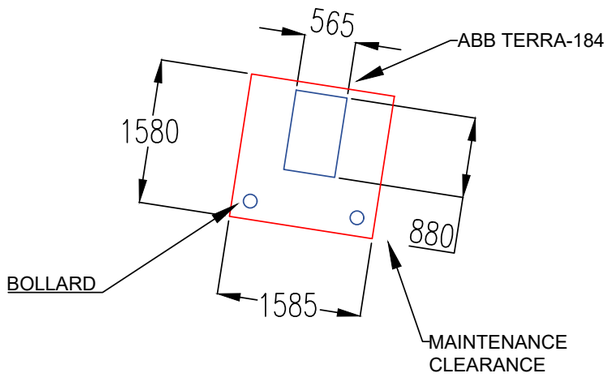
Charging Station livery showing charger livery:



[Update co-branding logo. Remove below image if not co-branded]




R5-41-5L
225
42
140
43
38
64
38
r.25
12
R58
45°
R70
35
30
140
60 DM
30
16
450
26
DM
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17
32
28
ELECTRIC
VEHICLES
EXCEPTED
ONLY WHILE
CHARGING
39
147
39
36
153
36
33
160
33
12
200
13
32
161
32
35
155
35
Red letters, numerals, arrow, annulus & slash,
black letter P, on white ground.
Detail of Arrow Adopt arrows L, R or LR to suit
SCALE1:5
TITLE
REGULATORY SIGN
R5-41-5L
Drawn: MD 14-11-16
CHKED: CHECKED CHECKED_DATE
Transport, Roads & Maritime Services
GUIDANCE AND DELINEATION UNIT
27-31 ARGYLE ST, PARRAMATTA 2150
H:\SIGNS\TTT\DRAWINGS\PLOT\REGULAT\ R5-41-5L.DWG
Revision: –





NOTES:
1. PROPOSED CHARGING STATION FOR NATIONAL HIGHWAYS
2. CHARGERS AND ASSOCIATED EQUIPMENT TO BE INSTALLED ON LOT 1 F34665, 8-10 PARK AV, NURIOOTPA, SA
3. CHARGER IS 2 X ABB TERRA-184 WITH 3 X CCS2 AND 1 X CHAdeMO.
4. STATION CAPACITY: 300kW
5. SINGLE CHARGER OUTPUT: 150kW
6. STATION HAS 4 CHARGING BAYS NEED TO BE BUILT, CENTRE BAY LEFT UNOCCUPIED TO IMPROVE ACCESSIBILITY
7. WHEELSTOPS TO BE ADDED TO CAR PARK OPPOSITE CHARGING EQUIPMENT
8. NEW SUPPLY IS INDICATIVE ONLY. FINAL CONNECTION TO BE DESIGNED BY ASP
9. NO HV ASSETS SHOWN

REV.	ECR No.	DATE	DRAWN	DESCRIPTION
A	ORIGINAL	07/07/2023	DS	ISSUED FOR INFORMATION

	NAME	DATE
APPROVED	NM	07/07/2023
CHECKED	NM	07/07/2023
DRAWN	DS	07/07/2023

PROJECT: NATIONAL HIGHWAYS
FOR INFORMATION

NURIOOTPA

TITLE: NATIONAL HIGHWAYS CHARGING STATION CONCEPT LAYOUT

ALTERNATE DRAWING NUMBER:

DRAWING NUMBER: SAAHWY022-L01

A3

SCALE: NTS | WEIGHT: N/A | SHEET 2 OF 3 | REVISION: A

ELECTRIC VEHICLE (EV) CHARGING STATION – NURIOOTPA SOLIDERS MEMORIAL HALL

Indicative consultation dates: *23 August 2023* - *13 September 2023 (3 weeks)*

Desired outcomes

- Invite submissions regarding the proposed Electric Vehicle (EV) Charging Station

Specific considerations & inclusions

Initiative	Communication Method	Responsible Officer	Timeframe	Tone/Content/Message
Online	• Facebook • Website	Comms	From start of consultation	Invite written submissions
Email to key stakeholders	• Email to owners and occupiers of adjacent land and existing licensees/lessees of site	AC & BC	From start of consultation	Invite written submissions
Advertisement	The Leader	AC & BC / Comms	23 August 2023	Public Notice
Internal Staff Briefing	- Customer Service - Records	AC	From start of consultation	
Brief EMs	Email	BC	Start of consultation	
CLOSE THE LOOP				
Review and decision of Council	Review and present any written submissions to Council	AC & BC	Post consultation	Report to Council meeting for endorsement



43-51 Tanunda Road (PO Box 867)
Nuriootpa SA 5355
Phone (08) 8563 8444
Email: barossa@barossa.sa.gov.au
ABN: 47 749 871 215

DEBATE REPORTS

7.4 Development and Community Services Report

7.4.1 DOGS (MISCELLEANEOUS) AMENDMENT BY-LAW 2023

Author: Manager Regulatory Services
23/37745

PURPOSE

To consider submissions received during the community consultation on the Draft Dogs (Miscellaneous) Amendment By-Law 2023 (Attachment 1), and to endorse the By-law.

RECOMMENDATION

That Council:

(1) Pursuant to Section 246 of the *Local Government Act 1999*:

1.1 There being at least two-thirds of the members of Council present; and
1.2 Having considered the Dogs (Miscellaneous) Amendment By-law 2023 in light of the National Competition Policy and the Report prepared; and
1.3 Acknowledging the public submissions received; and
1.4 Having considered the response from the Dog and Cat Management Board,

Makes the Dogs (Miscellaneous) Amendment By-law 2023 in exercise of the powers contained in the *Legislation Interpretation Act 2021, Dog and Cat Management Act 1995, and Local Government Act 1999*.

(2) Endorses the Report to the Legislative Review Committee.

(3) Endorses the Report prepared on the National Competition Policy.

(4) Authorises the Chief Executive Officer to:

4.1 Sign the By-law as made by Council; and
4.2 Sign the Legislative Review Committee Report as adopted by Council; and
4.3 Arrange for the By-law and all other necessary documentation to be provided to the Legislative Review Committee; and
4.4 Publish a notice of the making of the By-law in a newspaper circulating within the area in accordance with section 249(7) of the *Local Government Act 1999*; and
4.5 Arrange for the By-law to be published in the Government Gazette.

REPORT

Background
At its General Meeting of 16 May 2023 Council endorsed the Draft Dogs (Miscellaneous) Amendment By-law 2023, and further, authorised the Chief Executive Officer to enter a period of public consultation, and report to the Dog and Cat Management Board on the proposed By-law, as required by Legislation.

Public consultation concluded on 28 June 2023, at the expiration of the prescribed timeline. A favourable response has been received from the Dog and Cat Management Board in respect of the draft By-law (see Attachment 2).

Introduction
The *Legislation Interpretation Act 2021, The Local Government Act 1999 and the Dog and Cat Management Act 1995* provides local governments with the framework to make by-laws. The various Acts set out the process by which a council must follow in preparation of by-laws.

Discussion
The purpose of the Dogs (Miscellaneous) Amendments By-law 2023 is to make minor amendment to Councils Dogs By-law 2021 upon the recommendation of the Legislative Review Committee (LRC), made in 2022.

The LRC wanted clarity on the potential passive risk of offending should a person be walking their dogs on a road or formed path within 5 meters of a child's playground, as it stood in the Dogs By-law 2021, having consideration to the definition of what a child's playground is in the By-law.

The Dogs (Miscellaneous) Amendment By-law 2023 deletes the words '*within 5 meters of'* and substitutes the word *'in'* so that section 5.4 of the Dogs By-law 2021 would read…

'in a children's playground or skate park'

Council also took the opportunity to amend the By-law adopting gender neutral terminology and wherever '*his'* or '*her'* presented is replaced by '*the person'*.

Council is now required to consider any submissions received during the public consultation period and any associated reports and proceed to make the By-law.

Public Consultation took place between 7 and 28 June 2023, and was advertised on Council's website, Council's Facebook page and in the Leader newspaper.

A total of four submissions were received in respect of the By-law. Two were submitted anonymously via Council's online portal and two submissions / comments were received via Facebook.

The submissions are summarised below along with any recommended action by Council should it be deemed necessary. No submissions received warrant a review of the By-law as presented for public consultation.

Item	Submission / Comment	Name of Person (De-identified). Or entity that raised the issue.	Action by the Council in response to the concern.
1.	Support changes that reflect contemporary language. Reference to the 'Board' should be a clear reference to the Dog and Cat Management Board.	Anonymous via online portal	No action required. The term 'Board' as used in the existing by-law, is defined in the Dog and Cat Management Act 1995. This definition applies to the By-law by virtue of section 12 of the Legislative Interpretation Act 2021.
2.	Only a couple of words are proposed to be changed. The proposed changes sound like nonsense and the Council is wasting time.	Anonymous, via online portal	No action required; the feedback is noted.
3.	Only a couple of words to be changed, sounds like woke bureaucracy. Surely the Council has better things to do.	NL. Via Facebook	No action required; the feedback is noted.
4.	The changes are woke rubbish. I am sick of Council overreach.	JB, via Facebook	No action required; the feedback is noted.

In making any by-law Council must consider the National Competition Policy and be satisfied that any benefit of the By-law does not impede competition. Legal opinion indicates that the By-law does not have the potential to restrict competition (see Attachment 3).

The Legislative process requires that the By-law be legally certified, and a 'Certificate of Validity' has been received from Council's solicitors, a copy of which is provided at Attachment 4.

Should Council endorse the making of the By-law, a signed copy of the By-law and associated report will be forwarded to Councils Solicitors for presentation to the LRC. A copy of the LRC report is supplied at Attachment 5.

Legislation provides that the By-law must be published in the Government Gazette, and this will be undertaken simultaneously with the reporting to the LRC. The By-law will come into effect four months after the date of publication in the Gazette, unless disallowed by the LRC.

Summary and Conclusion

Having completed legislative processes to seek opinion from the Dog and Cat Management Board, and undertaken public consultation inviting feedback on the draft By-law, Council is now asked to;

a) make the By-law;

b) Endorse the Report to the Legislative Review Committee;

c) Endorse the Report prepared on the National Competition Policy; and

d) Authorise the Chief Executive Officer to:

(1) Sign the By-law as made by Council; and

(2) Sign the Legislative Review Committee Report as adopted by Council; and

(3) Arrange for the By-law and all other necessary documentation to be provided to the Legislative Review Committee; and

(4) Publish a notice of the making of the By-law in a newspaper circulating within the area in accordance with section 249(7) of the *Local Government Act 1999*; and

(5) Arrange for the By-law to be published in the Government Gazette.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Dogs (miscellaneous) Amendment By-Law 2023 ⇩
Attachment 2	Dog and Cat Management Board Draft By-law letter ⇩
Attachment 3	National Competition Policy Report - Dogs (Miscellaneous) Amendment By-law ⇩
Attachment 4	Certificate Of Validity - Dogs (Miscellaneous) Amendment By-Law ⇩
Attachment 5	Legislative Review Committee Report - Dogs (Miscellaneous) Amendment By-Law ⇩

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work - Good Governance

Community and Culture

Health and Wellbeing

Corporate Plan

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

2.3. Support and promote community involvement and networks and provide opportunities for participation in local decision making.

4.7. Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.

Legislative Requirements
Local Government Act 1999
Dog and Cat Management Act 1995
Legislation Interpretation Act 2021

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There will be no on-going financial cost to Council in the making of this by-law. Immediate costs are inclusive of Solicitors fees, Government Gazette publication fees and local newspaper publication fees. In Total estimated to be $3,000.00.

The Local Government Act 1999 provides for a maximum penalty, on summary conviction of $1250 for a contravention of a by-law. Council has set an expiation fee of 25% of the maximum fee, therefore the expiation fee associated with a breach of any Council by-law is $312.50.

There will be no additional on-going resource requirements to what is currently required for the implementation of the Dogs By-law 2021 and other by-laws.

There are no identified risk management issues in the making of this By-law. To the contrary, the intention of this By-law to support the Dogs By-law 2021, is to minimise the risk to community members, particularly children from negative canine behaviours in and around playgrounds and skate parks.

COMMUNITY ENGAGEMENT

The *Local Government Act 1999 and the Legislation Interpretation Act 2021*, provides the process by which a council must follow when considering making a by-law. In addition, if the by-law is for the purpose of managing dogs and / or cats, the *Dog and Cat Management Act 1995* also makes provisions.

Council has fully satisfied the consultation requirements of those articles of Legislation.

A report and copy of the draft Dogs (Miscellaneous) Amendment By-law 2023 was sent to the Dog and Cat Management Board. The Boards response, attached hereto, is supportive of the By-law and its intentions.

Due to the nature and intent of the Draft Dogs (Miscellaneous) Amendment By-law 2023, it was considered sufficient to publicise in the principal circulating newspaper within the Barossa municipal area (The Leader). Notification was also made on Council's website and this consultation period was for a period of 21 days commencing 7 June 2023 and concluding on 28 June 2023. The outcome of that public consultation is noted previously in the body of this report.

By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995

DOGS (MISCELLANEOUS) AMENDMENT BY-LAW 2023

The Barossa Council By-law No. 8

To amend the Council's *Dogs By-law 2021* and for related purposes.

Part 1 - Preliminary

1. **Short title**

   This by-law may be cited as the *Dogs (Miscellaneous) Amendment By-law 2023*.

2. **Commencement**

   This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. **Amendment provisions**

   In this by-law, a provision under a heading referring to the amendment of a specified by-law amends the by-law so specified.

Part 2 - Amendment of *Dogs By-law 2021*

4. **Amendment of Paragraph 5**

   Paragraph 5.4 – delete 'within 5 meters of' and substitute 'in'.

5. **Amendment of Paragraph 7**

   5.1 Paragraph 7, wherever occurring, – delete 'his or her' and substitute 'their'.

   5.2 Paragraph 7.2 – delete 'he or she' and substitute 'the person'.

6. **Amendment of Paragraph 8**

   Paragraph 8 – delete 'his or her' and substitute 'their'.

The foregoing by-law was duly made and passed at a meeting of The Barossa Council held on the day of 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……
Martin McCarthy
Chief Executive Officer

Government of South Australia
Dog and Cat Management Board

Level 9
81-95 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001

Ph: 08 8124 4962
ABN 48100971189
www.dogandcatboard.com.au

18 May 2023

Steven Rigby
Acting Manager – Regulatory Services
The Barossa Council

E: srigby@barossa.sa.gov.au

Dear Steven,

THE BAROSSA COUNCIL – DOGS (MISCELLANEOUS) AMENDMENT BY-LAW NO. 8 OF 2023

Thank you for the email dated 17 May 2023 advising of the proposed amendment to the Dogs By-Law No. 8 of 2023.

The Dog and Cat Management Board had reviewed the draft By-Law in September 2021 and noted it was broadly consistent with those of other councils with similar by-laws and had no recommendations to make.

We acknowledge the proposed amendments to Paragraphs 5, 7 and 8 of the Dogs By-law 2021 and we have no further comments to make.

Yours faithfully,

Gayle Grieger
Manager
Dog and Cat Management

THE BAROSSA COUNCIL

REPORT TO COUNCIL - NATIONAL COMPETITION POLICY

DOGS (MISCELLANEOUS) AMENDMENT BY-LAW 2023
BY-LAW NO. 8 OF 2023

STATUS

This by-law has been identified as one which will not have the potential to restrict competition.

Report

This by-law has been reviewed in light of the National Competition Policy.

OBJECTIVES OF THE BY-LAW

The objectives of the by-law are to amend the Council's existing *Dogs By-law 2021* to clarify the scope of restrictions on the presence of dogs in playgrounds and to adopt gender neutral language, consistent with Legislative Review Committee and contemporary drafting requirements.

There is no potential to restrict competition within the provisions of the *Dogs (Miscellaneous) Amendment By-law 2023*, taking into account any likely benefit or detriment to the community.

Recommendation:

That the Council, following consideration of this report with respect to National Competition Policy, adopt the *Dogs (Miscellaneous) Amendment By-law 2023* as drafted.

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Dale Jason Mazzachi of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which The Barossa Council intends to make, being *Dogs (Miscellaneous) Amendment By-law 2023* and do certify that in my opinion:

(a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

Dog and Cat Management Act 1995, Sections 90(1) and 90(3);

Local Government Act 1999, Sections 246(1), 246(2) and 246(3);

Legislation Interpretation Act 2021, Section 40; and

(b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 5th day of July 2023.

Dale Jason Mazzachi, Legal Practitioner

THE BAROSSA COUNCIL

DOGS (MISCELLANEOUS) AMENDMENT BY-LAW 2023

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO THE LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To amend the Council's existing *Dogs By-law 2021* (**the existing by-law**) to clarify the scope of restrictions on the presence of dogs in playgrounds and to adopt gender neutral language, consistent with Legislative Review Committee and contemporary drafting requirements.

REFERRAL

The by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*.

CLAUSES

Clause 1: Creates the short title for the by-law namely *Dogs By-law 2023*.

Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.

Clause 3: Provides that specific provisions of the by-law will amend the existing by-law of the Council specified in the Part heading.

Clause 4: Amends Clause 5.4 to clarify the application of the restrictions on dogs in playgrounds provided by the existing by-law.

Clause 5: Amends Clause 7 to adopt gender neutral language.

Clause 6: Amends Clause 8 to adopt gender neutral language.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

SUBMISSIONS

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. The Council received four submissions, summarised below.

Item	Submission / Comment	Name of person (de-identified), or entity, that raised the concern	Action taken by the Council in response to the concern
1.	Support changes to reflect contemporary language. Reference to the 'Board' should be a clear reference to the Dog and Cat Management Board.	Anonymous, via online portal	No action required. The term 'Board', as used in the existing by-law, is defined in the *Dog and Cat Management Act 1995*. This definition applies to the by-law by virtue of Section 12 of the *Legislation Interpretation Act 2021*.
2.	Only a couple of words are proposed to be changed. The proposed changes sound like nonsense and the Council is wasting time.	Anonymous, via online portal	No action required; the feedback is noted.
3.	Only a couple of words are to be changed, sounds like woke bureaucracy. Surely the Council has better things to do.	NL, via Facebook	No action required; the feedback is noted.
4.	The changes are woke rubbish. I am sick of Council overreach.	JB, via Facebook	No action required; the feedback is noted.

The Council considered the community's feedback in relation to the draft by-law and determined not to amend the by-law arising from the feedback.

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board made no recommendations in relation to the by-law.

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Joanne Moen
Acting Chief Executive Officer