

# **City of Burnside**

## **Record of Delegations**

As of 4 June 2024

## Version History

Date	Decision No	Changes
29 May 2024	C52024/13702	Council revoked and remade delegations under Appendices 1, 3 to 7, 10 to 37B, 38 to 50
3 June 2024		CAP made delegations to the Assessment Manager in Appendix 37C
4 June 2024		Assessment Manager made sub-delegations under Appendix 37C and Appendix 37D
9 July 2019		EHA Delegations made by Council

### Notes:

Refer to the relevant resolution(s) to identify when these delegations were made, reviewed and or amended.

Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.

## Delegation Sources

- By-law 1 of 2018 - Permits and Penalties
- By-law 3 of 2018 - Local Government Land
- By-law 4 of 2018 - Roads
- By-law 5 of 2018 - Dogs
- By-law 6 of 2018 - Waste Management
- By-law 7 of 2018 - Lodging Houses
- Local Government Act 1999
- Burial and Cremation Act 2013
- Burial and Cremation Regulations 2014
- Community Titles Act 1996
- Criminal Procedure Act 1921
- Cost of Living Concession Act 1986
- Crown Land Management Act 2009
- Development Act 1993
- Development (Development Plans) Amendment Act 2006
- Development Regulations 2008
- Development (Waste Reform) Variation Regulations 2019
- Disability Inclusion Act 2018
- Dog and Cat Management Act 1995
- Electricity Act 1996
- Electricity Principles of Vegetation Clearance Regulations 2021
- Electronic Conveyancing National Law South Australia Act 2013
- Environment Protection (Air Quality) Policy 2016
- Environment Protection Act 1993
- Environment Protection (Waste to Resources) Policy 2010
- Environment, Resources and Development Court Act 1993
- Expiation of Offences Act 1996
- Fences Act 1975
- Fines Enforcement and Debt Recovery Act 2017
- Fire and Emergency Services Act 2005
- Fire and Emergency Services Regulations 2021
- Food Act 2001
- Freedom of Information Act 1991
- Freedom of Information (Fees and Charges) Regulations 2018
- Gas Act 1997
- Heavy Vehicle National Law South Australia Act 2013
- Labour Hire Licencing Act 2017
- Land and Business (Sale and Conveyancing) Act 1994
- Landscape South Australia Act 2019
- Landscape South Australia (General) Regulations 2020
- Liquor Licensing Act 1997

- Local Government (Building Upgrade Agreements) Regulations 2017
- Local Nuisance and Litter Control Act 2016
- Local Nuisance and Litter Control Regulations 2017
- Planning, Development and Infrastructure Act 2016
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning and Design Code
- Private Parking Areas Act 1986
- Real Property Act 1886
- Roads (Opening and Closing) Act 1991
- Road Traffic Act 1961
- Road Traffic (Miscellaneous) Regulations 2014
- Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014
- Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure
- Authorisations under the Road Traffic Act 1961 made by the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure
- Safe Drinking Water Act 2011
- South Australian Public Health Act 2011
- South Australian Public Health (Legionella) Regulations 2013
- South Australian Public Health (Wastewater) Regulations 2013
- South Australian Public Health (General) Regulations 2013
- South Australian Public Health (Fees) Regulations 2019
- State Records Act 1987
- Strata Titles Act 1988
- Supported Residential Facilities Act 1992
- Supported Residential Facilities Regulations 2009
- Unclaimed Goods Act 1987
- Water Industry Act 2012
- Water Industry Regulations 2012
- Work Health and Safety Act 2012
- Instrument of Delegation - Urban Tree Strategy
- City of Burnside Behavioural Management Policy
- City of Burnside Closed-Circuit Television (CCTV) & Recording Policy
- City of Burnside Corporate Credit Card Policy
- City of Burnside Council Members Policy
- City of Burnside Council Members' Allowances and Benefits Policy
- City of Burnside Customer Service and Complaints Handling Policy
- City of Burnside Entertainment and Hospitality Policy
- City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy
- City of Burnside General Ledger Policy

- City of Burnside Hire of Community Open Space and Facilities Policy
- City of Burnside Leasing & Licensing of Community Facilities Policy
- City of Burnside On-Street Parking Policy
- City of Burnside Regulated & Significant Tree Assistance Policy
- City of Burnside Social Media Policy
- City of Burnside Street Numbering Policy
- City of Burnside Treasury Management Policy
- City of Burnside Urban Forest Management Policy
- City of Burnside Vegetation Encroachment Policy
- EHA Delegations - Instrument of Delegation under the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, the South Australian Public Health (General) Regulations 2013 and the South Australian Public Health (Fees) Regulations 2018
- EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996
- EHA Delegations - Instrument of Delegation under the Local Government Act 1999
- EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011
- EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018
- EHA Delegations - Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017
- EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009

## Positions

Position
Administration Officer - Development
Administration Officer - Community Wellbeing (Employee # 5502)
Administration Officer - Community Wellbeing (Employee # 5529)
Administration Officer - Depot
Administration Support Officer - CHSP
Aquatic Programs Officer
Assessment Manager
Asset Planning Officer
Assets & System Accountant

<b>Position</b>
Audit Officer LMA
Building and Compliance Officer
Business Partner Procurement
Chief Executive Officer
City Operations Manager
Communications & Engagement Coordinator
Communications Officer
Community & Development Support Officer
Community Arts Officer
Community Development & Venues Manager
Community Development Officer
Community Transport Officer
Compliance Officer Development
Conservation & Land Management Officer
Consultant Arborist
Coordinator Asset Planning
Coordinator Capital Projects
Coordinator Cataloguing & Acquisitions
Coordinator City Policy & Planning
Coordinator Community Centres (Employee # 5231)
Coordinator Community Centres (Employee # 5576)
Coordinator Conservation & Land Management
Coordinator Customer Service - Library
Coordinator Environmental Sustainability
Coordinator Open Spaces

<b>Position</b>
Coordinator Pepper Street Arts Centre
Coordinator Procurement Contracts
Coordinator Programming Services
Coordinator Property and Facilities
Coordinator Rates & Revenue
Corporate Services Administrative Support
Corporate Support Officer
Council Assessment Panel
Customer Experience Projects Officer
Customer Experience Representative (Employee # 5446)
Customer Experience Representative (Employee # 5510)
Customer Experience Representative (Employee # 5542)
Customer Experience Representative (Employee # 5582)
Customer Experience Representative (Employee # 5591)
Data & Cyber Security Administrator
Depot Administration Trainee
Development Officer Building
Development Trainee
Digital & Graphic Designer
Digital Marketing Officer
Director Community & Development
Director Corporate
Director Environment and Place
Eastern Health Authority
Environmental Sustainability Officer (Employee # 5531)

<b>Position</b>
Events & Sponsorship Coordinator
Executive Assistant to CEO, Mayor and Councillors
Executive Support Officer
Exhibitions & Community Arts Officer
External Engineer
Facilitator Group Social Support (Employee # 5293)
Facilitator Group Social Support (Employee # 5513)
Finance Projects Officer
Financial Accountant
Geospatial & Applications Developer
Governance Officer
Group Manager City Development & Safety
Group Manager Community Connections
Group Manager Environment and Infrastructure
Group Manager Finance & Risk
Group Manager People & Innovation
Group Manager Technical Services & Operations
Historical & Cultural Officer (Employee # 5508)
Historical & Cultural Officer (Employee # 5596)
Information Management Officer (Employee # 5041)
Information Management Officer (Employee # 5049)
Information Management Officer (Employee # 5317)
Information Management Officer (Employee # 5559)
Information Systems Officer
IT Projects Coordinator



Position
Landscape Architect
Library Customer Services Officer (Employee # 5157)
Library Officer (Employee # 5436)
Library Support Officer
NOT DELEGATED
Operations Coordinator Swimming Centre
Parking Ranger (Employee # 5560)
Parking Ranger (Employee # 5572)
Payroll Coordinator
People Experience Programs Officer
People Experience Advisor
People Experience Trainee
Planner Policy and Projects
Principal Traffic Engineer
Procurement Support Officer
Project Engineer
Project Officer - Capital Projects
Property Officer
Ranger (Employee # 5417)
Ranger (Employee # 5517)
Ranger (Employee # 5527)
Ranger Services Administration (Employee # 5152)
Ranger Services Administration (Employee # 5234)
Ranger Services Administration (Employee # 5346)
Rates Officer (Employee # 5544)

<b>Position</b>
Regal Theatre Manager
Senior Administration Officer
Senior Building Surveyor
Senior Customer Experience Representative
Senior Development Officer Planning
Senior Network Administrator
Senior Project Officer
Senior Ranger
Senior Urban Forestry Officer
Strategic Projects and Planning Manager
Strategic Projects Officer
Team Leader Arboriculture
Team Leader Building
Team Leader City Clean
Team Leader City Safe
Team Leader City Workshop
Team Leader Civil Maintenance
Team Leader Community Centres & Events
Team Leader Community Development
Team Leader Community Wellbeing
Team Leader Customer Experience
Team Leader Financial Management
Team Leader Information Management
Team Leader Innovation and Technology
Team Leader Library & Volunteers

Position
Team Leader Natural Resources
Team Leader Parks
Team Leader Planning
Team Leader Ranger Services
Team Leader Strategic Projects & Place
Team Leader Swimming Centre
Team Member City Workshop (Employee # 1126)
Team Member Civil Maintenance (Employee # 1117)
Team Member Civil Maintenance (Employee # 1133)
Team Member Parks (Employee # 1003)
Technical Officer - Traffic & Regulatory
Technical Officer Civil
Traffic Engineer
Urban Forestry Officer (Employee # )
Urban Forestry Officer (Employee # 1055)
Urban Forestry Officer (Employee # 5602)
Volunteer Program Coordinator
WHS & Risk Management Coordinator
Work, Health & Safety Officer

## Positions Groups

Where this Register specifies that a power or a function is delegated to the persons occupying the offices of the position titles listed it means the positions listed in the third column.

Positions Group	Position	Positions
Accounts Payable	Accounts Payable	Accounts Payable Officer (Employee # 5008), Accounts

<b>Positions Group</b>	<b>Position</b>	<b>Positions</b>
Officer	Officer	Payable Officer (Employee # 5597)
Administration Officer Community Engagement	Administration Officer Community Engagement	Administration Officer Community Engagement (Employee # 5349), Administration Officer Community Engagement (Employee # 5542)
Coordinator Community Centres	Coordinator Community Centres	Coordinator Community Centres (Employee # 5231), Coordinator Community Centres (Employee # 5576)
Customer Experience Representative	Customer Experience Representative	Customer Experience Representative (Employee # 5582), Customer Experience Representative (Employee # 5591), Customer Experience Representative (Employee # 5446), Customer Experience Representative (Employee # 5349), Customer Experience Representative (Employee # 5510)
Development Officer Planning	Development Officer Planning	Development Officer Planning (Employee # 5545), Development Officer Planning (Employee # 5534), Development Officer Planning (Employee # 5567), Development Officer Planning (Employee # 5593), Development Officer Planning (Employee # 5497)
Director	Director	Director Community & Development, Director Environment and Place, Director Corporate
Fire Prevention Officer	Fire Prevention Officer	Fire Prevention Officer (Employee # 5471), Fire Prevention Officer (Employee # 5441), Fire Prevention Officer (Employee # 5417), Fire Prevention Officer (Employee # 5527)
Freedom of Information Officer	Freedom of Information Officer	Governance Officer, Administration Officer - Development, Executive Support Officer, Group Manager Environment and Infrastructure, Compliance Officer Development, Information Management Officer (Employee # 5317)
Information Management Officer	Information Management Officer	Information Management Officer (Employee # 5049), Information Management Officer (Employee # 5317), Information Management Officer (Employee # 5041), Information Management Officer (Employee # 5559)
Parking Ranger	Parking Ranger	Parking Ranger (Employee # 5560), Parking Ranger (Employee # 5572)
Ranger	Ranger	Ranger (Employee # 5417), Ranger (Employee # 5518), Ranger (Employee # 5527), Ranger (Employee # 5517)
Ranger Services Administration	Ranger Services Administration	Ranger Services Administration (Employee # 5346), Ranger Services Administration (Employee # 5152), Ranger Services

Positions Group	Position	Positions
		Administration (Employee # 5234)
Rangers	Rangers	Ranger (Employee # 5417), Ranger (Employee # 5518), Ranger (Employee # 5527), Ranger (Employee # 5517)
Urban Forestry Officer	Urban Forestry Officer	Urban Forestry Officer (Employee # 5602), Urban Forestry Officer (Employee # 1055), Urban Forestry Officer (Employee # )

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## Appendix 01 - By-law 1 of 2018 - Permits and Penalties

<b>By-law 1 of 2018 - Permits and Penalties</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.1	The power pursuant to Paragraph 5.1 of the Permits and Penalties By-law 2018 (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.	Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Team Leader Customer Experience, Customer Experience Representative, Parking Ranger, Ranger, Ranger Services Administration, Director	Nil
1.2	The power pursuant to Paragraph 5.2 of the By-law to: 1.2.1 attach conditions to a permit; 1.2.2 change or revoke a condition, by notice in writing; or 1.2.3 add new conditions to a permit, by notice in writing.	Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Team Leader Customer Experience, Customer Experience Representative, Parking Ranger, Ranger, Ranger Services Administration, Director	Nil

**By-law 1 of 2018 - Permits and Penalties**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.3	<p>The power pursuant to Paragraph 5.4 of the By-law to revoke a permit, by notice in writing, if:</p> <p>1.3.1 the holder of the permit fails to comply with a condition attached to it; or</p> <p>1.3.2 the permit is of a continuing nature, and the Delegate has reasonable grounds for revoking it.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Team Leader Customer Experience, Customer Experience Representative, Parking Ranger, Ranger, Ranger Services Administration, Director</p>	Nil

### Appendix 03 - By-law 3 of 2018 - Local Government Land

By-law 3 of 2018 - Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1.1	<p>Animals</p> <p>The power pursuant to Paragraph 4.3 of the Local Government Land By-law 2018 (the By-law) to set aside a track or other area for use by or in connection with leading or driving a horse, cattle or sheep.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	
1.2	<p>Closed Lands</p> <p>11. The power pursuant to Paragraph 4.11 to declare any part of local government land to be closed to the public.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	
1.3	<p>Fires</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief</p>	

**By-law 3 of 2018 - Local Government Land**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>The power pursuant to Paragraph 4.19 of the By-law to provide places for persons to light a fire in accordance with the Fire and Emergency Services Act 2005.</p>	<p>Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	
<p>1.4</p>	<p><b>Games</b></p> <p>The power pursuant to Paragraph 4.22.4 of the By-law to cause a notice to be erected indicating the playing of any game, recreation or event is prohibited.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	
<p>1.5</p>	<p><b>Swimming and Aquatic Activity</b></p> <p>1.4.1 The power pursuant to Paragraph 4.31.1 of the By-law to set aside waters for the purpose of entering, swimming or engaging in any aquatic activity.</p> <p>1.4.2 The power pursuant to Paragraph 4.31.2 of the By-law to erect a sign that states entering, swimming or engaging in any aquatic is allowed.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	

**By-law 3 of 2018 - Local Government Land**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>1.4.3 The power pursuant to Paragraph 4.31.2 of the By-law to include any conditions in the sign to be erected.</p>		
<p>1.6</p>	<p>Vehicles</p> <p>The power pursuant to Paragraph 4.34 of the By-law to set aside an area on local government land for the purpose of driving or propelling any vehicle.</p>	<p>Group Manager People &amp; Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Team Leader Customer Experience, Ranger, Director Corporate</p>	

**Appendix 04 - By-law 4 of 2018 - Roads**

<b>By-law 4 of 2018 - Roads</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.1	<p>Animals</p> <p>The power pursuant to Paragraph 4.3.1 of the Roads By-law 2018 (the By-law) to set aside a track or other area for use by or in connection with an animal.</p>	<p>Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services</p>	

## Appendix 05 - By-law 5 of 2018 - Dogs

By-law 5 of 2018 - Dogs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1.1	<p>Limit on Dog Numbers</p> <p>The power pursuant to Paragraph 7.4 of the Dogs By-law 2018 (the By-law) to exempt premises from the requirements of Paragraph 7 of the By-law.</p>	<p>Senior Ranger, Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services, Ranger</p>	



**Appendix 06 - By-law 6 of 2018 - Waste Management**

**By-law 6 of 2018 - Waste Management**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.1	<p>Collection Services</p> <p>The power pursuant to Paragraph 5.7.2 of the Waste Management By-law 2018 (the By-law) to appoint times for the collection of a particular type of household waste, recyclables or green organics from premises.</p>	<p>Chief Executive Officer, Director Community &amp; Development, Director Environment and Place, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure</p>	

## Appendix 07 - By-law 7 of 2018 - Lodging Houses

<b>By-law 7 of 2018 - Lodging Houses</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.1	<p>The power pursuant to Paragraph 14 of the Lodging Houses By-law 2018 (the By-law) to;</p> <p>1.1.1 grant a licence pursuant to the By-law for premises to be used as a lodging house; and</p> <p>1.1.1 grant a licence pursuant to the By-law to the proprietor of premises to be used as a lodging house.</p>	<p>Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services</p>	
2.1	<p>The power pursuant to Paragraph 15.6 of the By-law to issue every proprietor of a lodging house whose application for a licence has been approved with a licence in the form set forth in Schedule 'B' of the By-law.</p>	<p>Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team Leader Ranger Services</p>	
2.2	<p>The power pursuant to Paragraph 15.7 of the By-law to approve an application for transfer of a licence.</p>	<p>Chief Executive Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Team</p>	

**By-law 7 of 2018 - Lodging Houses**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Leader Ranger Services	
3.1	The power pursuant to Paragraph 18 of the By-law to grant or renew a licence subject to such conditions in any particular case as the delegate may think fit.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety, Director Environment and Place, Team Leader Ranger Services	
4.1	<p>The power pursuant to Paragraph 19.1 of the By-law to in the Delegate's discretion refuse to grant and application for licensing of a lodging house of the Delegate is of the opinion that:</p> <p>4.1.1 the lodging house is unsuitable, not in conformity or does not comply with the By-law; or</p> <p>4.1.2 the proprietor or resident manager referred to in the application is not a fit and proper person.</p>	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety, Director Environment and Place, Team Leader Ranger Services	
4.2	<p>The power pursuant to Paragraph 19.2 of the By-law and subject to Paragraph 19.3 of the By-law, to revoke any licence issued under the By-law for:</p> <p>3.2.1 any breach of the By-law; or</p>	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety, Director Environment and Place, Team	

**By-law 7 of 2018 - Lodging Houses**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>3.2.2 if the Delegate is of the opinion that the premises are in such a state as to be a nuisance or injurious to health or offensive; or</p> <p>3.2.3 if the Delegate has reasonable cause to believe that the proprietor has committed an offence against the By-law or under any of the following legislation:</p> <p>3.2.3.1 The Local Government Act 1999;</p> <p>3.2.3.2 The South Australian Public Health Act 2011;</p> <p>3.2.3.3 The Food Act 2001;</p> <p>3.2.3.4 The Development Act 1993;</p> <p>3.2.3.5 The Planning, Development and Infrastructure Act 2016;</p> <p>3.2.3.6 The Supported Residential Facilities Act 1992;</p> <p>3.2.3.7 The Residential Tenancies Act 1995;</p> <p>3.2.4 If the Delegate considers that the proprietor is unsuitable to continue as the proprietor of the lodging house.</p>	<p>Leader Ranger Services</p>	

**Appendix 08 - Delegations under the Local Government Act 1999 to waive compliance with encumbrances**

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>1. The power pursuant to an encumbrance under the Real Property Act 1886 in which the Council is the encumbrancee, its assign or successor, to waive compliance by the encumbrancer with any provision contained in that encumbrance.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	<p>1. The encumbrance must contain a provision enabling a waiver to be granted by the Council.</p> <p>2. The delegate shall not exercise this power unless:</p> <p>2.1 the delegate has first notified all Elected Members of the application for waiver; and</p> <p>2.2 within five clear business days after the notification in paragraph 2.1 no Elected Member has indicated to the Chief Executive Officer that the application for waiver should be considered at a meeting of the Council.</p>

## Appendix 09 - Delegations Under the Local Government Act 1999 to Waive Compliance With Land Management Agreements

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>1. The power pursuant to a land management agreement under the Development Act 1993 or the Planning, Development and Infrastructure Act 2016 in which the Council is a party, to waive compliance by a party with any provision contained in that land management agreement.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	<p>1. The land management agreement must contain a provision enabling a waiver to be granted by the Council.</p> <p>2. The delegate shall not exercise this power unless:</p> <p>2.1 the delegate has first notified all Elected Member of the application for waiver; and</p> <p>2.2 within five clear business days after the notification in paragraph 2.1 no Elected Member has indicated to the Chief Executive Officer that the application for waiver should be considered at a meeting of the Council.</p>

## Appendix 10 - Burial and Cremation Act 2013, Burial and Cremation Regulations 2014

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Offence to dispose of bodily remains except in cemetery or natural burial ground	1.1 The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	Chief Executive Officer	
2. Opening of interment sites, exhumation and re-interment	2.1 The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
3. Disposal of unclaimed cremated human remains	3.1 The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate things fit where the Council is the relevant authority for the crematorium.	Chief Executive Officer	
4. Establishment of cemeteries, natural	4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to	Chief Executive Officer	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
burial grounds and crematoria	establish a cemetery, natural burial ground or crematorium.		
5. Power of councils to establish and manage public mortuaries	5.1 The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
6. Establishment of mausolea within cemeteries	6.1 The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish Mausolea within the cemetery for which the Council is the relevant authority.	Chief Executive Officer	
7. Designation of natural burial grounds within cemeteries	7.1 The power pursuant to Section 22 of the Act to set a part any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	Chief Executive Officer	
8. Power to set apart part of cemetery or natural burial ground for particular religion	8.1 The power pursuant to Section 23 of the Act, to set a part any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and	



<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	natural burial ground.	Infrastructure, Director	
9. Closure of cemeteries and natural burial grounds	<p>9.1 Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:</p> <p>9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains: or</p> <p>9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.</p>	Chief Executive Officer, Director	
9. Closure of cemeteries and natural burial grounds	<p>9.2 The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:</p> <p>9.2.1 Discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or</p> <p>9.2.2 Discharge the interment right and issue to the former holder,</p>	Chief Executive Officer	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>free of charge:</p> <p>9.2.2.1 A new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or</p> <p>9.2.2.2 If the closure relates only to part of the cemetery or natural burial ground – a new interment right in relation to another part of the cemetery or natural burial ground.</p>		
9. Closure of cemeteries and natural burial grounds	<p>9.3 The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:</p> <p>9.3.1 Discharge the interment right and issue to the former holder, free of charge:</p> <p>9.3.1.1 A new interment right in relation to another cemetery or natural burial ground administered by the Council is the relevant authority; or</p> <p>9.3.1.2 If the closure relates to only art of the cemetery or natural burial ground – a new interment right in relation to another part of the</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>cemetery or natural burial ground; and</p> <p>9.3.2 Remove any human remains interred at the original interment site and re-enter the remains pursuant to the new interment right; and</p> <p>9.3.3 Remove any memorial erected at the original interment site and re-position the memorial at the new interment site.</p>		
9. Closure of cemeteries and natural burial grounds	9.4 The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
9. Closure of cemeteries and natural burial grounds	9.5 The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
10. Dedication of closed council cemeteries as park lands	<p>10.1 Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:</p> <p>10.1.1 Remove memorials to deceased persons;</p> <p>10.1.2 Relocate memorials to deceased persons in the park lands;</p> <p>10.1.3 Replace memorials to deceased persons with some other form of memorial in the park lands.</p>	Chief Executive Officer, Director	
11. Conversion of closed cemeteries into public parks or gardens	<p>11.1 The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.</p>	Chief Executive Officer, Director	
11. Conversion of closed cemeteries into public parks or gardens	<p>11.2 Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden, to:</p> <p>11.2.1 Remove memorials to deceased persons;</p> <p>11.2.2 Relocate memorials to deceased persons in the park or</p>	Chief Executive Officer, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>garden;</p> <p>11.2.3 Replace memorials to deceased persons with some other form of memorial in the park or garden.</p>		
<p>13. Issue of interment rights</p>	<p>13.1 Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:</p> <p>13.1.1 Identifies the person to whom the interment right is issued; and</p> <p>13.1.2 Identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and</p> <p>13.1.3 Identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director</p>	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>13.1.4 Specifies the period for which the interment right is granted; and</p> <p>13.1.5 Sets out the rights to renewal of the interment right; and</p> <p>13.1.6 Specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.</p>		
13. Issue of interment rights	13.2 The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
13. Issue of interment rights	13.3 Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right permit a memorial to the deceased person to be erected at the site.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
13. Issue of interment rights	13.4 The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
14. Duration of interment rights	14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:  14.1.1 For the period specified in the interment right; or  14.1.2 In perpetuity.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
15. Renewal of interment rights	15.1 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
15. Renewal of	15.2 The power pursuant to Section 32(1) of the Act where the	Chief Executive Officer,	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
interment rights	Council is the relevant authority to fix a renewal fee.	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
16. Transfer of interment rights	16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
17. Re-use of interment sites	<p>17.1 Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires and Council is the relevant authority, to:</p> <p>17.1.1 Re-use the interment site to which the interment right related;</p> <p>and</p> <p>17.1.2 Remove any memorial to a deceased person erected on or at the site.</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	



<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
18. Ownership of memorial	18.1 The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
19. Function to maintain memorial	19.1 The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
20. Power to require repair, removal or reinstatement of memorial	20.1 The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
20. Power to require repair, removal or	20.2 The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have	Chief Executive Officer, Coordinator Property and	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
reinstatement of memorial	the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	Facilities, Group Manager Environment and Infrastructure, Director	
20. Power to require repair, removal or reinstatement of memorial	<p>20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:</p> <p>20.3.1 A memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and</p> <p>20.3.2 Urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,</p> <p>to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
21. Power of relevant authority to dispose of unclaimed memorial	<p>21.1 The power pursuant to Section 42(1) of the Act, if:</p> <p>21.1.1 2 years or more have elapsed:</p> <p>21.1.1.1 Since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or</p> <p>21.1.1.2 Since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>or garden; and</p> <p>21.1.2 A memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and</p> <p>21.1.3 the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial;</p> <p>21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and</p> <p>21.1.3.2 by written notice affixed to the memorial; and</p> <p>21.1.4 the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and</p> <p>21.1.5 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,</p> <p>to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.</p>		

**Burial and Cremation Act 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22. General powers of relevant authority	<p>22.1 The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:</p> <p>22.1.1 Enlarge the cemetery, natural burial ground or crematorium; and</p> <p>22.1.2 Improve or embellish the cemetery, natural burial ground or crematorium; and</p> <p>22.1.3 Restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and</p> <p>22.1.4 Take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
23. Power to restrict interments in any part of cemetery or natural burial ground	23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
24. Neglected	24.1 The power pursuant to Section 46(1) of the Act, subject to	Chief Executive Officer,	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
cemeteries and natural burial grounds	<p>Section 46(2) of the Act, if:</p> <p>24.1.1 The delegate is of the opinion that a cemetery or natural burial ground within its area:</p> <p>24.1.1.1 Is in a neglected condition; or</p> <p>24.1.1.2 Fails in any manner to comply with the requirements of this Act;</p> <p>to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.</p>	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
24. Neglected cemeteries and natural burial grounds	<p>24.2 The power pursuant to Section 46(3) of the Act, if:</p> <p>24.2.1 The work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and</p> <p>24.2.2 No application for review of the decision to give the notice is made within 14 days after the notice is given,</p> <p>to have the work carried out.</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
24. Neglected cemeteries and natural	<p>24.3 The power pursuant to Section 46(4) of the Act, if:</p> <p>24.3.1 The work required by a notice under Section 46(1) of the Act is</p>	Chief Executive Officer, Group Manager	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
burial grounds	not carried out within the time specified in the notice; and 24.3.2 An application for review of the decision to give the notice is determined in favour of the Council; to, within 14 days after the determination of the review, have the work carried out.	Environment and Infrastructure, Director	
24. Neglected cemeteries and natural burial grounds	24.4 The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
25. Right of Review	25.1 The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the Council or designated Minister (as the case may be) to give the notice to the relevant authority.	Chief Executive Officer	
26. Power of councils to accept conveyance of cemetery or natural	26.1 Power pursuant to Section 48(1) of the Act, subject to Section 48(4), to accept a trust from the trustees of land in the Council's area,	Chief Executive Officer	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
burial ground land from trustees	held on trust for a cemetery or natural burial ground.		
27. Power of councils to assume administration of cemeteries and natural burial grounds	<p>27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:</p> <p>27.1.1 There is no existing relevant authority for the cemetery or natural burial ground; or</p> <p>27.1.2 The relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or</p> <p>27.1.3 The relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.</p>	Chief Executive Officer, Director	
28. Public access to cemeteries, natural burial grounds and crematoria	28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committed or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
29. Disposal of surplus cemetery land etc	29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.	Chief Executive Officer	
30. Disposal of land after closure of cemetery etc	30.1 The power pursuant to Section 52(1) of the Act, if: 30.1.1 A cemetery or natural burial ground has been closed in accordance with this Act; and 30.1.2 All human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground, to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.	Chief Executive Officer	
31. Power of Public Trustee to act on behalf of holder of interment right etc	31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate: 31.1.1 The holder of an interment right in relation to the cemetery or natural burial ground; or	Director	



<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	31.1.2 The owner of a memorial erected in a cemetery or natural burial ground,  fail, to request the Public Trustee act on behalf of the holder or owner.		
32. Authorised officers	32.1 The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	Chief Executive Officer	
32. Authorised officers	32.2 The power pursuant to Section 58(3) of the Act to make an appointment, subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	Chief Executive Officer	
32. Authorised officers	32.3 The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	Chief Executive Officer	
1.1	The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in	Chief Executive Officer	

<b>Burial and Cremation Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	a prescribed area on land within the Council's area outside a cemetery or natural burial ground.		

<b>Burial and Cremation Regulations 2014</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
12. Powers of relevant authorities in relation to closed cemeteries	<p>12.1 The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:</p> <p>12.1.1 Construct roads and pathways on the land; and</p> <p>12.1.2 Erect or construct buildings or structures on the land; and</p> <p>12.1.3 Construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and</p> <p>12.1.4 Erect lighting, seating and any other infrastructure or public amenity; and</p> <p>12.1.5 Take such other action as the delegate thinks fit for laying out the</p>	Chief Executive Officer, Director	

**Burial and Cremation Regulations 2014**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	land as park lands or a public place or garden.		
33. Filling of sunken interment sites	33.1 The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
34. Powers of relevant authority in relation to mausolea and vaults	<p>34.1 The power pursuant to Regulation 19(1), where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:</p> <p>34.1.1 A mausoleum or vault in the cemetery does not comply with the Regulations; or</p> <p>34.1.2 Offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,</p> <p>Open the mausoleum or vault and inspect it.</p>	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
34. Powers of relevant authority in relation to mausolea and vaults	<p>34.2 The power pursuant to Regulation 19(2), if, after inspecting a mausoleum or vault, the delegate is satisfied that: DC, DEP</p> <p>34.2.1 The mausoleum or vault does not comply with the Regulations; or</p>	Coordinator Property and Facilities, Group Manager Environment	

**Burial and Cremation Regulations 2014**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	34.2.2 Offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,	and Infrastructure, Director	
35. Removal and disposal of name plate etc from coffin before cremation	<p>35.1 The power pursuant to Regulation 21, subject to Regulation 21(2), where the Council is the relevant authority for a crematorium to dispose of:</p> <p>35.1.1 A name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or</p> <p>35.1.2 Any other thing that comes into the possession of the Council as a result of a cremation.</p>	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
36. Power of relevant authority in relation to things on interment sites	<p>36.1 The power pursuant to Regulation 26 where the Council is the relevant authority for a cemetery or natural burial ground to:</p> <p>36.1.1 Cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and</p> <p>36.1.2 Cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.</p>	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

**Burial and Cremation Regulations 2014**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
37. Power of relevant authority to require persons to leave cemetery or natural burial ground	37.1 The power pursuant to Regulation 27(1), where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

## Appendix 11 - Instrument of Delegation under the Community Titles Act 1996

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Interpretation	<p>1.1 The function pursuant to Section 3(11) of the Community Titles Act 1996 (“the Act”) where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),</p> <p>to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
2. Application	2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division.</p>		
3. Application May Deal With Statutory Encumbrances	3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer, Director	
4. Consents to Application	<p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to consent to the application.		
5. Application to Amend Schedule of Lot Entitlements	<p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p> <p>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or</p> <p>5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.</p>	Chief Executive Officer	
5. Application to Amend Schedule of Lot Entitlements	<p>5.2 The power pursuant to Section 21(5) of the Act:</p> <p>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:</p> <p>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed</p>	Chief Executive Officer	



Community Titles Act 1996			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>amendment because the Council was not a member of the secondary corporation when the vote was taken; or</p> <p>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or</p> <p>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or</p> <p>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:</p> <p>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or</p> <p>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or</p> <p>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,</p> <p>to grant consent.</p>		

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6. Encroachments	6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
7. Scheme Description	7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:  7.1.1 add any information that is necessary or desirable; or  7.1.2 clarify any part of the description; or  7.1.3 remove any unnecessary detail.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
7. Scheme Description	7.2 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.	Chief Executive Officer	
8. Persons Whose Consents are Required	8.1 The power pursuant to Section 32(1) of the Act, where the Council is:  8.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>corporation amending the scheme description because the Council was not then a member of the corporation; or</p> <p>8.1.2 the prospective owner at the relevant time of a community lot;</p> <p>8.1.3 the owner or prospective owner at the relevant time of a development lot;</p> <p>8.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>8.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>8.1.6 a person referred to Section 32(2) of the Act, to grant consent</p>		
8. Persons Whose Consents are Required	<p>8.2 The power pursuant to Section 32(2) of the Act:</p> <p>8.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>8.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p> <p>8.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>8.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>8.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:</p> <p>8.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p> <p>8.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>8.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,</p> <p>to grant consent.</p>		

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
9. By-laws	9.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	Chief Executive Officer	
9. By-laws	9.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.	Chief Executive Officer	
10. By-law as to the Exclusive Use of Part of the Common Property	10.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.	Chief Executive Officer	
11. Enforcement of Development Contract	<p>11.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:</p> <p>11.1.1 the developer; and</p> <p>11.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	even though no obligations attach to the corporation, owner and occupier under the contract.		
11. Enforcement of Development Contract	<p>11.3 The power pursuant to Section 49(2b) of the Act to make application to a court to:</p> <p>11.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or</p> <p>11.3.2 state a question of law for the opinion of the Supreme Court.</p>	Chief Executive Officer	
12. Application for Amendment	12.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.	Chief Executive Officer	
12. Application for Amendment	<p>12.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:</p> <p>12.2.1 the owner of the lot (not being an applicant in accordance with</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Section 52(1)(a)(ii) of the Act; or 12.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.		
12. Application for Amendment	12.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.	Chief Executive Officer	
13. Status of Application for Amendment of Plan	13.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.	Chief Executive Officer	
13. Status of Application for Amendment of Plan	13.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.	Chief Executive Officer	
14. Application May Deal With Statutory Encumbrances	14.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance	Chief Executive Officer, Group Manager City Development & Safety,	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Director	
15. Alteration of Boundaries of Primary Community Parcel	15.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.	Chief Executive Officer	
16. Amendment of Plan Pursuant to Development Contract	16.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.	Chief Executive Officer	
17. Amendment by Order of ERD Court	17.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.	Chief Executive Officer	
17. Amendment by Order of ERD Court	17.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer	



<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>18. Persons Whose Consents are Required</p>	<p>18.1 The power pursuant to Section 61(1) of the Act, where the Council is:</p> <p>18.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot; or</p> <p>18.1.3 the owner or prospective owner at the relevant time of a development lot; or</p> <p>18.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or</p> <p>18.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.</p>	<p>Chief Executive Officer</p>	
<p>18. Persons Whose Consents are Required</p>	<p>18.2 The power pursuant to Section 61(2) of the Act,</p> <p>18.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:</p> <p>18.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed</p>	<p>Chief Executive Officer</p>	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>18.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>18.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or</p> <p>18.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p> <p>18.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>18.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>18.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>18.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>18.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,</p>		

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to consent.		
19. Deposit of Amalgamated Plan	<p>19.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>19.1.1 the owner of the servient land; or</p> <p>19.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)</p> <p>to endorse an application for amalgamation with the Council's consent.</p>	Chief Executive Officer	
20. Persons Whose Consent is Required	<p>20.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>20.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>20.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p> <p>20.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot,</p> <p>to give consent to the application.</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
21. Application to ERD Court	21.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.	Chief Executive Officer	
21. Application to ERD Court	21.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer	
22. Cancellation	22.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).	Chief Executive Officer	
22. Cancellation	22.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.	Chief Executive Officer	
23. Division of Primary Parcel Under Part 19AB	<p>23.1 The power pursuant to Section 70(2) of the Act, where the Council is:</p> <p>23.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;</p> <p>23.1.2 if a primary lot is divided by a secondary plan – an owner of the</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or</p> <p>23.1.3 if a secondary lot is divided by a tertiary plan – an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel,</p> <p>to endorse a plan of division lodged with the application with the Council's consent.</p>		
24. Voting at General Meetings	24.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	Chief Executive Officer	
24. Voting at General Meetings	24.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	Chief Executive Officer	
25. Administrator of Community	25.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Corporation's Affairs	previously appointed.		
26. Power to Enforce Duties of Maintenance and Repair etc	<p>26.1 The power pursuant to Section 101(6) of the Act, where:</p> <p>26.1.1 -</p> <p>26.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or</p> <p>26.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and</p> <p>26.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,</p> <p>to recover those costs from that other person as a debt.</p>	Chief Executive Officer	
27. Right to Inspect Policies of Insurance	27.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.	Chief Executive Officer	
27. Right to Inspect Policies of Insurance	27.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	behalf of the primary community corporation.		
27. Right to Inspect Policies of Insurance	27.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.	Chief Executive Officer	
28. Information to be Provided by Corporation	<p>28.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:</p> <p>28.1.1 provide a statement setting out:</p> <p>28.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and</p> <p>28.1.1.2 particulars of the assets and liabilities of the corporation; and</p> <p>28.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and</p> <p>28.1.1.4 particulars in relation to any other matter prescribed by regulations; and</p> <p>28.1.2 provide copies of:</p> <p>28.1.2.1 the minutes of general meetings of the corporation and meetings</p>	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>of its management committee (if any) for such period, not exceeding two years, specified in the application; and</p> <p>28.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p> <p>28.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>28.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>28.1.3.1 a copy of the accounting records of the corporation; and</p> <p>28.1.3.2 the minute books of the corporation; and</p> <p>28.1.3.3 any other documentary material prescribed by regulation; and</p> <p>28.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and</p> <p>28.1.5 make available for inspection the register maintained under Section 135 of the Act.</p>		
28. Information to be Provided by Corporation	28.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all	Chief Executive Officer	



<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	accounts maintained by the corporation.		
29. Information as to Higher Tier of Community Scheme	29.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.	Chief Executive Officer	
29. Information as to Higher Tier of Community Scheme	29.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.	Chief Executive Officer	
30. Persons Who May Apply for Relief	30.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	Chief Executive Officer	
31. Resolution of Disputes, etc	31.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.	Chief Executive Officer	
31. Resolution of Disputes, etc	31.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
31. Resolution of Disputes, etc	31.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court	Chief Executive Officer	
31. Resolution of Disputes, etc	31.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	Chief Executive Officer	
31. Resolution of Disputes, etc	31.5 The power pursuant to Section 142(6) of the Act to make an application to a court to:  31.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or  31.5.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer	
32. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold	32.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>32. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</p>	<p>32.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:</p> <p>32.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or</p> <p>32.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract, to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.</p>	<p>Chief Executive Officer</p>	
<p>33. Entry onto Lot or Common Property</p>	<p>33.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to:</p> <p>33.1.1 give notice to the owner of the lot to be entered; or</p> <p>33.1.2 where it is necessary to enter the common property, to give notice to the corporation.</p>	<p>Chief Executive Officer</p>	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
33. Entry onto Lot or Common Property	33.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.	Chief Executive Officer	
33. Entry onto Lot or Common Property	33.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.	Chief Executive Officer	
50. Rectification by consent	50.1 The power pursuant to Section 223J of the Act to consent to the Registrar General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	Chief Executive Officer	
51. Application for Division of Land	51.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General.	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
51. Application for Division of Land	51.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	Chief Executive Officer	
51. Application for Division of Land	51.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act	Chief Executive Officer	
52. Application may deal with statutory encumbrances	52.1 The power pursuant to Section 223LDA of the Act to: 52.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and 52.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer	
53. Consent to plans of division	53.1 The power pursuant to Section 223LH(1) of the Act: 53.1.1 where the deposit of a plan of division in the Lands Titles	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p> <p>53.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;</p> <p>53.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>		
53. Consent to plans of division	53.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	Chief Executive Officer	
54. Amalgamation	54.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single	Chief Executive Officer	

<b>Community Titles Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	allotment.		
54. Amalgamation	54.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrancee of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	Chief Executive Officer	
55. Authority To Register	55.1 The power pursuant to section 273(1) and (1A) of the Act to provide certification in the appropriate form to deal with or affect land (including by instrument lodged electronically under the Electronic Conveyancing National Law (South Australia)	Chief Executive Officer	

## Appendix 12 - Instrument of Delegation under the Criminal Procedure Act 1921

Criminal Procedure Act 1921			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Information	The power pursuant to section 49 of the Criminal Procedure Act 1921 to lay an information on the Council's behalf in the Magistrates Court in accordance with the rules charging a person who is suspected of having committed a summary offence(s) with the offence(s) and, where an information is laid, the power to run the proceedings as the delegate sees fit.	Chief Executive Officer	



**Appendix 13 - Instrument of Delegation under the Cost of Living Concession Act 1986**

<b>Cost of Living Concession Act 1986</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Payment of amount of rates remitted in certain cases	1.1 The power, under Section 6(1) to apply to the Treasurer for the amount of rates remitted under the Cost of Living Concessions Act to be paid to the rating authority	Group Manager Finance & Risk, Chief Executive Officer, Director	

## Appendix 14 - Instrument of Delegation under the Crown Land Management Act 2009

Crown Land Management Act 2009			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Classification as Community Land	1.1 The power, under section 18A(1) of the Act to seek the consent of the Minister to the exclusion of dedicated land from classification as community land	Chief Executive Officer	

**Appendix 15 - Instrument of Delegation under the Development Act 1993 and Development Regulations 2008**

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Matters Against Which Development Must be Assessed	<p>1.1 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):</p> <p>1.1.1 the provisions of the appropriate Development Plan;</p> <p>1.1.2 the provisions of the Building Rules;</p> <p>1.1.3 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;</p> <p>1.1.4 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;</p> <p>1.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with</p>	<p>Council Assessment Panel, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director</p>	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>in a satisfactory manner; and</p> <p>1.1.6 such other matters as may be prescribed.</p>		
<p>1. Matters Against Which Development Must be Assessed</p>	<p>1.2 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.</p>	<p>Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>1. Matters Against Which Development Must be Assessed</p>	<p>1.3 If:</p> <p>1.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and</p> <p>1.3.2 the Council:</p> <p>1.3.2.1 is the relevant authority; and</p> <p>1.3.2.2 is to make the assessment under that paragraph; and</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Director</p>	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	1.3.3 the Council determines to grant consent under that paragraph,  the function, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.		
2. Determination of Relevant Authority	2.1 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
2. Determination of Relevant Authority	2.2 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	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
2. Determination of	2.3 The power pursuant to Section 34(8a) of the Act to, in	Council Assessment Panel, Chief	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Relevant Authority	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	Executive Officer	
2. Determination of Relevant Authority	2.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	Council Assessment Panel, Chief Executive Officer	
3. Special Provisions Relating to Assessment Against Development Plans	3.1 The function pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
3. Special Provisions Relating to Assessment	3.2 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	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Against Development Plans	development to be complying development.	& Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Special Provisions Relating to Assessment Against Development Plans	3.3 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 function, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
3. Special Provisions Relating to Assessment Against Development	3.4 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning,	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Plans		Director	
3. Special Provisions Relating to Assessment Against Development Plans	3.5 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Compliance Officer Development, Senior Development Officer Planning, Director	
3. Special Provisions Relating to Assessment Against Development Plans	3.6 Subject to the Act, the power and function pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate Development Plan to the extent that such compliance is certified by a private certifier.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
4. Special Provisions Relating to Assessment Against the Building Rules	4.1 The function pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer	



<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Development, Director	
4. Special Provisions Relating to Assessment Against the Building Rules	<p>4.2 The power pursuant to and in accordance with Section 36(2) of the Act:</p> <p>4.2.1 to assess whether a development is at variance with the Building Rules;</p> <p>4.2.2 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;</p> <p>4.2.3 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:</p> <p>4.2.3.1 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</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer</p> <p>Development, Director</p>	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>4.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.</p>		
4. Special Provisions Relating to Assessment Against the Building Rules	4.3 The function pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Director	
4. Special Provisions Relating to Assessment Against the Building Rules	4.4 The function pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Director	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
4. Special Provisions Relating to Assessment Against the Building Rules	<p>4.5 The function pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:</p> <p>4.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or</p> <p>4.5.2 such compliance is certified by a private certifier.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Director</p>	
4. Special Provisions Relating to Assessment Against the Building Rules	<p>4.6 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Director</p>	
5. Proposed Development Involving Creation of Fortifications	<p>5.1 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.</p>	<p>Chief Executive Officer</p>	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
5. Proposed Development Involving Creation of Fortifications	<p>5.2 The function pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:</p> <p>5.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; or</p> <p>5.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.</p>	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Director	
6. Public Notice and Consultation	<p>6.1 If a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate’s absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation</p>	Council Assessment Panel, Administration Officer - Development, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
6. Public Notice and Consultation	<p>6.2 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.</p>	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Director	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6. Public Notice and Consultation	6.3 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	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
6. Public Notice and Consultation	6.4 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.1 The power pursuant to Section 39(2) of the Act to request an applicant to:  7.1.1 provide such additional documents or information to enable assessment of the application;  7.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the Act;</p> <p>7.1.3 consult with an authority or body prescribed by the Regulations;</p> <p>7.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and</p> <p>7.1.5 comply with any other requirement prescribed by the Regulations.</p>	<p>Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>7. Application and Provision of Information</p>	<p>7.2 If:</p> <p>7.2.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and</p> <p>7.2.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,</p> <p>the power and function pursuant to Section 39(2b)(c) of the Act, to;</p> <p>7.2.3 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</p>	<p>Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	occasion only; and the function pursuant to Section 39(2b)(d) of the Act, to; 7.2.4 make that request within a period prescribed by the Regulations.		
7. Application and Provision of Information	7.3 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.4 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.5 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).	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.6 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	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer	



<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	assessment of the application.	Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.7 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.8 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Application and Provision of Information	7.9 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
7. Application and Provision of Information	7.10 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	
7. Application and Provision of	7.11 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	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Information	provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	Building, Team Leader Planning, External Engineer, Senior Building Surveyor, Senior Development Officer Planning, Director	
7. Application and Provision of Information	7.12 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	
7. Application and Provision of Information	7.13 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Coordinator Asset Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	
8. Determination of	8.1 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation	Council Assessment Panel, Chief Executive Officer, Group Manager City	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Application	remains operative.	Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	
9. Conditions	9.1 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, External Engineer, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
9. Conditions	9.2 The function, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	

<b>Development Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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).		
9. Conditions	9.3 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	
9. Conditions	9.4 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Senior Building Surveyor, Senior Development Officer Planning, Director	

**Development (Development Plans) Amendment Act 2006**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Transitional Provisions	10.1 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.	Chief Executive Officer, Group Manager City Development & Safety, Director	
10. Transitional Provisions	10.2 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.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11 Application to Relevant Authority	11.1 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.	Administration Officer - Development, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
11 Application to Relevant Authority	11.2 The function pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11 Application to Relevant Authority	11.3 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.	Administration Officer - Development, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
11 Application to Relevant Authority	<p>11.4 The power and function pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier</p> <p>11.4.1 the Development Assessment number assigned to the development proposed under the application; and</p> <p>11.4.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:</p> <p>11.4.1.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and</p> <p>11.4.1.2 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.</p> <p>11.4.1.3 advice about whether the relevant development plan specifies any requirements relating to finished floor</p>	Administration Officer - Development, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	



**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.		
11 Application to Relevant Authority	11.5 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).	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Director	
11 Application to Relevant Authority	<p>11.6 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:</p> <p>11.6.1 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;</p> <p>11.6.2 in any other case, the delegate must not, when</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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).</p>		
<p>11 Application to Relevant Authority</p>	<p>11.7 The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>12 Non-Complying Development</p>	<p>12.1 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:</p> <p>12.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or</p>	<p>Council Assessment Panel, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Director</p>	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	12.1.2 resolve to proceed with an assessment of the application.		
12 Non-Complying Development	12.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
12 Non-Complying Development	12.3 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
12 Non-Complying Development	12.4 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	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application.		
13 Withdrawing/Lapsing Application	13.1 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
13 Withdrawing/Lapsing Application	13.2 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the function, pursuant to and in accordance with Regulation 22(3) of the Regulations to:  13.2.1 take reasonable steps to notify the applicant of the action under consideration; and  13.2.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
14 Contravening	14.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline	Council Assessment Panel, Chief Executive Officer, Group Manager City	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Development	to proceed with an application until proceedings under the Act have been concluded.	Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
15 Land Division Applications	15.1 The function pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
15 Land Division Applications	15.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
16 Underground Mains Area	16.1 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.	Chief Executive Officer, Group Manager City Development & Safety, Director	
16 Underground Mains Area	16.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	Chief Executive Officer, Director	
16 Underground Mains Area	16.3 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
17 Preliminary Advice and Agreement - Section 37AA	17.1 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	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>17 Preliminary Advice and Agreement - Section 37AA</p>	<p>17.2 The power pursuant to Regulation 31A(6) of the Regulations if:</p> <p>17.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and</p> <p>17.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,</p> <p>to refer the application (unless withdrawn) to the prescribed body:</p> <p>17.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or</p> <p>17.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>17 Preliminary Advice and Agreement - Section 37AA</p>	<p>17.3 The power pursuant to Regulation 31A(7) of the Regulations if:</p> <p>17.3.1 an application is withdrawn by the Applicant; and</p> <p>17.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to notify the relevant prescribed body of the withdrawal of an application.		
17 Preliminary Advice and Agreement - Section 37AA	<p>17.4 The power pursuant to Regulation 31A(8) of the Regulations if:</p> <p>17.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and</p> <p>17.4.2 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.</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
17 Preliminary Advice and Agreement - Section 37AA	<p>17.5 The power pursuant to Regulation 31A(9) of the Regulations if:</p> <p>17.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and</p> <p>17.5.2 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</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	



**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.		
18. Public Notices Categories	18.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	
19. Public Inspection of Certain Applications	19.1 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.	Council Assessment Panel, Administration Officer - Development, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
19. Public Inspection of Certain Applications	19.2 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.	Council Assessment Panel, Administration Officer - Development, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
20 Determination of Commission as Relevant Authority	20.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:  20.1.1 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 function pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees;	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	

**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>and</p> <p>20.1.2 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).</p>		
<p>20 Determination of Commission as Relevant Authority</p>	<p>20.2 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.</p>	<p>Council Assessment Panel, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Director</p>	
<p>21 Scheme Description – Community Titles</p>	<p>21.1 The power pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.</p>	<p>Council Assessment Panel, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Development Officer Building, Senior Development Officer Planning, Director</p>	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22 Minor Variation of Development Authorisation	22.1 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.	Council Assessment Panel, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
23 Lapse of Consent or Approval	23.1 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.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
24 Width of Roads and Thoroughfares	24.1 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	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	pedestrians or for underground services.	Planning, Director	
24 Width of Roads and Thoroughfares	24.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Director	
25 Road Widening	25.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Director	
26 Requirement as to Forming of Roads	26.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	Council Assessment Panel, Chief Executive Officer, Director	
26 Requirement as to Forming of Roads	26.2 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.	Council Assessment Panel, Chief Executive Officer, Director	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
26 Requirement as to Forming of Roads	26.3 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.	Council Assessment Panel, Chief Executive Officer, Director	
27 Construction of Roads, Bridges, Drains and Services	27.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
28 Supplementary Provisions	28.1 The power pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
28 Supplementary Provisions	28.2 The power pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	Planning, Senior Development Officer Planning, Director	
28 Supplementary Provisions	28.3 The power pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
29 General Land Division	29.1 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Director	
29 General Land Division	29.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	

**Development Regulations 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
30 Division of Land by Strata Title	30.1 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
31 General Provisions	31.1 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	
31 General Provisions	31.2 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	



**Development Regulations 2008**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
31 General Provisions	31.3 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.	Council Assessment Panel, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Director	

**Development (Waste Reform) Variation Regulations 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
32 Development Authorisations to Continue	<p>32.1 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 authorise:</p> <p>32.1.1 grant a new development authorisation to the person; or</p> <p>32.1.2 revoke an existing development authorisation; or</p> <p>32.1.3 by notice in writing to the authorise given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director	

**Development (Waste Reform) Variation Regulations 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>Regulations:</p> <p>32.1.3.1 vary the terminology or numbering in the existing development authorisation; or</p> <p>32.1.3.2 impose or vary a condition of the existing development authorisation,</p> <p>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.</p>		
<p>32 Development Authorisations to Continue</p>	<p>32.2 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.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Senior Development Officer Planning, Development Officer Planning, Director</p>	

## Appendix 16 - Instrument of Delegation under the Disability Inclusion Act 2018

<b>Disability Inclusion Act 2018</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Disability access and inclusion plans Sub-delegation	1.1 The power in accordance with Section 16(3) of the Disability Inclusion Act 2018 (the Act) to determine the content to be included in the Council's disability access and inclusion plan (DAIP).	Chief Executive Officer, Director	
1. Disability access and inclusion plans	1.2 The power pursuant to section 16(5) of the Act to make application to the Minister for approval to prepare a single DAIP for more than one council.	Chief Executive Officer, Director	
1. Disability access and inclusion plans	1.3 The power pursuant to Section 16(6) of the Act to vary a DAIP in accordance with the requirements prescribed by regulation.	Chief Executive Officer, Director	
1. Disability access and inclusion plans	1.4 The power pursuant to Section 16(7) of the Act to determine the format and website for publication of the DAIP, ensuring that the format is accessible to people with a disability.	Group Manager People & Innovation, Chief Executive Officer, Group Manager Community Connections,	

<b>Disability Inclusion Act 2018</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
2. Sharing of information between certain persons and bodies	<p>2.1 The power pursuant to section 27(2) of the Act to provide prescribed information and documents (as defined by section 27(7) of the Act) to another person or body, if the delegate reasonably believes that the provision of the information or documents would assist the recipient:</p> <p>2.1.1 to perform functions relating to people with disability; or</p> <p>2.1.2 to manage any risk to a person with disability, or class of people with disability, that might arise in the recipient's capacity as an employer or provider of services.</p>	Chief Executive Officer, Director	
2. Sharing of information between certain persons and bodies	<p>2.2 The power pursuant to section 27(5) of the Act to request, on behalf of the Council, prescribed information and documents from a person to whom section 27 applies.</p>	Chief Executive Officer, Director	

## Appendix 17 - Instrument of Delegation under the Dog and Cat Management Act 1995

<b>Dog and Cat Management Act 1995</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Council Responsibility for Management of Dogs	1.1 The power pursuant to Section 25A(1) of the Dog and Cat Management Act 1995 (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act.	Chief Executive Officer	
1. Council Responsibility for Management of Dogs	1.2 The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	Chief Executive Officer	
1. Council Responsibility for Management of Dogs	1.3 The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person.	Chief Executive Officer	
2. Identification of	2.1 The power pursuant to Section 25B(1) of the Act to issue to an	Chief Executive Officer	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Authorised Persons	authorised person an identity card in a form approved by the Board.		
2. Identification of Authorised Persons	2.2 The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions.	Chief Executive Officer	
3. Area Limitation on Authorised Persons Appointed by Councils	3.1 The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council.	Chief Executive Officer	
4. Council Responsibility for Management of Dogs and Cats	<p>4.1 The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:</p> <p>4.1.1 maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and</p> <p>4.1.2 ensure that the Board is provided with information contained in the register as required by the Board from time to time; and</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	Only the CEO may exercise the powers of appointment under section 26

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>4.1.3 maintain such other registers as may be required by the Board; and</p> <p>4.1.4 make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and</p> <p>4.1.5 if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and</p> <p>4.1.6 appoint a suitable person to be Registrar; and</p> <p>4.1.7 make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and</p> <p>4.1.8 appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and</p> <p>4.1.9 make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and</p> <p>4.1.10 make satisfactory arrangements for fulfilling other obligations under the Act.</p>		

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
4. Council Responsibility for Management of Dogs and Cats	4.2 The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
4. Council Responsibility for Management of Dogs and Cats	4.3 The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats.	Chief Executive Officer	
4. Council Responsibility for Management of Dogs and Cats	4.4 The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.	Chief Executive Officer, Team Leader Ranger Services, Director	
4. Council Responsibility for Management of Dogs and Cats	4.5 The power pursuant to Section 26(6) of the Act to charge: 4.5.1 fees for the provision of extracts from registers kept under the Act; and 4.5.2 fees for the receipt and management of information relating to	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Director	



**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>a register contemplated by Section 26(1)(ac) of the Act; and</p> <p>4.5.3 fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:</p> <p>4.5.3.1 for the registration of dogs or businesses under Part 4 of the Act; and</p> <p>4.5.3.2 for the late payment of registration fees; and</p> <p>4.5.3.3 for meeting any other requirement imposed on the Council under the Act.</p>		
<p>4. Council Responsibility for Management of Dogs and Cats</p>	<p>4.6 The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act.</p>	<p>Chief Executive Officer</p>	
<p>5. Plans of Management Relating to Dogs and Cats</p>	<p>5.1 The power pursuant to Section 26A(1) of the Act to in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Director</p>	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
5. Plans of Management Relating to Dogs and Cats	5.2 The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
6. Rectification of Register	6.1 The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
7. Destruction and Control Orders	7.1 The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog: 7.1.1 a Destruction Order; 7.1.2 a Control (Dangerous Dog) Order; 7.1.3 a Control (Menacing Dog) Order; 7.1.4 a Control (Nuisance Dog) Order;	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.1.5 a Control (Barking Dog) Order.		
7. Destruction and Control Orders	7.2 The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
8. Grounds on Which Orders May be Made	8.1 The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that: 8.1.1 in the case of a Destruction Order: 8.1.1.1 the dog is unduly dangerous; and 8.1.1.2 the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
8. Grounds on Which Orders May be Made	8.1.2 in the case of a Control (Dangerous Dog) Order: 8.1.2.1 the dog:	Senior Ranger, Chief Executive Officer, Group Manager City Development	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>11.3.1.1.1 is dangerous; and</p> <p>11.3.1.1.2 has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or</p> <p>8.1.2.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or</p>	<p>&amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
<p>8. Grounds on Which Orders May be Made</p>	<p>8.1.3 in the case of a Control (Menacing Dog) Order:</p> <p>8.1.3.1 the dog:</p> <p>(a) is menacing; and</p> <p>(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or</p> <p>8.1.3.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
<p>8. Grounds on Which Orders May</p>	<p>8.1.4 in the case of a Control (Nuisance Dog) Order:</p> <p>8.1.4.1 the dog:</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development</p>	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
be Made	<p>(c) is a nuisance; and</p> <p>(d) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or</p> <p>8.1.4.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or</p>	<p>&amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
8. Grounds on Which Orders May be Made	<p>8.1.5 in the case of a Control (Barking Dog) Order:</p> <p>8.1.5.1 the dog is a nuisance; and</p> <p>8.1.5.2 the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
9. Procedure for Making and Revoking Orders	<p>9.1 The power pursuant to Section 52(1) of the Act to:</p> <p>9.1.1 make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and</p> <p>9.1.2 to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>9. Procedure for Making and Revoking Orders</p>	<p>9.2 The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:</p> <p>9.2.1 to ascertain all persons who own or are responsible for the control of the dog; and</p> <p>9.2.2 to give each of the persons so ascertained at least 7 days written notice:</p> <p>9.2.2.1 identifying the dog in relation to which is it is proposed that the order be made;</p> <p>9.2.2.2 setting out the terms of the proposed order; and</p> <p>9.2.2.3 inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
<p>9. Procedure for Making and Revoking Orders</p>	<p>9.3 The power pursuant to Section 52(2) of the Act to:</p> <p>9.3.1 make an order in the manner and form required by the Board; and</p> <p>9.3.2 note an order in the register kept by the Council under the Act.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	

**Dog and Cat Management Act 1995**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
9. Procedure for Making and Revoking Orders	9.4 The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
9. Procedure for Making and Revoking Orders	9.5 The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
9. Procedure for Making and Revoking Orders	9.6 The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	

**Dog and Cat Management Act 1995**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
9. Procedure for Making and Revoking Orders	9.7 The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
10. Directions About How to Comply with Order	10.1 The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
11. Power of Court to Order Destruction or Control of Dog on Application	11.1 The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	



**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
12. Prohibition Orders	12.1 The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
12. Prohibition Orders	12.2 The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
12. Prohibition Orders	12.3 The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:  12.3.1 while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>would constitute an offence against the Act; and</p> <p>12.3.2 –</p> <p>12.3.2.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or</p> <p>12.3.2.2 during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.</p>		
<p>12. Prohibition Orders</p>	<p>12.4 The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the Criminal Law Consolidation Act 1935.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
<p>12. Prohibition Orders</p>	<p>12.5 The power pursuant to Section 59A(5) of the Act to:</p> <p>12.5.1 make an order in the manner and form required by the Board; and</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader</p>	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>12.5.2 record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.</p> <p>12.5.3 The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.</p> <p>12.5.4 The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.</p>	<p>Ranger Services, Ranger, Director</p>	
<p>13. Procedure Following Seizure of Dog</p>	<p>13.1 The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger, Director</p>	
<p>13. Procedure Following Seizure of Dog</p>	<p>13.2 The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Ranger,</p>	

**Dog and Cat Management Act 1995**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
14. Power to Seize and Detain Cats	14.1 The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be detained.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
15. Certain Bodies May Microchip and Desex Detained Dogs and Cats	15.1 The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following: 15.1.1 microchip the dog or cat; 15.1.2 desex the dog or cat; 15.1.3 cause the dog or cat to be microchipped or desexed or both.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	
15. Certain Bodies May Microchip and	15.2 The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a	Senior Ranger, Chief Executive Officer, Group	

**Dog and Cat Management Act 1995**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Desex Detained Dogs and Cats	person who owns or is responsible for the control of the dog or cat.	Manager City Development & Safety, Team Leader Ranger Services, Ranger, Director	

**Appendix 18 - Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010**

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Power to Carry Out Work on Public Land	1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
1. Power to Carry Out Work on Public Land	1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
1. Power to Carry Out Work on Public Land	1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
1. Power to Carry Out Work on Public Land	1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:  1.4.1 to make representations to the Minister on the questions at issue in the dispute; and  1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources ,	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
2. Duties in Relation to Vegetation Clearance	2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the function under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
3. Vegetation Clearance Schemes	3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's area and a prescribed area.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	



<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
3. Vegetation Clearance Schemes	<p>3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:</p> <p>3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its function to clear vegetation;</p> <p>3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;</p> <p>3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;</p> <p>3.2.4 confer on the Council the function to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;</p> <p>3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation</p>	<p>Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director</p>	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>near overhead public powerlines;</p> <p>3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;</p> <p>3.2.7 make provision for other related matters.</p>		
3. Vegetation Clearance Schemes	3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
4. Vegetation Clearance Scheme Dispute	4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces,	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
4. Vegetation Clearance Scheme Dispute	4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
5. Determinations	5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the function to keep vegetation clear of public powerlines.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks,	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Team Leader Natural Resources , Director	
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas	6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas	6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:  6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and  6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and  6.2.3 provision for the termination of the arrangement by the	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>electricity entity or the Council; and</p> <p>6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.</p>		
<p>7. Program for Undergrounding of Powerlines</p>	<p>7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.</p>	<p>Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director</p>	
<p>7. Program for Undergrounding of Powerlines</p>	<p>7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.</p>	<p>Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources ,</p>	

<b>Electricity Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
7. Program for Undergrounding of Powerlines	7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	

<b>Electricity Principles of Vegetation Clearance Regulations 2021</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
8. Function of Electricity Entity or Council	8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager	

**Electricity Principles of Vegetation Clearance Regulations 2021**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance	9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity	10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its function to clear vegetation in the area of the Council or part of that area.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team	

**Electricity Principles of Vegetation Clearance Regulations 2021**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Leader Natural Resources , Director	
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity	10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
11. Objections Relating to Vegetation Clearance	11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
11. Objections Relating to	11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City	



**Electricity Principles of Vegetation Clearance Regulations 2021**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Vegetation Clearance	the Regulations with the objector that relates to the subject matter of the objection.	Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	
11. Objections Relating to Vegetation Clearance	11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Open Spaces, Team Leader City Clean, Team Leader City Safe, Team Leader Parks, Team Leader Natural Resources , Director	

**Appendix 19 - Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013**

<b>Electronic Conveyancing National Law South Australia Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Client authorisation	<p>1.1 The power pursuant to Section 10(1) of the Electronic Conveyancing National Law (South Australia) Act 2013 (the Act) to:</p> <p>1.1.1 Complete a client authorisation:</p> <p>1.1.1.1 That is in the form required by the participation rules; and</p> <p>1.1.1.2 By which the Delegate authorises a subscriber to do one or more things on the Council’s behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.</p>	Chief Executive Officer, Director	

**Appendix 20 - Instrument of Delegation under the Environment Protection Act 1993, Environment Protection (Air Quality) Policy 2016 and Environment Protection (Waste to Resources) Policy 2010**

<b>Environment Protection (Air Quality) Policy 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	The power pursuant to Clause 6(1) to use a burning permit.	Chief Executive Officer	
1.	1. The power pursuant to Clause 6(1) to use a burning permit.	Chief Executive Officer, Eastern Health Authority	
2.	2. The power pursuant to clause 6(2) to determine the manner and form for applying for a burning permit.	Chief Executive Officer, Eastern Health Authority	
3.	3. The power pursuant to Clause 16(1) to fix a testing point in premises to evaluate emissions from the premises.	Chief Executive Officer, Eastern Health Authority	

**Environment Protection Act 1993**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1.	1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 (“the Act”), to appoint authorised officers for the purposes of the Act.	Chief Executive Officer, Eastern Health Authority	
2.	2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	Chief Executive Officer, Eastern Health Authority	
3.	3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	Chief Executive Officer, Eastern Health Authority	
4. Site Contamination Assessment Orders	4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	Chief Executive Officer	
5. Site Remediation	5.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed	Chief Executive Officer	

**Environment Protection Act 1993**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Orders	variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.		

**Environment Protection (Waste to Resources) Policy 2010**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1.	1. The function pursuant to Clause 10(2) in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.	NOT DELEGATED	
2.	2. The function pursuant to Clause 15(2)(a) to provide a receptacle or waste collection service for the kerbside collection of listed waste	Chief Executive Officer	

**Environment Protection (Waste to Resources) Policy 2010**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3.	3. The function pursuant to Clause 16(1)(a) to collect medical waste produced in the course of prescribed activity.	Chief Executive Officer, Eastern Health Authority	
4.	4. The function pursuant to Clause 17(2) to Comply with prescribed requirements in respect of medical waste received by the Council	Chief Executive Officer, Eastern Health Authority	
5.	5. The function pursuant to Clause 18(1)(a) to provide a receptacle or service for the collection of sharps by a kerbside waste collection service	Chief Executive Officer	

**Appendix 21 - Instrument of Delegation under the Environment, Resources and Development Court Act 1993**

<b>Environment, Resources and Development Court Act 1993</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	1 The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the Act.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
2.	2. The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
3.	3. The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate under the circumstances.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
4.	4. The power pursuant to Section 17(4)(a) of the Act to make application to the Court to:  4.1 dismiss or determine any proceedings that appear:	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	

**Environment, Resources and Development Court Act 1993**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>4.1.1 to be frivolous or vexatious; or</p> <p>4.1.2 to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose;</p> <p>4.2 after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent;</p> <p>4.3 give summary judgement against a party:</p> <p>4.3.1 who obstructs or unnecessarily delays the proceedings; or</p> <p>4.3.2 who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or</p> <p>4.3.3 who fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.</p>		
5.	5. The power pursuant to Section 17(4b) to settle costs between parties in accordance with the scale prescribed for the purpose.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
6.	6. The power pursuant to Section 28B of the Act to consent to mediation to achieve a negotiated settlement of the matter.	Chief Executive Officer, Director Community & Development, Group	



**Environment, Resources and Development Court Act 1993**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Manager City Development & Safety	
7.	7 The power pursuant to Section 28B(6) of the Act to permit evidence of anything said or done in the course of processes to be admissible in proceedings before the Court	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
8.	8. The power pursuant to Section 29(2) to apply for an adjournment of the hearing of the proceedings if appropriate and necessary.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
9.	9. The power pursuant to Section 30(4) of the Act to appeal against any judgement given in those proceedings	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	
10.	10. The power pursuant to Section 43(1) of the Act where a judgement or order is made by the Court to make application to the registrar for a certified copy of the judgement or order.	Chief Executive Officer, Director Community & Development, Group Manager City Development & Safety	

**Appendix 22 - Instrument of Delegation under the Expiation of Offences Act 1996**

<b>Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Certain Offences May Be Expiated	1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	Senior Ranger, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Team Leader Ranger Services, Senior Building Surveyor, Compliance Officer Development, Director	
2. Authorisation to Issue Expiation Notices	2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	Senior Ranger, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Team Leader Ranger Services, Senior Building Surveyor, Compliance Officer Development, Director	
3. Review of	3.1 The power pursuant to Section 8A(2) and (3) of the Act to	Senior Ranger, Building and Compliance	

**Expiation of Offences Act 1996**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Notices on Ground that Offence is Trifling	require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling: 3.1.1 to provide further information; and 3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Team Leader Ranger Services, Senior Building Surveyor, Compliance Officer Development, Director	
3. Review of Notices on Ground that Offence is Trifling	3.2 The function pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	Senior Ranger, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Team Leader Ranger Services, Senior Building Surveyor, Compliance Officer Development, Director	
3. Review of Notices on Ground that Offence is Trifling	3.3 The function pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	Senior Ranger, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Team Leader Ranger Services, Senior Building Surveyor, Compliance Officer Development, Director	

**Expiation of Offences Act 1996**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>3. Review of Notices on Ground that Offence is Trifling</p>	<p>3.4 The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.</p>	<p>Chief Executive Officer, Director</p>	
<p>4. Expiation Reminder Notices</p>	<p>4.1 The function pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.</p>	<p>Administration Officer - Development, Senior Ranger, Building and Compliance Officer, Chief Executive Officer, Team Leader Building, Development Officer Building, Eastern Health Authority, Team Leader Ranger Services, Senior Building Surveyor, Ranger Services Administration, Director</p>	

**Expiation of Offences Act 1996**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
5. Expiation Enforcement Warning Notices	5.1 The function pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Senior Building Surveyor, Director	
6. Late Payment	6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation fee at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Eastern Health Authority, Team Leader Ranger Services, Senior Building Surveyor, Director	
7. Withdrawal of Expiation Notices	7.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:  7.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Eastern Health Authority, Team Leader Ranger Services, Director	

**Expiation of Offences Act 1996**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>have been given with respect to the offence or offences; or</p> <p>7.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or</p> <p>7.1.3 the notice is defective; or</p> <p>7.1.4 in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or</p> <p>7.1.5 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.</p>		
<p>7. Withdrawal of Expiation Notices</p>	<p>7.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Eastern Health Authority, Team Leader Ranger Services, Director</p>	
<p>7. Withdrawal of Expiation</p>	<p>7.3 The function pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp;</p>	

**Expiation of Offences Act 1996**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Notices	becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.	Safety, Team Leader Building, Eastern Health Authority, Team Leader Ranger Services, Director	
7. Withdrawal of Expiation Notices	7.4 The function pursuant to Section 16(11), where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Eastern Health Authority, Team Leader Ranger Services, Director	
8 Provision of Information	8.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:  8.1.1 the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Eastern Health Authority, Team Leader Ranger Services, Director	

**Expiation of Offences Act 1996**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	8.1.2 the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.		



## Appendix 23 - Instrument of Delegation under the Fences Act 1975

<b>Fences Act 1975</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Notice of Intention to Perform Fencing Work	1.1 The power pursuant to Section 5(1) of the Fences Act 1975 ('the Act') to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
1. Notice of Intention to Perform Fencing Work	1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
2. Cross-notice	2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator	

<b>Fences Act 1975</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	Property and Facilities, Group Manager Environment and Infrastructure, Director	
2. Cross-notice	2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
3. Agreement upon Basis of Proposals and Counter-proposals	3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
4. Performance of Fencing Work	4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group	

<b>Fences Act 1975</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	adjoining land owner.	Manager Environment and Infrastructure, Director	

**Appendix 24 - Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017**

<b>Fines Enforcement and Debt Recovery Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum	1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
2. Arrangements as to Manner and Time of Payment	2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
2. Arrangements as to Manner and Time of Payment	2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the Chief	Chief Executive Officer, Group Manager City Development & Safety,	

**Fines Enforcement and Debt Recovery Act 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).	Team Leader Building, Team Leader Ranger Services, Director	
3. Enforcement Determination	<p>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p> <p>3.1.1 the alleged offender; and</p> <p>3.1.2 the offence or offences that remain unexpiated; and</p> <p>3.1.3 the amount due under the notice; and</p> <p>3.1.4 compliance by the council with the requirements of the Act and any other Act</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
3. Enforcement Determination	3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger	

**Fines Enforcement and Debt Recovery Act 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Services, Director	

**Appendix 25 - Instrument of Delegation to the Chief Executive Officer under the Fire And Emergency Services Act 2005 and the Fire And Emergency Services Regulations 2021**

<b>Fire and Emergency Services Act 2005</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Areas of Urban Bushfire Risk	1.1 The power pursuant to Section 4A(3) of the Fire and Emergency Services Act 2005 ('the Act'), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating pursuant to Section 4A(1) of the Act an area within a fire district as an area of urban bushfire risk, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.	Chief Executive Officer	
2. Use of Facilities – State Bushfire Coordination Committee	2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Use of Facilities – Bushfire Management Committees	3.1 The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Communications & Engagement Coordinator, Director	
4. Fire Control Officers	4.1 The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).	Chief Executive Officer	
4. Fire Control Officers	4.2 The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.	Chief Executive Officer	



**Fire and Emergency Services Act 2005**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
5. Giving of Expiation Notices	5.1 The power pursuant to Section 104 of the Act to only authorise a fire prevention office (under Section 6(3)(b) of the Expiation of Offences Act 1996) to give expiation notices for alleged offences under Part 4 of the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
6. Appropriation of Penalties	6.1 The function pursuant to Section 105 of the Act if a summary offence against Part 4 of the Act is committed in the area of the Council and the complaint is laid by the Council (or an officer of the Council), to pay any fine recovered from the defendant into the general revenue of the Council (rather than into the Consolidated Account).	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
7. Interpretation	7.1 The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.	Chief Executive Officer	
8. Fire Prevention Officers	8.1 The power and function pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.	Chief Executive Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
8. Fire Prevention Officers	<p>8.2 The function pursuant to Section 105B(3) of the Act to -</p> <p>8.2.1 in determining the number of fire prevention officers to appoint under Section 105B(1) of the Act; and</p> <p>8.2.2 in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act, take into account any policy developed by SACFS for the purposes of Section 105B of the Act.</p>	Chief Executive Officer	
8. Fire Prevention Officers	<p>8.3 The power pursuant to Section 105B(3) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.</p>	Chief Executive Officer	
9. Reports	<p>9.1 The function pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Coordination Committee or a bushfire management committee in whose bushfire management area the Council's area is wholly or partly located, provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report, or</p>	Team Leader Ranger Services, Fire Prevention Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Coordination Committee or the bushfire management committee (as the case may be) thinks fit.</p>		
<p>10. Private Land</p>	<p>10.1 The function pursuant to Section 105F(2) of the Act, in determining the standard required to comply with Section 105F(1) of the Act (but subject to Section 105F(4) of the Act), to take into account the following matters (insofar as may be relevant and without limiting any other relevant matter):</p> <p>10.1.1 the nature of the land;</p> <p>10.1.2 whether the land is in a country, metropolitan, township or other setting;</p> <p>10.1.3 the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);</p> <p>10.1.4 other statutory standards or requirements that apply to or in relation to the land.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Director, Fire Prevention Officer</p>	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Private Land	<p>10.2 The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds –</p> <p>10.2.1 that an owner of private land has failed to comply with Section 105F(1) of the Act; or</p> <p>10.2.2 that measures should be taken in respect of particular private land for the purpose of -</p> <p>10.2.2.1 preventing or inhibiting the outbreak of fire on the land; or</p> <p>10.2.2.2 preventing or inhibiting the spread of fire through the land; or</p> <p>10.2.2.3 protecting property on the land from fire,</p> <p>to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
10. Private Land	10.3 The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services,	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	directions - 10.3.1 to trim or remove vegetation on the land; or 10.3.2 to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or 10.3.3 to eliminate a potential ignition source; or 10.3.4 to create, establish or maintain fire breaks or fuel breaks.	Director, Fire Prevention Officer	
10. Private Land	10.4 The function pursuant to Section 105F(7) of the Act, in acting under Section 105F(5) of the Act, to apply any guidelines prepared or adopted by the Minister for the purposes of Section 105F(5) of the Act and published by the Minister in the Gazette.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
10. Private Land	10.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act - 10.5.1 personally; or 10.5.2 by post; or	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>10.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -</p> <p>10.5.3.1 by publishing the notice:</p> <p>(A) on a website determined by the Minister, or</p> <p>(B) in a newspaper circulating in the locality of the land; and</p> <p>10.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.</p>		
10. Private Land	10.6 The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
10. Private Land	10.7 The function pursuant to Section 105F(11) of the Act, if a notice under Section 105F(5) of the Act is directed to an occupier of land, to take reasonable steps to serve (personally or by post) a copy of the notice on the owner.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
11. Council Land	11.1 The power pursuant to Section 105G(5) of the Act to	Chief Executive Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act.		
12. Additional Provision in Relation to Powers of Authorised Officers	<p>12.1 The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -</p> <p>12.1.1 at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or</p> <p>12.1.2 with the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the land.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
12. Additional Provision in Relation to Powers of Authorised Officers	<p>12.2 The power and function pursuant to Section 105J(3) of the Act to apply for a warrant -</p> <p>12.2.1 either personally or by telephone; and</p> <p>12.2.2 in accordance with any procedures prescribed by the regulations.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>12. Additional Provision in Relation to Powers of Authorised Officers</p>	<p>12.3 The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -</p> <p>12.3.1 give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;</p> <p>12.3.2 take photographs, films, audio, video or other recordings;</p> <p>12.3.3 give any other directions reasonably required in connection with the exercise of the power.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Director, Fire Prevention Officer</p>	
<p>12. Additional Provision in Relation to Powers of Authorised Officers</p>	<p>12.4 The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Director, Fire Prevention Officer</p>	
<p>12. Additional Provision in Relation to Powers of Authorised</p>	<p>12.5 The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.</p>	<p>Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Ranger Services, Director, Fire Prevention Officer</p>	



**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Officers			
12. Additional Provision in Relation to Powers of Authorised Officers	12.6 The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
12. Additional Provision in Relation to Powers of Authorised Officers	12.7 The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director, Fire Prevention Officer	
12. Additional Provision in Relation to Powers of	12.8 The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services,	

**Fire and Emergency Services Act 2005**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Authorised Officers	rates in arrears.	Director, Fire Prevention Officer	
13. Power to Provide Sirens	The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	Chief Executive Officer	

**Fire and Emergency Services Regulations 2021**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
11. Council Land	11.2 The function pursuant to Section 105G(7) of the Act, to comply with a notice under Section 105G(6) of the Act.	Chief Executive Officer	
14. Fires Permitted under Section 79(2) of Act	14.1 The power pursuant to Regulation 32A(4) of the Regulations to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.	Chief Executive Officer	

**Fire and Emergency Services Regulations 2021**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>15. Special Provision relating to Gas and Electric Cooking Appliances</p>	<p>15.1 The power pursuant to Regulation 34(3) of the Regulations, in addition to Regulation 34(1) and Regulation 34(2) of the Regulations, by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 34(4) of the Regulations, and such notice:</p> <p>15.1.1 shall be in the form set out in Schedule 11; and</p> <p>15.1.2 may be limited in its operation to particular times of the day, and to particular days of the year; and</p> <p>15.1.3 will operate subject to the following conditions:</p> <p>15.1.3.1 that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;</p> <p>15.1.3.2 that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged; and</p> <p>15.1.3.3 that an appropriate agent adequate to extinguish a fire must be at hand;</p> <p>15.1.4 will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and</p> <p>15.1.5 may be varied or revoked by further notice in the Gazette.</p>	<p>Chief Executive Officer</p>	

**Fire and Emergency Services Regulations 2021**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
16. Identity cards	16.1 The function pursuant to Regulation 52(2) of the Regulations issue to each fire prevention officer or assistant fire prevention officer appointed by the Council a certificate of identity in a form approved by the Chief Officer of the SACFS	Chief Executive Officer	
17. Roadside Fire Protection	<p>17.1 The power pursuant to Regulation 54(2) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to –</p> <p>17.1.1 light a fire on the road, or on the verge of the road; and</p> <p>17.1.2 while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;</p> <p>subject to Regulation 54(3) of the Regulations.</p>	Chief Executive Officer	
18. Coronial Inquests	The power pursuant to Regulation 65(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.	Chief Executive Officer	

## Appendix 26 - Instrument of Delegation to the Fire Prevention Officer(s) under the Fire and Emergency Services Act 2005

Fire and Emergency Services Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Permit to Light and Maintain Fire	1.1 The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	NOT DELEGATED	
2. Removal of Debris from Roads	2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in the vicinity of the road in the country, to remove the debris from the road.	NOT DELEGATED	
2. Removal of Debris from Roads	2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to  2.2.1 burn or remove the flammable debris; and  2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.	NOT DELEGATED	

**Fire and Emergency Services Act 2005**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Failure by a council to exercise statutory powers	3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	Fire Prevention Officer	
3. Failure by a council to exercise statutory powers	3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to: 3.2.1 make written submissions to the Minister in relation to the matter; and 3.2.2 request at the time that the Delegate makes such written submissions that the Minister must discuss the matter with a delegation representing the Council.	NOT DELEGATED	
3. Failure by a council to exercise statutory powers	3.3 The function pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for THE decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	NOT DELEGATED	
4. Bushfire Management Area Plans	4.1 The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire	Chief Executive Officer	

**Fire and Emergency Services Act 2005**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	management area.		

## Appendix 27 - Instrument of Delegation under the Food Act 2001

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Seizure	1.1 The power pursuant to Section 42(2) of the Food Act 2001 (the Act) to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	Chief Executive Officer	
1. Seizure	<p>1.3 The power pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated-</p> <p>1.3.1 if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and</p> <p>1.3.2 not make payment of any compensation in respect of the food or other perishable thing.</p>	Chief Executive Officer	
1. Seizure	1.4 The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or	Chief Executive	



<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	otherwise as the Delegate directs.	Officer	
2. Review of decision to refuse certificate of clearance	2.1 The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the decision, to respond to the review body on behalf of the Council.	Chief Executive Officer	
3. Review of order	3.1 The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act, is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the determination, to respond to that review body on behalf of Council.	Chief Executive Officer	
4. Auditing and reporting	4.1 The power pursuant to Section 79(1) of the Act to determine: 4.1.1 the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and 4.1.2 the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business.	Chief Executive Officer	

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	in accordance with Section 79(2) of the Act.		
4. Auditing and reporting	4.2 The power pursuant to section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is in appropriate for any reason, including as a result of changes made to the conduct of a food business.	Chief Executive Officer	
5. Appointment of Authorised Officers	5.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the act, subject to the function upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	Chief Executive Officer	
6. Certificates of Authority	The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	Chief Executive Officer	
7. Offences	7.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences -  Section 13(1) -Handling food intended for sale in a manner that the person knows will	Chief Executive Officer	

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>render or is likely to render, the food unsafe.</p> <p>Section 13 (2) - Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.</p> <p>Section 14(1) - Selling food that the person knows is unsafe.</p> <p>Section 14(2) - Selling food that the person ought reasonably to know is unsafe.</p> <p>Section 16(1) - Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.</p> <p>Section 16(2) - Selling food that is unsafe.</p> <p>Section 17(1) - Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.</p> <p>Section 17(2) - Selling food that is unsuitable.</p> <p>Section 21(1) - Failing to comply with any requirement imposed by a provision of the foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.</p> <p>Section 21(2) - Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.</p> <p>Section 39 - Failure, without reasonable excuse, to comply with a requirement of an authorised officer.</p> <p>Section 40 - Providing information or producing any document that the person knows is</p>		

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>false or misleading in a material particular.</p> <p>Section 41(1) - Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.</p> <p>Section 41(2) - Impersonating an authorised officer.</p> <p>Section 42(2) - Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.</p> <p>Section 50 - Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.</p> <p>Section 86(1) - Failure to notify of a food business before the business is conducted.</p> <p>Section 86(2) - Failure to notify of a food business that is being conducted.</p> <p>Section 86(3) - Failure to notify of a food business that is transferred or which has changed its name or address.</p>		
7. Offences	7.2 The power pursuant to Section 29(2) of the Act to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	Chief Executive Officer	
7. Offences	7.3 The power pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an	Chief Executive	

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence	Officer	

## Appendix 28 - Instrument of Delegation under the Freedom of Information Act 1991 and the Freedom of Information (Fees And Charges) Regulations 2018

Freedom of Information Act 1991			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Availability of Certain Documents	1.1 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise than by virtue of Clause 9 or 10 of Schedule 1 to the Act.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
1. Availability of Certain Documents	1.2 The function pursuant to Section 10(3) of the Act not to enforce a particular policy to the detriment of a person:  1.2.1 if the relevant policy document should have been, but was not, made available for inspection and purchase in accordance with Section 10 at the time the person became liable to the detriment; and  1.2.2 the person could, by knowledge of the policy, have avoided liability to the detriment	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
2. Transfer of Application	2.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the	Governance Officer, Chief Executive	A delegate must not exercise a power or function under this Act in the

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>document to which it relates:</p> <p>2.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or</p> <p>2.1.2 is held by the Council but is more closely related to the functions of the other agency.</p>	<p>Officer, Freedom of Information Officer</p>	<p>absence of the required accreditation.</p>
<p>2. Transfer of Application</p>	<p>2.2 The function pursuant to Section 16(2) of the Act, where an application is transferred to another agency and the Council holds a copy of the document to which the application relates, to forward a copy of the document to the other agency together with the application.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>
<p>2. Transfer of Application</p>	<p>2.3 The function pursuant to Section 16(3) of the Act to cause notice of the transfer to be given to the applicant where the application has been transferred to another agency.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>
<p>2. Transfer of Application</p>	<p>2.4 The function pursuant to Section 16(4) of the Act to specify in a notice under Section 16(3) of the Act, the day on which, and the agency to which, the application was transferred.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Information Officer	
2. Transfer of Application	2.5 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) of the Act any matter which by its inclusion would result in the notice being an exempt document.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
3. Council May Require Advance Deposits	3.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
3. Council May Require Advance Deposits	3.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
4. Council May Refuse to Deal with	4.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the	Governance Officer, Chief Executive	A delegate must not exercise a power or function under this Act in the



## Freedom of Information Act 1991

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Certain Applications	application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	Officer, Freedom of Information Officer	absence of the required accreditation.
4. Council May Refuse to Deal with Certain Applications	4.2 The power pursuant to Section 18(2) of the Act not to refuse to deal with such an application without first endeavouring to assist the applicant to amend the application so that the work involved in dealing with it would, if carried out, no longer substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
4. Council May Refuse to Deal with Certain Applications	4.3 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
4. Council May Refuse to Deal with	4.4 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:	Governance Officer, Chief Executive Officer, Freedom of	A delegate must not exercise a power or function under this Act in the

**Freedom of Information Act 1991**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Certain Applications	4.4.1 the Delegate has requested payment of an advance deposit in relation to the application; and 4.4.2 payment of the deposit has not been made within the period specified in the request.	Information Officer	absence of the required accreditation.
4. Council May Refuse to Deal with Certain Applications	4.5 The function pursuant to Section 18(5) of the Act to cause written notice of a refusal to deal with an application in accordance with Section 18(3) of the Act to be given to the applicant.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
4. Council May Refuse to Deal with Certain Applications	4.6 The function pursuant to Section 18(6) of the Act to include in a notice under Section 18(5) of the Act the reasons for the refusal and the findings on any material questions of fact underlying those reasons, together with a reference to the sources of information on which those findings are based.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
4. Council May Refuse to Deal with Certain Applications	4.7 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>5. Determination of Applications</p>	<p>5.1 The function pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:</p> <p>5.1.1 whether access to the document is to be given (either immediately or subject to deferral) or refused; and</p> <p>5.1.2 if access to the document is to be given, any charge payable in respect of the giving of access; and</p> <p>5.1.3 any charge payable for dealing with the application.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>
<p>5. Determination of Applications</p>	<p>5.2 The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>
<p>6. Refusal of Access</p>	<p>6.1 The power pursuant to Section 20(1) of the Act to refuse access to a document:</p> <p>6.1.1 if it is an exempt document;</p> <p>6.1.2 if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>the document is subject to a fee or charge;</p> <p>6.1.3 if it is a document that is usually and currently available for purchase;</p> <p>6.1.4 if it is a document that:</p> <p>6.1.4.1 was not created or collated by the Council itself; and</p> <p>6.1.4.2 genuinely forms part of library material held by the Council; or</p> <p>6.1.5 subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.</p>		
7. Deferral of Access	<p>7.1 The power pursuant to Section 21(1) of the Act to defer access to a document:</p> <p>7.1.1 if it is a document that is required by law to be published but is yet to be published;</p> <p>7.1.2 if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or</p> <p>7.1.3 if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
7. Deferral of Access	7.2 The function pursuant to Section 21(2) of the Act not to defer	Governance Officer,	A delegate must not exercise a power

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	access to a document to which Section 21(1)(a) of the Act applies beyond the time the document is required by law to be published.	Chief Executive Officer, Freedom of Information Officer	or function under this Act in the absence of the required accreditation.
7. Deferral of Access	7.3 The function pursuant to Section 21(3) of the Act not to defer access to a document to which Section 21(1)(b) or (c) of the Act applies for more than a reasonable time after the date of its preparation.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
8. Forms of Access	<p>8.1 The power pursuant to Section 22(1) of the Act to give a person access to a document by-</p> <p>8.1.1 giving the person a reasonable opportunity to inspect the document; or</p> <p>8.1.2 giving the person a copy of the document; or</p> <p>8.1.3 in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device- by making arrangements for the person to hear or view those sounds or visual images; or</p> <p>8.1.4 in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>in the document; or</p> <p>8.1.5 in the case of a document in which words are contained in the form of shorthand writing or in encoded form by giving the person a written transcript of the words contained in the document; or</p> <p>8.1.6 in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document by giving the person a written document so reproduced.</p>		
<p>8. Forms of Access</p>	<p>8.2 The function pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:</p> <p>8.2.1 would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or</p> <p>8.2.2 would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or</p> <p>8.2.3 would involve an infringement of copyright in matter contained in a document,</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	in which case access may be given in some other way.		
8. Forms of Access	8.3 The power pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
8. Forms of Access	8.4 The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
8. Forms of Access	8.5 The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
9. Notices of Determination	9.1 The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for	Governance Officer, Chief Executive	A delegate must not exercise a power or function under this Act in the

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the function to ensure that notice is given in that form.	Officer, Freedom of Information Officer	absence of the required accreditation.
9. Notices of Determination	9.2 The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
10. Documents Affecting Inter-Governmental or Local Governmental Relations	10.1 The function pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
10. Documents Affecting Inter-	10.2 The function pursuant to Section 25(3) of the Act, if:	Governance Officer, Chief Executive	A delegate must not exercise a power or function under this Act in the



**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>Governmental or Local Governmental Relations</p>	<p>10.2.1 the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and</p> <p>10.2.2 the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,</p> <p>to forthwith give written notice to the Government or council concerned:</p> <p>10.2.3 that the Council has determined that access to the document is to be given; and</p> <p>10.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>10.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	<p>Officer, Freedom of Information Officer</p>	<p>absence of the required accreditation.</p>
<p>11. Documents</p>	<p>11.1 The power pursuant to Section 26(2) of the Act not to give</p>	<p>Governance Officer,</p>	<p>A delegate must not exercise a power</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Affecting Personal Affairs	access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.	Chief Executive Officer, Freedom of Information Officer	or function under this Act in the absence of the required accreditation.
11. Documents Affecting Personal Affairs	<p>11.2 The function pursuant to Section 26(3) of the Act, if:</p> <p>11.2.1 the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and</p> <p>11.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or</p> <p>11.2.3 after having taken reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given, to forthwith give written notice to the person concerned:</p> <p>11.2.4 that the Delegate has determined that access to the document is to be given; and</p> <p>11.2.5 of the rights of review conferred by the Act in relation to the</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>determination; and</p> <p>11.2.6 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>		
<p>11. Documents Affecting Personal Affairs</p>	<p>11.3 The power pursuant to Section 26(4) of the Act where:</p> <p>11.3.1 an application is made to the Council for access to a document to which Section 26 of the Act applies; and</p> <p>11.3.2 the document contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>11.3.3 the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and</p> <p>11.3.4 the Delegate decides that access to the document is to be given,</p> <p>to give access to the document to a registered medical practitioner</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	nominated by the applicant.		
12. Documents Affecting Business Affairs	<p>12.1 The function pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:</p> <p>12.1.1 information concerning the trade secrets of any person; or</p> <p>12.1.2 information (other than trade secrets) that has a commercial value to any person; or</p> <p>12.1.3 any other information concerning the business, professional, commercial or financial affairs of any person;</p> <p>except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
12. Documents Affecting Business Affairs	<p>12.2 The function pursuant to Section 27(3) of the Act, if:</p> <p>12.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and</p> <p>12.2.2 the views of the person concerned are that the document is an</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>exempt document by virtue of Clause 7 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>12.2.3 that the Council has determined that access to the document is to be given; and</p> <p>12.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>12.2.5 of the procedures to be followed for the purpose of exercising those rights; and defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>		
<p>13. Documents Affecting the Conduct of Research</p>	<p>13.1 The function pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>13. Documents Affecting the Conduct of Research</p>	<p>13.2 The function pursuant to Section 28(3) of the Act, if:</p> <p>13.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and</p> <p>13.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act, to forthwith give written notice to the person concerned:</p> <p>13.2.3 that the Council has determined that access to the document is to be given; and</p> <p>13.2.4 of the rights of review conferred by the Act in relation to the determination; and</p> <p>13.2.5 of the procedures to be followed for the purpose of exercising those rights; and</p> <p>defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.</p>	<p>Governance Officer, Chief Executive Officer, Freedom of Information Officer</p>	<p>A delegate must not exercise a power or function under this Act in the absence of the required accreditation.</p>
<p>14. Internal Review</p>	<p>14.1 The power pursuant to Section 29(3) of the Act, where an</p>	<p>Governance Officer,</p>	<p>A delegate must not exercise a power</p>

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.	Chief Executive Officer, Freedom of Information Officer	or function under this Act in the absence of the required accreditation.
15. Determination of Applications	15.1 The power pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
16. Refusal to Amend Records	<p>16.1 The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:</p> <p>16.1.1 if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or</p> <p>16.1.2 if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or</p> <p>16.1.3 if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
17. Notices of Determination	17.1 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempt document.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
18. Notations to be Added to Records	<p>18.1 The power pursuant to Section 37(3) of the Act, if the Council discloses to any person (including any other agency) any information contained in the part of its records to which a notice under Section 37 of the Act relates, to:</p> <p>18.1.1 ensure that, when the information is disclosed, a statement is given to that person:</p> <p>18.1.1.1 stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading; and</p> <p>18.1.1.2 setting out particulars of the notation added to its records under Section 37 of the Act; and</p> <p>the power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.



**Freedom of Information Act 1991**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
19. Internal Review	19.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to confirm, vary or reverse the determination under review.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
20. Review by Ombudsman	20.1 The power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
20. Review by Ombudsman	20.2 The function and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
20. Review by Ombudsman	20.3 The power: 20.3.1 to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and 20.3.2 to request a suspension of proceedings under Section 39 of the	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Act at any time to allow an opportunity for a settlement to be negotiated.		
20. Review by Ombudsman	20.4 The power pursuant to Section 39(7) of the Act to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
21. Appeal to District Court	21.1 The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
22. Consideration of Restricted Documents	22.1 The power pursuant to Section 41(1) of the Act to make application to SACAT to have SACAT receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.	Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
23. Fees and	23.1 The power pursuant to Section 53(2a) of the Act, as the Delegate	Governance Officer,	A delegate must not exercise a power

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Charges	thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the Regulations.	Chief Executive Officer, Freedom of Information Officer	or function under this Act in the absence of the required accreditation.
23. Fees and Charges	23.2 The function pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
23. Fees and Charges	23.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.
24. Provision of Information to Minister	<p>24.1 The function pursuant to Section 54AA of the Act</p> <p>24.1.1 to furnish to the Minister administering the Act, such information as the Minister requires by notice in the Gazette-</p> <p>24.1.1.1 for the purpose of monitoring compliance with the Act; and</p> <p>24.1.1.2 for the purpose of preparing a report under Section 54 of the Act; and</p>	Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	24.1.2 to comply with any requirements notified by the Minister in the Gazette concerning the furnishing of that information and the keeping of records for the purposes of Section 54AA of the Act.		
25. Documents Containing Confidential Material	25.1 The power pursuant to Clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information (Fees and Charges) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
26. Fees and Charges	<p>26.1 The function pursuant to Regulation 5 of the Freedom of Information (Fees and Charges) Regulations 2003 to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the Delegate that:</p> <p>26.1.1 he or she is a concession cardholder; or</p>	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

**Freedom of Information (Fees and Charges) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	26.1.2 payment of the fee would cause financial hardship to the person.		
26. Fees and Charges	26.2 The power pursuant to Regulation 6 of the Freedom of Information (Fees and Charges) Regulations 2003 to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.	Governance Officer, Chief Executive Officer, Freedom of Information Officer	A delegate must not exercise a power or function under this Act in the absence of the required accreditation.

## Appendix 29 - Instrument of Delegation under the Gas Act 1997

<b>Gas Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Power to Carry Out Work on Public Land	1.1 The power pursuant to Section 47(3)(b) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of:	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
1. Power to Carry Out Work on Public Land	1.2 The power pursuant to Section 47(4) to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
1. Power to Carry Out Work on Public Land	1.3 The power pursuant to Section 47(7), if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

<b>Gas Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Power to Carry Out Work on Public Land	<p>1.4 The power pursuant to Section 47(9), if a dispute is referred to the Minister under Section 47 of the Act:</p> <p>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and</p> <p>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</p>	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

## Appendix 30 - Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013

Heavy Vehicle National Law South Australia Act 2013			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Deciding Request for Consent Generally	<p>1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:</p> <p>1.1.1 within:</p> <p>1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or</p> <p>1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or</p> <p>1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
1. Deciding Request	1.2 The power pursuant to Section 156(2) of the Act, to ask for a	Chief Executive Officer, Group Manager City Development &	



**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
for Consent Generally	<p>longer period under Section 156(1)(b) of the Act only if:</p> <p>1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or</p> <p>1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or</p> <p>1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.</p>	<p>Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	
1. Deciding Request for Consent Generally	<p>1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>1. Deciding Request for Consent Generally</p>	<p>1.4 The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council’s consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:</p> <p>1.4.1 the mass or dimension authority will, or is likely to:</p> <p>1.4.1.1 cause damage to road infrastructure; or</p> <p>1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and</p> <p>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:</p> <p>1.4.2.1 the damage or likely damage; or</p> <p>1.4.2.2 the adverse effects or likely adverse effects; or</p> <p>1.4.2.3 the significant risks or likely significant risks.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Deciding Request for Consent Generally	1.5 The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
1. Deciding Request for Consent Generally	1.6 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to: 1.6.1 for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or 1.6.2 for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
1. Deciding Request for Consent Generally	1.7 The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate’s decision and complies with Section 172 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Engineer, Director	
6. Action Pending Consultation with Third Party	6.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
6. Action Pending Consultation with Third Party	6.2 The power pursuant to Section 158(4) of the Act, if: 6.2.1 the consultation with the other entity is completed and the other entity's approval is required; and 6.2.2 the delegate has not yet decided to give or not to give the consent, to - 6.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or 6.2.4 decide to give the consent.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7. Deciding Request for Consent if Route Assessment Required	<p>7.1 The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:</p> <p>7.1.1 that a route assessment is required for deciding whether to give or not to give the consent;</p> <p>7.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
7. Deciding Request for Consent if Route Assessment Required	7.2 The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
8. Imposition of Road Conditions	<p>8.1 The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:</p> <p>8.1.1 except in the case of a class 2 heavy vehicle authorisation</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>(notice) – the condition that a stated road condition is imposed on the authority; or</p> <p>8.1.2 in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.</p>	<p>Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	
<p>8. Imposition of Road Conditions</p>	<p>8.2 The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	
<p>9. Imposition of Travel Conditions</p>	<p>9.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9. Imposition of Travel Conditions	9.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
10. Imposition of Vehicle Conditions	10.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
11. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension	11.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:  11.1.1 14 days after the request for consent is made; or	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Authority	11.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	Engineer, Director	
12. Granting Limited Consent for Trial Purposes	12.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
13. Renewal of Limited Consent for Trial Purposes	13.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
14. Amendment or Cancellation on	14.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical	



**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Regulator's Initiative	be taken.	Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
15. Amendment or Cancellation on Request by Relevant Road Manager	<p>15.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:</p> <p>15.1.1 has caused, or is likely to cause, damage to road infrastructure; or</p> <p>15.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>15.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	
15. Amendment or Cancellation on Request by Relevant Road Manager	<p>15.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:</p> <p>15.2.1 amend the mass or dimension authority by:</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>15.2.1.1 amending the category of vehicle to which the authority applies; or</p> <p>15.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or</p> <p>15.2.1.3 amending the areas or routes to which the authority applies; or</p> <p>15.2.1.4 amending the days or hours to which the authority applies; or</p> <p>15.2.1.5 imposing or amending road conditions or travel conditions; or</p> <p>15.2.2 cancel the authority.</p>	<p>Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	
<p>16. Amendment or Cancellation on Application by Permit Holder</p>	<p>16.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>17. Amendment or Cancellation on Request by Relevant Road Manager</p>	<p>17.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:</p> <p>17.1.1 has caused, or is likely to cause, damage to road infrastructure; or</p> <p>17.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>17.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	
<p>17. Amendment or Cancellation on Request by Relevant Road Manager</p>	<p>17.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:</p> <p>17.2.1 amend the mass or dimension authority, including, for example, by:</p> <p>17.2.1.1 amending the areas or routes to which the authority applies; or</p> <p>17.2.1.2 amending the days or hours to which the authority</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Traffic Engineer, Director</p>	

**Heavy Vehicle National Law South Australia Act 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	applies; or 17.2.1.3 imposing or amending road conditions or travel conditions on the authority; or 17.2.2 cancel the authority.		

## Appendix 31 - Instrument of Delegation under the Labour Hire Licensing Act 2017

<b>Labour Hire Licencing Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	1. The power pursuant to Section 16(1) of the Act to lodge an objection with the Commissioner, Consumer and Business Services to an application for a licence under section 15 of the Labour Hire Licensing Act 2017.	Chief Executive Officer, Director	
2.	2. The power pursuant to Section 32(2) of the Act to lodge an objection with the Commissioner ,Consumer and Business Services to an application for a licence to which section 31 of the Labour Hire Licensing Act 2017 applies.	Chief Executive Officer, Director	
3.	3. The power pursuant to section 42(2) of the Act to appeal against the grant of a licence to the District Court.	Chief Executive Officer, Director	
4.	4. The power pursuant to section 42(4) of the Act Require the Commissioner, Consumer and Business Services to provide reasons for the Commissioner's decision	Chief Executive Officer, Director	

**Appendix 32 - Instrument of Delegation under the Land and Business (Sale and Conveyancing) Act 1994**

<b>Land and Business (Sale and Conveyancing) Act 1994</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	<p>1. The function pursuant to Section 12(1) of the Act within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to –</p> <p>1.1 any charge or prescribed encumbrance over land within the Council’s area of which the Council has the benefit; or</p> <p>1.2 insurance under Division 3 or Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council’s area.</p>	<p>Administration Officer - Development, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Planning, Development Trainee, Director</p>	

## Appendix 33 - Instrument of Delegation under the Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020

<b>Landscape South Australia Act 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Special Vesting of Infrastructure	1.1 The power pursuant to Section 32(7) of the Landscape South Australia Act 2019 (the Act) to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
2. Power of Delegation	2.1 The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
3. Use of	3.1 The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to	Group Manager Finance & Risk, Chief Executive Officer, Group	

**Landscape South Australia Act 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Facilities	make use of the services of the staff, equipment or facilities of the Council.	Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
4. Key Features of Plan	4.1 The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
5. Annual Business Plan	5.1 The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	



**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6. Payment of Contributions by Councils	6.1 The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
6. Payment of Contributions by Councils	6.2 The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
7. Imposition of Levy by Councils	7.1 The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the Local Government Act 1999, to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	written off.		
8. Board May Declare a Levy	8.1 The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be affected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be affected by the Council.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
9. Declaration of Prescribed Water Resources	9.1 The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
10. Notice to rectify unauthorised activity	10.1 The power pursuant to Section 107(1) to issue a notice to the owner of land in respect of an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act; and	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
10. Notice to rectify unauthorised activity	10.2 The power pursuant to Section 107(2)(b) to enter land and take action specified in a notice issued under section 107(1) of the Landscape South Australia Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
11. Permits	11.1 The power pursuant to Section 112(1) of the Act to approve a form of application in respect of a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
11. Permits	11.2 The power pursuant to Section 112(6) of the Act to specify conditions on a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
11. Permits	11.3 The power pursuant to Section 112(9) of the Act to vary, suspend or revoke a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
11. Permits	11.4 The power pursuant to Section 112(10) of the Act to vary a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
11. Permits	11.5 The power pursuant to Section 112(11) – (13) of the Act to revoke a permit for an activity for which the Council is the relevant authority as prescribed by section 103(2)(d) of the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

## Landscape South Australia Act 2019

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
11. Permits	11.6 The power pursuant to Section 112(14) of the Act to serve notice of the variation or revocation of a permit.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.1 The power pursuant to Section 113(2) of the Act to give notice of an application for a permit in accordance with the regulations	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.2 The power pursuant to Section 113(3) of the Act to receive representations in relation to the granting or refusal of a permit	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
12. Requirement for notice of certain applications	12.3 The power pursuant to Section 113(4) of the Act to forward a copy of representations in relation to the granting or refusal of a permit to the applicant and allow the applicant an opportunity to respond in writing	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.4 The power pursuant to Section 113(6) of the Act to 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	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.5 The power pursuant to Section 113(7) of the Act to allow an applicant to appear personally or by representative before the authority	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**Landscape South Australia Act 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
12. Requirement for notice of certain applications	12.6 The function pursuant to Section 113(8)(a) of the Act to give notice to each person who made a representation to the authority of the authority's decision and the person's appeal rights under the Landscape South Australia Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.7 The function pursuant to Section 113(8)(b) of the Act to give notice to the Environment, Resources and Development Court of the authority's decision and the names and addresses of persons who made representations under section 113 of the Landscape south Australia Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
12. Requirement for notice of certain applications	12.8 The function pursuant to Section 113(13) of the Act to provide for inspection and purchase written representations made under section 113 of the Landscape south Australia Act and the written response of the applicant.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**Landscape South Australia Act 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
13. Authorised Officers	13.1 The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
14. Management Agreements	14.1 The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

**Landscape South Australia (General) Regulations 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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**Landscape South Australia (General) Regulations 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>15. Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10) of the Act)</p>	<p>15.1 The power pursuant to Regulation 13(3) of the Landscape South Australia (General) Regulations 2020 if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and the Council subsequently recovers an amount with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the Local Government Act 1999, to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Director</p>	
<p>16. Cost of Councils (Section 70 of the Act)</p>	<p>16.1 The power pursuant to and subject to Regulation 14(4) of to recover establishment costs the amount being:</p> <p>16.1.1 fair costs incurred by the Council with respect to:</p> <p>16.1.1.1 consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and</p> <p>16.1.1.2 establishing the ability of the Council’s rating system to deal with the regional landscape levy; and</p> <p>16.1.1.3 making any amendments to the Council’s rating system on account of the imposition of the regional landscape levy; and</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Director</p>	

**Landscape South Australia (General) Regulations 2020**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>16.1.1.4 conducting any tests involving the Council’s rating system on account of the imposition of the regional landscape levy; and</p> <p>16.1.1.5 setting up and assigning codes within the Council’s rating system on account of the imposition of the regional landscape levy; and</p> <p>16.1.1.6 obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and</p> <p>16.1.1.7 confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or</p> <p>16.1.2 \$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.</p>		
<p>16. Cost of Councils (Section 70 of the Act)</p>	<p>16.2 The power pursuant to and subject to Regulation 14(7) to recover as ongoing costs the amount being:</p> <p>16.2.1 fair costs as described in Regulation 14(3)(b); or</p> <p>16.2.2 \$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Director</p>	

**Landscape South Australia (General) Regulations 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>16. Cost of Councils (Section 70 of the Act)</p>	<p>16.3 The power pursuant to Regulation 14(8), if the Council is claiming transitional costs from two or more regional landscape boards with respect to a particular financial year to agree as between them the respective shares of those boards.</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Director</p>	
<p>16. Cost of Councils (Section 70 of the Act)</p>	<p>16.4 The power pursuant to Regulation 14(9) and subject to Regulation 14(11), if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14.</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Director</p>	

## Appendix 34 - Instrument of Delegation under the Liquor Licensing Act 1997

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Application for Review of Commissioner's Decision	1.1 The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
2. Extension of Trading Area	2.1 The power pursuant to Section 69(3)(e) of the Liquor Licensing Act 1997, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
3. Rights of Intervention	3.1 The power pursuant to Section 77(2) of the Liquor Licensing Act 1997 where licensed premises exist or premises propose to	Chief Executive Officer, Group Manager City Development &	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	Safety, Group Manager Environment and Infrastructure, Director	
4. General right to make written submissions	4.1 The power pursuant to Section 77(1) of the Act, subject to Section 77(2) of the Act, for the Council to make written submissions to the Commissioner in response to an application that has been advertised.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
5. Variation of objections	5.1 The power pursuant to Section 82 of the Act, subject to the permission of the licensing authority, for the Council to vary an objection it has made in respect of an application any time before the proceedings of the application are determined.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
6. Noise	6.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1) of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6. Noise	6.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
6. Noise	6.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
7. Disciplinary Action Before the Court	7.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
8. Commissioner's Power	8.1 The power pursuant to Section 120A(3) of the Act to apply	Chief Executive Officer, Group	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
to Suspend or Impose Conditions Pending Disciplinary Action	to the Court for a review of the Commissioner’s decision as if the Council were a party to proceedings before the Commissioner.	Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
9. Preparation of Draft Local Liquor Accords	9.1 The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	
9. Preparation of Draft Local Liquor Accords	<p>9.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:</p> <p>9.2.1 the name of each party to the draft;</p> <p>9.2.2 the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);</p> <p>9.2.3 the proposed accord area;</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	9.2.4 any other details prescribed by the regulations.		
10. Terms of Local Liquor Accords	<p>10.1 The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following:</p> <p>10.1.1 to cease or restrict either or both of the following on their licensed premises:</p> <p>10.1.1.1 the sale of liquor on those premises (including the sale of liquor for consumption off premises);</p> <p>10.1.1.2 allowing the consumption of liquor on those premises;</p> <p>10.1.2 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;</p> <p>10.1.3 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	
11. Approval of Local Liquor Accords	11.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord	Chief Executive Officer, Group Manager City Development &	



<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	area).	Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	
11. Approval of Local Liquor Accords	11.2 The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	
11. Approval of Local Liquor Accords	11.3 The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
11. Approval of Local Liquor Accords	<p>11.4 The power pursuant to Section 128H(7) of the Act to:</p> <p>11.4.1 only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or</p> <p>11.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Group Manager Environment and Infrastructure, Team Leader Ranger Services, Director	
12. COMMISSIONER'S Power to Suspend or Impose Conditions Pending Disciplinary Action	<p>12.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.</p>	Chief Executive Officer	
12. COMMISSIONER'S Power to Suspend or Impose Conditions Pending Disciplinary Action	<p>12.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.</p>	Chief Executive Officer	

<b>Liquor Licensing Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
12. COMMISSIONER'S Power to Suspend or Impose Conditions Pending Disciplinary Action	12.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.	Chief Executive Officer	

**Appendix 35 - Instrument of Delegation Under the Local Government Act 1999 and the Local Government (Building Upgrade Agreements) Regulations 2017**

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Review of Representation	<p>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</p> <p>1.1.1 alter the composition of the Council;</p> <p>1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.</p>	NOT DELEGATED	
1. Review of Representation	<p>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</p> <p>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p>	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	1.2.2 alter the name of: 1.2.2.1 the Council; 1.2.2.2 the area of the Council; 1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).		
1. Review of Representation	1.3 The power pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act to enable the Council Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	NOT DELEGATED	
1. Review of Representation	1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the function to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division,	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.		
1. Review of Representation	1.5 The power pursuant to Section 12(5) of the Act to initiate the preparation of a representation review report and form the opinion a person is qualified to address the representation and governance issues.	NOT DELEGATED	
1. Review of Representation	1.6 The power pursuant to Section 12(7) of the Act to undertake public consultation .	Governance Officer, Chief Executive Officer, Director	
1. Review of Representation	1.7 The power pursuant to Section 12(11) of the Act to finalise the Council report including recommendations with respect to such related or ancillary matters as it sees fit.	Governance Officer, Chief Executive Officer, Director	
1. Review of Representation	1.8 The power pursuant Section 12(11a) of the Act to refer the report to the Electoral Commissioner.	Governance Officer, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Review of Representation	1.9 The power pursuant to Section 12(11e)(a) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	NOT DELEGATED	
1. Review of Representation	1.10 The power pursuant to Section 12(11e)(b), where the Council makes an alteration to its report under Section 12(11e)(a) of the Act, to comply with the requirements of Section 12(7) of the Act as if the report, as altered, constituted a new report.	Governance Officer, Chief Executive Officer, Director	
1. Review of Representation	1.11 The power pursuant to Section 12(11e)(c), to refer the report to the Electoral Commissioner under section 12(12) of the Act.	Governance Officer, Chief Executive Officer, Director	
1. Review of Representation	1.12 The power pursuant to Section 12(12) of the Act to refer the report to the Electoral	Governance Officer, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Commissioner		
1. Review of Representation	1.13 The power pursuant to Section 12(15)(b) of the Act to provide for the operation of any proposal recommended in the Council's report by notice in the Gazette	Governance Officer, Chief Executive Officer, Director	
1. Review of Representation	1.14 The power pursuant to Section 12(16)(a) of the Act to take action on a report referred back to the Council by the Electoral Commissioner	NOT DELEGATED	
1. Review of Representation	1.15 The power pursuant to Section 12(16)(b) to refer a report back to the Electoral Commissioner.	NOT DELEGATED	
1. Review of Representation	1.16 The power pursuant to Section 12(17) to determine alterations to the report are of a minor nature only.	NOT DELEGATED	
1. Review of Representation	1.17 The power under Section 12(24) of the Act to undertake a review within period specified by the	NOT DELEGATED	



Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Electoral Commissioner		
2. Status of a Council or Change of Various Names	<p>2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:</p> <p>2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</p> <p>2.1.2 alter the name of:</p> <p>2.1.2.1 the Council</p> <p>2.1.2.2 the area of the Council;</p> <p>2.1.2.3 alter the name of a ward</p>	Governance Officer, Chief Executive Officer, Director	
2. Status of a Council or Change of Various Names	<p>2.2 The function, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements</p> <p>2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified</p>	Governance Officer, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>period, being no less than six weeks;</p> <p>2.2.2 publish the notice in a newspaper circulating within the area; and</p> <p>2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council or Council committee and be heard on those submissions.</p>		
5. Commission to Receive Proposals	5.1 The power pursuant to Section 28(1) of the Act, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.	NOT DELEGATED	
5. Commission to Receive Proposals	<p>5.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:</p> <p>5.2.1 set out in general terms the nature of the proposal; and</p> <p>5.2.2 comply with any requirements of the proposal</p>	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	guidelines.		
6. Inquiries – General Proposals	6.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.	Chief Executive Officer	
6. Inquiries – General Proposals	6.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.	Chief Executive Officer	
7. General Powers and Capacities	7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	<p>The ability to enter into contracts is limited by the Authorisation limits for Purchase Requisition Amounts found in the delegations for section 137 of the Act.</p> <hr/> <p>The power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the</p>

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Regal Theatre Manager, Group Manager Community Connections, Team Leader Community Development, Community Development & Venues Manager, Director	council.
7. General Powers and Capacities	7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, Director	
7. General Powers and	7.2 The power pursuant to Section 36(1)(c) of the	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Capacities	Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
7. General Powers and Capacities	<p>7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area-</p> <p>7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions.</p> <p>7.3.2 in order to provide services to an unincorporated area of the State.</p>	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
7. General Powers and	7.4 The function pursuant to Section 36(3) of the	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Capacities	Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
8. Provision Relating to Contract and Transactions	8.1 The power pursuant to Section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement	<p>The ability to enter into contracts is limited by the Authorisation limits for Purchase Requisition Amounts found in the delegations for section 137 of the Act.</p> <hr/> <p>The power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council.</p>

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Coordinator, Director	
9. Committees	9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.	NOT DELEGATED	
9. Committees	9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	NOT DELEGATED	
9. Committees	9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	NOT DELEGATED	
9. Committees	9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	NOT DELEGATED	
9. Committees	9.5 The power pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	that are to apply in relation to the committee.		
10. Delegations by Council	10.1 The function pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	Governance Officer, Chief Executive Officer, Director	
10. Delegations by Council	10.2 The function pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	Governance Officer, Chief Executive Officer, Director	
11. Principal Office	11.1 The function pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	Chief Executive Officer	
11. Principal Office	11.2 The function pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the function to keep the principal office of Council open to the public for	Chief Executive Officer	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the transaction of business during hours during hours determined by the Delegate or the Council.		
11. Principal Office	11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	Chief Executive Officer, Director	
12. Commercial Activities	12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').	Chief Executive Officer, Director	
12. Commercial Activities	12.2 The power pursuant to Section 46(2) of the Act, to, in connection with a commercial project: 12.2.1 establish a business; 12.2.2 participate in a joint venture, trust,	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	partnership or other similar body,		
13. Interests in Companies	13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	Chief Executive Officer	
14. Prudential Requirements	<p>14.1 The power and function pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</p> <p>14.1.1 acts with due care, diligence and foresight; and</p> <p>14.1.2 identifies and manages risks associated with a project; and</p> <p>14.1.3 makes informed decisions; and</p> <p>14.1.4 is accountable for the use of Council and</p>	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	other public resources.		
14. Prudential Requirements	14.2 The function pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Director	
14. Prudential Requirements	<p>14.3 Without limiting Section 48(aa1) of the Act, the power and function pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.3.1 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p> <p>14.3.1.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per</p>	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>cent of the Council’s average annual operating expenses over the previous five financial years (as shown in the Council’s financial statements); or</p> <p>14.3.1.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.3.1.3 where the Council or Delegate considers that it is necessary or appropriate.</p>		
15. Contracts and Tenders Policies	<p>15.1 The function pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>15.1.1 obtaining value in the expenditure of public money; and</p> <p>15.1.2 providing for ethical and fair treatment of participants; and</p> <p>15.1.3 ensuring probity, accountability and transparency in procurement operations.</p>	Group Manager Finance & Risk, Business Partner Procurement, Chief Executive Officer, Coordinator Procurement Contracts, Director	
15. Contracts and	15.2 Without limiting Section 49(a1) of the Act, the	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Tenders Policies	<p>power and function pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders including policies on the following:</p> <p>15.2.1 the contracting out of services; and</p> <p>15.2.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and</p> <p>15.2.3 the use of local goods and services; and</p> <p>15.2.4 the sale or disposal of land or other assets.</p>	<p>Business Partner Procurement, Chief Executive Officer, Coordinator Procurement Contracts, Director</p>	
15. Contracts and Tenders Policies	<p>15.3 The power and function pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:</p> <p>15.3.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and</p> <p>15.3.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and</p>	<p>Group Manager Finance &amp; Risk, Business Partner Procurement, Chief Executive Officer, Coordinator Procurement Contracts, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>15.3.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process.</p> <p>15.3.4 are consistent with any requirement prescribed by the regulations.</p>		
15. Contracts and Tenders Policies	15.4 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	NOT DELEGATED	
15. Contracts and Tenders Policies	15.5 The function pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	Group Manager Finance & Risk, Business Partner Procurement, Chief Executive Officer, Coordinator Procurement Contracts, Director	
16. Public Consultation Policies	16.1 The power and function pursuant to Section 50(1) and (2) of the Act to prepare a public consultation policy for consideration and adoption	Chief Executive Officer, Communications & Engagement Coordinator, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>by the Council which sets out the steps the Council will follow:</p> <p>16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and</p> <p>16.1.2 in other cases involving Council decision making, if relevant.</p>		
16. Public Consultation Policies	<p>16.2 The function pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.</p>	<p>Chief Executive Officer, Communications &amp; Engagement Coordinator, Director</p>	
16. Public Consultation Policies	<p>16.3 The function pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:</p> <p>16.3.1 the publication of a notice:</p>	<p>Chief Executive Officer, Communications &amp; Engagement Coordinator, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>16.3.1.1 in a newspaper circulating within the area of the Council; and</p> <p>16.3.1.2 on a website determined by the Chief Executive Officer,</p> <p>describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which is not less than 21 days) stated; and</p> <p>16.4 the consideration of any submissions made in response to that invitation.</p>		
16. Public Consultation Policies	16.5 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council’s public consultation policy, or substitute a new policy.	NOT DELEGATED	
16. Public Consultation Policies	<p>16.6 Before the Council adopts a public consultation policy or alters, or substitutes a public consultation policy, the function pursuant to Section 50(6) of the Act to –</p> <p>16.6.1 prepare a document that sets out its</p>	Chief Executive Officer, Communications & Engagement Coordinator, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>proposal in relation to the matter; and</p> <p>16.6.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;</p> <p>16.6.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.</p>		
16. Public Consultation Policies	16.7 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Chief Executive Officer, Communications & Engagement Coordinator, Director	
16. Public Consultation Policies	16.8 The function pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	Chief Executive Officer, Communications & Engagement Coordinator, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
17. Register of Interests	17.1 The power pursuant to Section 68(3b) to apply to SACAT for an order disqualifying a Member of the Council from the Office of Member.	NOT DELEGATED	
18. Member Behaviour	18.1 The power under Section 75F(1) of the Act to prepare and adopt a behavioural support policy.	NOT DELEGATED	
18. Member Behaviour	18.2 The power under section 75F(5) to alter or substitute a behavioural support policy	NOT DELEGATED	
18. Member Behaviour	18.3 The power under Section 75F(6) of the Act to undertake public consultation before adopting, altering or substituting a behavioural support policy	NOT DELEGATED	
18. Member Behaviour	18.4 The power under Section 75F(7)(a) of the Act to review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies	NOT DELEGATED	
18. Member Behaviour	18.5 The power under Section 75F(7)(b) of the Act,	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	within 6 months after the conclusion of each periodic election, to consider whether to adopt behavioural support policies.		
19. Reimbursement of Certain Expenses	19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for these purposes and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	Group Manager Finance & Risk, Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors , Director	
20. Register of Allowances and Benefits	20.1 The function pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	Governance Officer, Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors , Executive Support Officer, Corporate Support Officer, Community & Development Support Officer, Director	
21. Insurance of	21.1 The power pursuant to Section 80 of the Act to take out a policy of insurance insuring every	Group Manager Finance & Risk, WHS & Risk Management	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Members	member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	Coordinator, Chief Executive Officer, Director	
22. Training and Development	22.1 The power pursuant to Section 80A(1) of the Act to prepare a training and development policy for the Council's members.	Governance Officer, Chief Executive Officer, Director	
22. Training and Development	22.2 The function pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	Governance Officer, Chief Executive Officer, Director	
22. Training and Development	22.3 The power pursuant to Section 80A(2b) of the Act to suspend a member from office of Member of the Council for failure to comply with the prescribed mandatory requirements.	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22. Training and Development	22.4 The power under section 80A(2e) of the Act to revoke the suspension if satisfied the Member has complied with the prescribed mandatory requirements and give public notice of the revocation.	NOT DELEGATED	
22. Training and Development	22.5 The power under Section 80A(2f) to apply to SACAT for an order disqualifying the Member from office of Member of the Council	NOT DELEGATED	
22. Training and Development	22.6 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	NOT DELEGATED	
22. Training and Development	22.7 The power pursuant to section 80B(1)(a) of the Act to suspend a Member subject to a relevant interim intervention order from the office of Member of the Council where person protected by the Order of another Member.	NOT DELEGATED	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22. Training and Development	22.8 The power pursuant to Section 80B(3) to revoke a suspension.	NOT DELEGATED	
22. Training and Development	22.9 The power pursuant to Section 80B(9) of the Act to Apply to SACAT for an order disqualifying the Member from the office of Member of the Council.	NOT DELEGATED	
23. Committee Meetings	23.1 The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Council committees.	Chief Executive Officer, Director	
24. Access to Meetings and Documents - Code of Practice	24.1 The function pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare a Code of Practice for consideration and adoption by the Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operations of Parts 3 and 4 of Chapter 6 of the Act.	Governance Officer, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
24. Access to Meetings and Documents - Code of Practice	24.2 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.	NOT DELEGATED	
24. Access to Meetings and Documents - Code of Practice	24.3 The function pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes its Code of Practice that public consultation in undertaken.	Governance Officer, Chief Executive Officer, Director	
25. Meetings of Electors	25.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	Chief Executive Officer, Director	
25. Meetings of Electors	25.2 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	Chief Executive Officer, Director	
26. Obstructing of Meetings	26.1 The power pursuant to Section 95 of the Act to take proceedings under this Act against a person who intentionally obstructs or hinders	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	proceedings at a meeting of the Council or a Council committee or at a meeting of electors.		
27. Certain Matters Concerning Employees	27.1 The function pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other Council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Team Leader Financial Management, Payroll Coordinator, Director	
27. Certain Matters Concerning Employees	27.2 The function pursuant to Section 106(4) of the Act to supply to any other Council, at its request, details of the service of an employee or former employee of the Council.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Team Leader Financial Management, Payroll Coordinator, Director	
27. Certain Matters Concerning Employees	27.3 The power pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Team Leader Financial Management, Payroll Coordinator,	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
28. Application of Division	28.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	Chief Executive Officer, Director	
29. Behavioural Standards	29.1 The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards.	NOT DELEGATED	
29. Behavioural Standards	29.2 The power under section 120A(4) to alter or substitute employee behavioural standards.	NOT DELEGATED	
29. Behavioural Standards	29.3 The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards.	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
29. Behavioural Standards	29.4 The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.	Chief Executive Officer	
29. Behavioural Standards	29.5 The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election.	NOT DELEGATED	
30. Certain Aspects of Strategic Management Planning	30.1 The function pursuant to Section 122(1) of the Act to develop for consideration and adoption by the Council strategic management plans for the Council's area over a period of at least 4 years in accordance with the principles set out at Section 122(1), (2) and (3) of the Act.	Coordinator City Policy & Planning, Chief Executive Officer, Strategic Projects and Planning Manager, Director	
30. Certain Aspects of Strategic Management Planning	30.2 In conjunction with the development of the plans required under Section 122(1) of the Act, the function pursuant to Section 122(1a) of the Act to develop in accordance with Section 122(2) and (3) of the Act for consideration and adoption by the	Group Manager Finance & Risk, Coordinator City Policy & Planning, Chief Executive Officer, Group Manager Environment and Infrastructure, Strategic Projects	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Council-</p> <p>30.2.1 a long-term financial plan for a period of at least 10 years; and</p> <p>30.2.2 an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the Council for a period of at least 10 years.</p>	<p>and Planning Manager, Director</p>	
<p>30. Certain Aspects of Strategic Management Planning</p>	<p>30.3 In conjunction with the development of the plans required under Section 122(1) of the Act, within the prescribed period, to</p> <p>30.3.1 provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority un accordance with Section 122(1c) of the Act;</p> <p>30.3.2 provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;</p> <p>30.3.3 ensure advice provided by designated</p>	<p>Group Manager Finance &amp; Risk, Coordinator City Policy &amp; Planning, Chief Executive Officer, Group Manager Environment and Infrastructure, Strategic Projects and Planning Manager, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;</p> <p>30.3.4 provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.</p>		
30. Certain Aspects of Strategic Management Planning	30.4 The function pursuant to Section 122(6) of the Act to develop a process or processes for adoption by the Council to ensure that members of the public are given a reasonable opportunity to be involved in Council's development and review of its strategic management plans.	Coordinator City Policy & Planning, Chief Executive Officer, Strategic Projects and Planning Manager, Director	
31. Annual Business Plans and Budget Documents	31.1 The function pursuant to Section 123(1)(a) of the Act to prepare an annual business plan in accordance with the principles and requirements set out at Section 123(2), (10) and (12) of the Act	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	for consideration and adoption by the Council in accordance with Section 123(3), (6) and (8) of the Act.		
31. Annual Business Plans and Budget Documents	31.2 The function pursuant to Section 123(1)(b) of the Act to prepare a budget in accordance with the requirements set out at Section 123(10) and (12) of the Act for consideration and adoption by the Council in accordance with Section 123(7) and (8) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Director	
31. Annual Business Plans and Budget Documents	31.3 Before the Council adopts an annual business plan, the function pursuant to Section 123(3) of the Act to-  31.3.1 prepare a draft annual business plan; and  31.3.2 follow the relevant steps set out in the Council’s public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
31. Annual Business Plans and Budget Documents	31.4 The function pursuant to Section 123(5a) of the Act to provide a facility for asking and answering questions and the receipt of submissions on the Council's website.	Group Manager Finance & Risk, Chief Executive Officer, Director	
31. Annual Business Plans and Budget Documents	<p>31.5 After the Council has adopted an annual business plan and a budget, the function pursuant to Section 123(9) of the Act to ensure:</p> <p>31.5.1 a summary of the annual business plan is prepared in accordance with the requirements set out at Section 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and</p> <p>31.5.1 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year.</p>	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
32. Accounting Records to be Kept	<p>32.1 The function pursuant to Section 124(1) of the Act to:</p> <p>32.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;</p> <p>32.1.2 keep the Council's accounting records in such manner as will enable-</p> <p>32.1.2.1 the preparation and provision of statements that fairly present financial and other information; and</p> <p>32.1.2.2 the financial statements of the Council to be conveniently and properly audited.</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
32. Accounting Records to be Kept	<p>32.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
33. Internal Control and Audit Committee	<p>33.1 The function pursuant to Section 125 of the Act to ensure that appropriate policies, practices</p>	Group Manager Finance & Risk, Chief Executive Officer, Team	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets and to secure (as far as possible) the accuracy and reliability of the Council's records.	Leader Financial Management, Director	
33. Internal Control and Audit Committee	33.2 The power pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	Chief Executive Officer	
33. Internal Control and Audit Committee	33.3 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	Chief Executive Officer	
34. Financial Statements	34.1 The function pursuant to Section 127(1) of the Act to prepare for each financial year:  34.1.1 financial statements and notes in	Group Manager Finance & Risk, Chief Executive Officer, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>accordance with standards prescribed by the regulations; and</p> <p>34.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.</p>		
34. Financial Statements	<p>34.2 The function pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act-</p> <p>34.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>34.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>34.2.3 include the information required by the Regulations.</p>	Group Manager Finance & Risk, Chief Executive Officer, Director	
34. Financial Statements	<p>34.3 The function pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor</p>	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the statements prepared for each financial year.	Chief Executive Officer, Director	
34. Financial Statements	34.4 The function pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	Group Manager Finance & Risk, Chief Executive Officer, Director	
34. Financial Statements	34.5 The function pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Group Manager Finance & Risk, Chief Executive Officer, Director	
35. The Auditor	35.1 The power pursuant to Section 128(2) of the Act to appoint an auditor on the recommendation of the relevant audit committee.	Group Manager Finance & Risk, Chief Executive Officer, Director	
35. The Auditor	35.2 The function pursuant to Section 128(9) of the Act to ensure that the following information is	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>included in the Council's annual report:</p> <p>35.2.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between-</p> <p>35.2.2 remuneration payable for the annual audit of the Council's financial statements; and</p> <p>35.2.2.1 other remuneration;</p> <p>35.2.2.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office-the reason or reasons why the appointment of the Council's auditor came to an end.</p>		
37. Conduct of Audit	37.1 The function pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
38 Investigations	38.1 The power pursuant to and in accordance with Section 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council’s auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	Group Manager Finance & Risk, Chief Executive Officer, Director	
38. Investigations	38.2 Unless Section 130A(7) of the Act applies, the function pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:  38.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>accordance with Section 130A(6)(a) of the Act;</p> <p>38.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.</p>		
39. Annual Reports	<p>39.1 The function pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council and to submit a copy to person or bodies prescribed by regulations.</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Communications &amp; Engagement Coordinator, Director</p>	
39. Annual Reports	<p>39.2 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an</p>	<p>Chief Executive Officer</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	abridged or summary version of the annual report.		
40. Access to Documents	<p>40.1 The function pursuant to Section 132(1) of the Act to ensure a member of the public is able –</p> <p>40.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and</p> <p>40.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.</p>	Governance Officer, Group Manager Finance & Risk, Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors , Executive Support Officer, Communications & Engagement Coordinator, Corporate Support Officer, Digital & Graphic Designer, Community & Development Support Officer, Director	
40. Access to Documents	40.2 The power under Section 132(3a) of the Act to publish a document or part of a document on a website determined by the chief executive officer where an order under section 91(7) of the Local Government Act expires or ceases to apply.	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
41. Administrative Standards	<p>41.1 The power pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order –</p> <p>41.1.1 to ensure compliance with any statutory requirements; and</p> <p>41.1.2 to achieve and maintain standards that reflect good administrative practices.</p>	Chief Executive Officer, Director	
42. Sources of Funds	<p>42.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Council’s functions under this or another Act, by –</p> <p>42.2 selling property;</p> <p>42.3 by leasing or hiring out property;</p> <p>42.4 by obtaining grants or other allocations of money other than by borrowing;</p> <p>42.5 by carrying out commercial activities;</p>	Project Engineer, Group Manager Finance & Risk, Group Manager People & Innovation, Team Leader Library & Volunteers, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic	<p>The power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act.</p>

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	42.6 by recovering fees, charges, penalties or other money payable to the Council.	Engineer, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Community Development & Venues Manager, Director	
43. Ability of a Council to Give Security	<p>43.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:</p> <p>43.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);</p> <p>43.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);</p> <p>43.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.</p>	Chief Executive Officer	
43. Ability of a Council to	43.2 The power and function pursuant to Section	Chief Executive Officer	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Give Security	<p>135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:</p> <p>43.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and</p> <p>43.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.</p>		
44. Expenditure of Funds	<p>44.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.</p>	Chief Executive Officer	<p>the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council</p>
44. Expenditure of Funds	<p>44.2 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the</p>	Director	Authorisation Limits:

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts to the amounts listed in the conditions and limitations.		Purchase Requisition: \$300,000 Purchase Order Amendment: \$300,000 Goods Receipt: \$1,000,000 <hr/> the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council
44. Expenditure of Funds	44.3 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts to the amounts listed in the conditions and limitations.	Group Manager Environment and Infrastructure	Authorisation Limits: Purchase Requisition: \$100,000 Purchase Order Amendment: \$100,000 Goods Receipt: \$300,000 <hr/> the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			as part of a budget adopted by the council
44. Expenditure of Funds	44.4 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts to the amounts listed in the conditions and limitations.	Group Manager Finance & Risk, Group Manager People & Innovation, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Assessment Manager, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, City Operations Manager	Authorisation Limits: Purchase Requisition: \$50,000 Purchase Order Amendment: \$50,000 Goods Receipt: \$300,000 <hr/> the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council
44. Expenditure of Funds	44.5 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act	Team Leader Innovation and Technology, Coordinator City Policy & Planning, Senior Urban Forestry Officer, Coordinator Environmental Sustainability,	Authorisation Limits: Purchase Requisition: \$20,000 Purchase Order Amendment: \$20,000 Goods Receipt: \$50,000

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	or other Acts to the amounts listed in the conditions and limitations.	Team Leader Building, Team Leader Financial Management, Coordinator Property and Facilities, Coordinator Capital Projects, Coordinator Asset Planning, Principal Traffic Engineer, Coordinator Conservation & Land Management, Senior Project Officer, Team Leader Civil Maintenance, Team Leader Natural Resources , Senior Building Surveyor, Team Leader Strategic Projects & Place, Community Development & Venues Manager	the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council
44. Expenditure of Funds	44.6 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts to the amounts listed in the conditions	Team Leader Community Wellbeing, Team Leader Community Centres & Events, Urban Forestry Officer (Employee # 5602), Governance Officer, Team Leader Information	Authorisation Limits: Purchase Requisition: \$10,000 Purchase Order Amendment: \$10,000 Goods Receipt: \$50,000

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	and limitations.	Management , WHS & Risk Management Coordinator, Coordinator Pepper Street Arts Centre, Team Leader Library & Volunteers, Team Leader Swimming Centre, Operations Coordinator Swimming Centre, Coordinator Community Centres (Employee # 5231), Team Leader Planning, Executive Assistant to CEO, Mayor and Councillors , Landscape Architect, Technical Officer - Traffic & Regulatory, Senior Administration Officer, Project Officer - Capital Projects, Property Officer, Technical Officer Civil, Regal Theatre Manager, Team Leader Ranger Services, Team Leader Customer Experience, Environmental Sustainability Officer (Employee # 5531), Administration Officer - Depot, People Experience	the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Programs Officer, Strategic Projects Officer, Traffic Engineer, Team Leader Community Development, Urban Forestry Officer (Employee # 1055), Coordinator Procurement Contracts	
44. Expenditure of Funds	44.7 Subject to the Act or another Act, the power pursuant to Section 137 of the Act, to expend the Council's approved budgeted funds, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts to the amounts listed in the conditions and limitations.	Coordinator Programming Services, Exhibitions & Community Arts Officer, Community Arts Officer, Community Transport Officer, Community Development Officer, Coordinator Rates & Revenue, Rates Officer (Employee # 5544), Senior Network Administrator, People Experience Advisor, Volunteer Program Coordinator, Customer Experience Representative (Employee # 5542), Administration Officer - Community Wellbeing (Employee	<p>Authorisation Limits: Purchase Requisition: NIL Purchase Order Amendment: NIL Goods Receipt: \$50,000</p> <hr/> <p>the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council</p>

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		# 5529), Facilitator Group Social Support (Employee # 5293), Administration Officer - Development, Senior Ranger, Ranger Services Administration (Employee # 5346), Business Partner Procurement, Finance Projects Officer, Financial Accountant, Planner Policy and Projects, Building and Compliance Officer, Development Officer Building, Ranger Services Administration (Employee # 5152), Executive Support Officer, Team Leader City Workshop, Team Leader City Clean, Team Leader Civil Maintenance, Team Leader Arboriculture, Team Leader City Safe, Team Leader Parks, Geospatial & Applications Developer, Information Systems Officer, Historical & Cultural Officer (Employee # 5508), Payroll	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coordinator, Property Officer, Compliance Officer Development, Coordinator Customer Service - Library, Coordinator Cataloguing & Acquisitions, Digital Marketing Officer , Data & Cyber Security Administrator, Information Management Officer (Employee # 5049), Information Management Officer (Employee # 5317), Information Management Officer (Employee # 5041), Information Management Officer (Employee # 5559), IT Projects Coordinator, Library Customer Services Officer (Employee # 5157), Library Officer (Employee # 5436), Library Support Officer, Parking Ranger (Employee # 5560), Parking Ranger (Employee # 5572), Procurement Support Officer, Ranger (Employee # 5417), Ranger (Employee # 5527),	



Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Ranger (Employee # 5517), Ranger Services Administration (Employee # 5234), Customer Experience Representative (Employee # 5582), Team Member Civil Maintenance (Employee # 1117), Team Member Parks (Employee # 1003), People Experience Trainee, Depot Administration Trainee, Urban Forestry Officer (Employee # ), Work, Health & Safety Officer, Administration Officer - Community Wellbeing (Employee # 5502), Audit Officer LMA, Assets & System Accountant, Administration Support Officer - CHSP, Asset Planning Officer, Coordinator Community Centres (Employee # 5576), Customer Experience Projects Officer, Customer Experience Representative	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(Employee # 5591), Customer Experience Representative (Employee # 5446), Conservation & Land Management Officer, Communications Officer, Corporate Services Administrative Support, Corporate Support Officer, Digital & Graphic Designer, Events & Sponsorship Coordinator, Facilitator Group Social Support (Employee # 5513), Historical & Cultural Officer (Employee # 5596), Customer Experience Representative (Employee # 5510), Development Trainee, Community & Development Support Officer, Accounts Payable Officer	
45. Investment Powers	45.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
45. Investment Powers	<p>45.2 The function pursuant to Section 139(2) of the Act in exercising the power of investment, to:</p> <p>45.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p>45.2.2 avoid investments that are speculative or hazardous in nature.</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
45. Investment Powers	<p>45.3 The power pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters-</p> <p>45.3.1 the purposes of the investment;</p> <p>45.3.2 the desirability of diversifying Council investments;</p> <p>45.3.3 the nature of and risk associated with</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>existing Council investments;</p> <p>45.3.4 the desirability of maintaining the real value of the capital and income of the investment;</p> <p>45.3.5 the risk of capital or income loss or depreciation;</p> <p>45.3.6 the potential for capital appreciation;</p> <p>45.3.7 the likely income return and the timing of income return;</p> <p>45.3.8 the length of the term of a proposed investment;</p> <p>45.3.9 the period for which the investment is likely to be required;</p> <p>45.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;</p> <p>45.3.11 the aggregate value of the assets of the Council;</p> <p>45.3.12 the likelihood of inflation affecting the value of a proposed investment;</p>		

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>45.3.13 the costs of making a proposed investment;</p> <p>45.3.14 the results of any review of existing Council investments.</p>		
45. Investment Powers	<p>45.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to-</p> <p>45.4.1 the anticipated community benefit from an investment; and</p> <p>45.4.1 the desirability of attracting additional resources into the local community.</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
45. Investment Powers	<p>45.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
46 Review of Investment	46.1 The function pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year and the function to report to the Council on the outcome of the review.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
47. Gifts to Council	<p>47.1 Within the confines of Section 44(3) of the Act:</p> <p>47.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</p> <p>47.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</p> <p>47.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</p> <p>47.1.4 where a variation is sought in the terms of a trust, the function pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such</p>	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	manner as may be directed by the Supreme Court; and		
48 Function to Insure Against Liability	48.1 The power pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Team Leader Financial Management, Director	
49 Writing off Bad Debts	49.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council- 49.1.1 if the Council has no reasonable prospect of recovering the debts; or 49.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.	Group Manager Finance & Risk, Chief Executive Officer, Director Corporate	
49 Writing off Bad Debts	49.2 The function pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the	Group Manager Finance & Risk, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Chief Executive Officer has certified-</p> <p>49.2.1 reasonable attempts have been made to recover the debt; or</p> <p>49.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.</p>	Corporate	
50 Recovery of Amounts due to Council	50.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
50 Recovery of Amounts due to Council	50.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days' notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
51. Land Against Which Rates may be Assessed	51.1 The power pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with the principles and practices that apply on a uniform basis across the Council.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
52 Basis of Rating	<p>52.1 Before the Council</p> <p>52.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</p> <p>52.1.2 changes the basis on which land is valued for the purposes of rating; or</p> <p>52.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</p> <p>the power and function pursuant to Section</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>151(5)(d) and (e) of the Act to:</p> <p>52.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</p> <p>52.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</p>		
53. General Rates	53.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
54. Service Rates and Service Charges	54.1 The function pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
54 Service Rates and Service Charges	54.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	Chief Executive Officer	
55. Basis of Differential Rates	55.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
55. Basis of Differential Rates	55.2 The power pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>differentiating factor under another of those paragraphs, to</p> <p>55.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and</p> <p>55.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.</p>	Director	
55. Basis of Differential Rates	<p>55.3 The function pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
56. Notice of Differentiating Factors	<p>56.1 If the Council declares differential rates, the function pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	combination of factors that governs the calculation of rates on the land to which the account relates.	Leader Financial Management, Director	
57. Preliminary	57.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
57. Preliminary	57.2 The power pursuant to Section 159(3) of the Act to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
57. Preliminary	57.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100 %.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
57. Preliminary	57.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
58. Rebate of Rates – Community Services	<p>58.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery and administration (or both) by a community service organisation, where that organisation –</p> <p>58.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and</p> <p>58.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and</p> <p>58.1.3 does not restrict its services to persons who are members of the body.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
59. Rebate of Rates – Educational Purposes	<p>59.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>59.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or</p> <p>59.1.2 occupied by non-Government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or</p> <p>59.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
60. Discretionary Rebates of Rates	<p>60.1 The function pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j)</p> <p>60.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar</p>	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>services provided elsewhere in its area; and</p> <p>60.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and</p> <p>60.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;</p> <p>60.1.4 any other matter considered relevant by the Council or the Delegate.</p>		
60. Discretionary Rebates of Rates	<p>60.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:</p> <p>60.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;</p>	Chief Executive Officer	



Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>60.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;</p> <p>60.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;</p> <p>60.2.4 where the land is being used for educational purposes;</p> <p>60.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;</p> <p>60.2.6 where the land is being used for a hospital or health centre;</p> <p>60.2.7 where the land is being used to provide facilities or services for children or young persons;</p> <p>60.2.8 where the land is being used to provide accommodation for the aged or disabled;</p> <p>60.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;</p>		

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>60.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;</p> <p>60.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;</p> <p>60.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:</p> <p>60.2.12.1 a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or</p> <p>60.2.12.2 a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.</p> <p>60.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order</p>		

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>to avoid what would otherwise constitute:</p> <p>60.2.13.1 a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or</p> <p>60.2.13.2 a liability that is unfair or unreasonable;</p> <p>60.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or</p> <p>60.2.15 where the rebate is contemplated under another provision of the Act.</p>		
60. Discretionary Rebates of Rates	<p>60.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:</p> <p>60.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or</p> <p>60.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in</p>	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the area; or</p> <p>60.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.</p>		
60. Discretionary Rebates of Rates	60.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	Chief Executive Officer	
61. Valuation of Land for the Purpose of Rating	61.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
61. Valuation of Land for the Purpose of Rating	61.2 For the purpose of adopting a valuation of land for rating, the function pursuant to Section 167(2) of the Act and in accordance with Section	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>167(3), (4) and (5) of the Act, to adopt -</p> <p>61.2.1 valuations made, or caused to be made, by the Valuer-General; or</p> <p>61.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;</p> <p>or a combination of both.</p>	<p>Leader Financial Management, Director</p>	
<p>61. Valuation of Land for the Purpose of Rating</p>	<p>61.3 The function pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.</p>	<p>Group Manager Finance &amp; Risk, Coordinator Rates &amp; Revenue, Chief Executive Officer, Team Leader Financial Management, Director</p>	
<p>62. Valuation of Land</p>	<p>62.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).</p>	<p>Group Manager Finance &amp; Risk, Coordinator Rates &amp; Revenue, Chief Executive Officer, Team Leader Financial Management, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
62. Valuation of Land	62.2 The function pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer-General for the purposes of valuing land within the area of the Council.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
62. Valuation of Land	62.3 The power and function pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
63. Objections to Valuations Made by Council	<p>63.1 The function pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:</p> <p>63.1.1 the objection does not involve a question of law; and</p> <p>63.1.2 the objection is made in writing (setting out</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>a full and detailed statement of the grounds on which the objection is based); and</p> <p>63.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).</p>		
63. Objections to Valuations Made by Council	63.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
63. Objections to Valuations Made by Council	63.3 The function pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
63. Objections to	63.3 The function pursuant to Section 169(7) of	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Valuations Made by Council	the Act to give the objector written notice of the outcome of the reconsideration of the objection.	Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
63. Objections to Valuations Made by Council	<p>63.4 The function pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:</p> <p>63.4.1 in the prescribed manner and form;</p> <p>63.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and</p> <p>63.4.3 accompanied by the prescribed fee.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
63. Objections to Valuations Made by Council	63.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	accordance with Section 169(15a) of the Act.	Director	
64. Notice of Declaration of Rates	64.1 The function pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
65. Alterations to the Assessment Record	65.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
65. Alterations to the Assessment Record	65.2 The function pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
66. Recovery of Rates	66.1 The power pursuant to Section 178(3) of the	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
and Charges	Act and subject to Section 178(9) of the Act to recover rates as a debt from- 66.1.1 the principal ratepayer; or 66.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or 66.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.	Chief Executive Officer, Team Leader Financial Management, Director	
66. Recovery of Rates and Charges	66.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
66. Recovery of Rates and Charges	66.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5%	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	Director	
66. Recovery of Rates and Charges	66.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
67. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	67.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
67. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	67.2 The function pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
68. Service of Rate Notice	<p>68.1 The function pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after-</p> <p>68.1.1 the declaration of a rate; or</p> <p>68.1.2 the imposition of a service charge; or</p> <p>68.1.3 a change in the rates liability of land.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	<p>69.1 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	<p>69.2 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment falls due in the months of September, December,</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	March and June of the financial year for which the rates are declared.	Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer’s rates will then be payable accordingly.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.4 The function pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Section 181(6) and (7) of the Act-  69.4.1 the amount of the instalment; and the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
69. Payment of Rates – General Principles	69.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal ratepayer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act, in whole or in part.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:  69.7.1 the payment of instalments of rates in advance; or  69.7.2 prompt payment of rates.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates –	69.8 The power pursuant to Section 181(12)(b) of	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
General Principles	the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.9 The power pursuant to Section 181(13) of the Act and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	particular financial year and in such case:	Director	
69. Payment of Rates – General Principles	69.11 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
69. Payment of Rates – General Principles	69.12 the Delegate must give at least 30 days' notice before an instalment falls due.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
70. Remission and Postponement of Payment of Rates	70.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to-  70.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit.  70.1.2 Remit the rates in whole or in part.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
70. Remission and Postponement of Payment of Rates	<p>70.2 The power pursuant to Section 182(2) of the Act on a postponement of rates-</p> <p>70.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>70.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>70.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
70. Remission and Postponement of Payment of Rates	<p>70.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –</p> <p>70.3.1 to assist or support a business in the Council's area; or</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	70.3.2 to alleviate the effects of anomalies that have occurred in valuations under the Act.		
70. Remission and Postponement of Payment of Rates	70.4 Act The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission 1986, (such remissions will be in addition to the remissions that are available under that Act).	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
70. Remission and Postponement of Payment of Rates	70.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
70. Remission and Postponement of Payment of Rates	70.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	rates declared before the revocation takes effect).	Director	
70. Remission and Postponement of Payment of Rates	70.7 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
70. Remission and Postponement of Payment of Rates	70.8 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial year made in accordance with Sections 182A(1) and (2) of the Act to -  70.8.1 reject an application for the postponement of rates; or  70.8.2 impose conditions on the postponement of rates  but only in accordance with the Regulations.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
71. Application of Money in Respect of Rates	71.1 The power and the function to apply monies received or recovered in respect of rates pursuant to an in accordance with Section 183 of the Act.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
72. Sale of Land for Non-Payment of Rates	72.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	72.2 The function pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record-  72.2.1 stating the period for which the rates have been in arrears; and  72.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and  72.2.3 stating that if that amount is not paid in full	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.		
72. Sale of Land for Non-Payment of Rates	<p>72.3 The function pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act-</p> <p>72.3.1 to any owner of the land who is not the principal ratepayer; and</p> <p>72.3.2 to any registered mortgagee of the land; and</p> <p>72.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	<p>72.4 If-</p> <p>72.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>under Section 184(2) or (3) of the Act; or</p> <p>72.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,</p> <p>the power pursuant to Section 184(4) of the Act to effect service of the notice by-</p> <p>72.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>72.4.4 leaving a copy of the notice in a conspicuous place on the land.</p>		
72. Sale of Land for Non-Payment of Rates	72.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	72.6 The function pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.		
72. Sale of Land for Non-Payment of Rates	72.7 The function pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	72.8 The function pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	72.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	held from the Crown under a lease, licence or agreement to purchase.		
72. Sale of Land for Non-Payment of Rates	72.10 The power and function to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Chief Executive Officer, Director	
72. Sale of Land for Non-Payment of Rates	72.11 The function pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	Chief Executive Officer, Director	
73. Objection, Review or Appeal	73.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Act-</p> <p>73.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or</p> <p>73.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.</p>		
74. Certificate of Liabilities	<p>74.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</p> <p>74.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines</p>	<p>Group Manager Finance &amp; Risk, Coordinator Rates &amp; Revenue, Chief Executive Officer, Team Leader Financial Management, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act)); and</p> <p>74.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.</p>		
75. Investigation by Ombudsman	<p>75.1 The function pursuant to Section 187B(6) of the Act if the Ombudsman’s report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to-</p> <p>75.1.1 the Ombudsman; and</p> <p>75.1.2 if relevant, the person who made the complaint.</p>	Chief Executive Officer	
75. Investigation by Ombudsman	<p>75.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the</p>	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.		
76. Fees and Charges	<p>76.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:</p> <p>76.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;</p> <p>76.1.2 for services supplied to a person at his or her request;</p> <p>76.1.3 for carrying out work at a person's request;</p>	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
76. Fees and Charges	<p>76.2 The power pursuant to Section 188(3) of the Act to provide for -</p> <p>76.2.1 specific fees and charges;</p> <p>76.2.2 maximum fees and charges and minimum fees and charges;</p> <p>76.2.3 annual fees and charges;</p>	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager	the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c)

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>76.2.4 the imposition of fees or charges according to specified factors;</p> <p>76.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and</p> <p>76.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.</p>	<p>Environment and Infrastructure, Group Manager Community Connections, Director</p>	
76. Fees and Charges	<p>76.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.</p>	<p>Group Manager Finance &amp; Risk, Group Manager People &amp; Innovation, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director</p>	
76. Fees and Charges	<p>76.4 The function pursuant to Section 188(7) of the</p>	<p>Group Manager Finance &amp; Risk,</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
77. Acquisition of Land	77.1 The power pursuant to Section 190 of the Act to acquire land by agreement.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
77. Acquisition of Land	77.2 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Chief Executive Officer	
77. Acquisition of Land	77.3 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	purpose.		
77. Acquisition of Land	77.4 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	Chief Executive Officer	
77. Acquisition of Land	77.5 The function pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	Chief Executive Officer	
78. Community Land	78.1 The function pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution- 78.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or 78.1.2 to classify as community land, land that had previously been excluded from classification as	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	such under Section 193(5) of the Act.		
78. Community Land	<p>78.2 The function pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to-</p> <p>78.2.1 prepare a report on the proposal containing-</p> <p>78.2.1.1 a summary of reasons for the proposal; and</p> <p>78.2.1.2 a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>78.2.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and</p> <p>78.2.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>78.2.1.5 if the Council is not the owner of the land,</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and  78.2.2 follow the relevant steps set out in the Council's public consultation policy.		
78. Community Land	78.3 After complying with the requirements of Section 194(2) of the Act, the function pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
78. Community Land	78.4 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
79. Effect of Revocation of Classification	79.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the function pursuant	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.		
80. Management Plans for Community Land	<p>80.1 The function pursuant to Section 196(1), (2), (3) and (7) of the Act to prepare for consideration and adoption by the Council a management plan or management plans for Council’s community land, for which a management plan must be prepared, that-</p> <p>80.1.1 identifies the land to which it applies; and</p> <p>80.1.2 states the purpose for which the land is held by the Council; and</p> <p>80.1.3 states the Council’s objectives, policies (if any) and proposals for the management of the land; and</p> <p>80.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
80. Management Plans for Community Land	<p>80.2 If a management plan relates to land that is not in the Council's ownership, the power and function pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must-</p> <p>80.2.1 identify the owner of the land; and</p> <p>80.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
80. Management Plans for Community Land	80.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
80. Management Plans for Community Land	80.4 The function pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
81. Public Consultation on Proposed Management Plan	81.1 Before the Council adopts a management plan for community land, the function to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act-	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
81. Public Consultation on Proposed Management Plan	81.2 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
81. Public Consultation on Proposed Management Plan	81.3 follow the relevant steps set out in Council's public consultation policy.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
81. Public Consultation on Proposed Management Plan	81.4 The function pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
82. Amendment or Revocation of Management Plan	82.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	revocation.		
82. Amendment or Revocation of Management Plan	82.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
82. Amendment or Revocation of Management Plan	82.3 The function pursuant to Section 198(4) of the Act to give public notice of Council's adoption of a proposal for the amendment or revocation of a management plan.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
83. Effect of Management Plan	83.1 The function pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
84. Business Use of Community Land	84.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of	Chief Executive Officer, Group Manager Environment and	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Infrastructure, Director	
85. Sale or Disposal of Local Government Land	85.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:  85.1.1 vested in the Council in fee simple; or  85.1.2 vested in the Council as lessee.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
85. Sale or Disposal of Local Government Land	85.2 The power pursuant to Section 201(2) of the Act to:  85.2.1 grant an easement (including a right of way) over community land; and  85.2.2 grant an easement (excluding a right of way) over a road or part of a road.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
86. Alienation of Community Land by Lease or Licence	86.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land	Chief Executive Officer, Group Manager City Development & Safety, Group Manager	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>(including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for-</p> <p>86.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>86.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>86.1.3 any other matter relevant to the use or maintenance of the land.</p>	<p>Environment and Infrastructure, Director</p>	
<p>86. Alienation of Community Land by Lease or Licence</p>	<p>86.2 The function pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council’s public consultation policy, unless-</p> <p>86.2.1 the grant of the lease or the licence is authorised in an approved management plan for</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Environment and Infrastructure, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the land and the term of the proposed lease or licence is 5 years or less; or</p> <p>86.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</p>		
86. Alienation of Community Land by Lease or Licence	86.3 The power and function pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
86. Alienation of Community Land by Lease or Licence	86.4 The function pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
87. Register of	87.1 The function pursuant to Section 207(1) of the	Chief Executive Officer, Group	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Community Land	Act to keep a register of all community land in Council's area.	Manager Environment and Infrastructure, Director	
87. Register of Community Land	87.2 The function pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register- 87.2.1 contains the information required by the Regulations; and 87.2.2 contains copies of current management plans.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
87. Register of Community Land	87.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
87. Register of Community Land	87.4 The function pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	office of the Council during ordinary office hours.		
88. Ownership of Public Roads	88.1 The function pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
89. Ownership of Fixtures and Equipment installed on Public Roads	89.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	Chief Executive Officer, Group Manager Technical Services & Operations, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	
90. Conversion of Private Road to Public Road	90.1 The function pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
90. Conversion of	90.2 The function pursuant to Section 210(2) of the	Chief Executive Officer, Group	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Private Road to Public Road	<p>Act at least 3 months before the Council makes a declaration under Section 210 of the Act to –</p> <p>90.2.1 if the identity and whereabouts of the owner of the road are known to the Council, to give written notice to the owner of land subject to the proposed declaration; and</p> <p>90.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and</p> <p>90.2.3 to give public notice of the proposed declaration.</p>	Manager Environment and Infrastructure, Director	
90. Conversion of Private Road to Public Road	90.3 The function pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
90. Conversion of Private Road to Public Road	90.4 The function pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	manner and form approved by the Registrar-General immediately after it is made.		
91. Highways	91.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	Chief Executive Officer	
92. Power to Carry Out Roadwork	92.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator City Services, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>92. Power to Carry Out Roadwork</p>	<p>92.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that-</p> <p>92.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</p> <p>92.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and</p> <p>92.2.3 the roadwork in relation to a private road is only carried out if -</p> <p>92.2.3.1 the owner agrees; or</p> <p>92.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator City Services, Group Manager Environment and Infrastructure, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>92.2.3.3 the identity or whereabouts of the owner is unknown; and</p> <p>92.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).</p>		
93. Recovery of Cost of Roadwork	93.1 Where roadwork has been carried out by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator City Services, Group Manager Environment and Infrastructure, Director	
93. Recovery of Cost of Roadwork	93.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>carrying out the work, as a debt, from-</p> <p>93.2.1 the person who caused the damage; or</p> <p>93.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.</p>		
93. Recovery of Cost of Roadwork	93.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	Chief Executive Officer	
94. Contribution Between Councils where Road is on Boundary Between Council Areas	94.1 Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	by the Court in which the action for contribution is bought.		
95. Special Provisions for Certain Kinds of Roadwork	<p>95.1 If the Council changes the level of a road, the function pursuant to Section 215(1) of the Act to-</p> <p>95.1.1 ensure that adjoining properties have adequate access to the road; and</p> <p>95.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.</p>	Project Engineer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Coordinator City Services, Group Manager Environment and Infrastructure, Director	
95. Special Provisions for Certain Kinds of Roadwork	<p>95.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion-</p> <p>95.2.1 there is no significant risk of damage to the adjoining property; or</p> <p>95.2.2 the road work does not significantly</p>	Project Engineer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Coordinator City Services, Group Manager	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	increase the risk of damage to adjoining property.	Environment and Infrastructure, Director	
95. Special Provisions for Certain Kinds of Roadwork	95.3 The function pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	Project Engineer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Coordinator City Services, Group Manager Environment and Infrastructure, Director	
96. Power to Order Owner of Private Road to Carry out Specific Roadwork	96.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Environment and Infrastructure, Director	
96. Power to Order Owner of Private Road to Carry out Specific Roadwork	<p>96.2 The function pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to –</p> <p>96.2.1 any proposal to make an order; and</p> <p>96.2.2 if an order is made, any order, under Section 216(1) of the Act.</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Director	
97. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work	<p>97.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner-</p> <p>97.1.1 to carry out specified work by way of maintenance or repair; or</p>	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	97.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.		
97. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work	97.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	
98. Power to Require Owner of Adjoining Land to Carry Out Specific Work	98.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
98. Power to Require Owner of Adjoining Land to Carry Out Specific Work	98.2 The function pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to – 98.2.1 any proposal to make an order; and 98.2.2 if an order is made, any order under Section 218(1) of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	99.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	Chief Executive Officer	
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	99.2 The function pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	Chief Executive Officer	
99. Power to Assign a Name, or Change a	99.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining	Chief Executive Officer, Group Manager Environment and	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Name, of a Road or Public Place	<p>Council, the function pursuant to Section 219(2) of the Act to-</p> <p>99.3.1 give the adjoining Council at least 2 months' notice of the proposed change; and</p> <p>99.3.2 consider any representations made by the adjoining Council in response to that notice.</p>	Infrastructure, Director	
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	<p>99.4 The function pursuant to Section 219(3) of the Act to-</p> <p>99.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and</p> <p>99.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, to provide information about the names of roads or public places in the Council's area.</p>	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
99. Power to Assign a Name, or Change a Name, of a Road or	<p>99.5 The function pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the</p>	Chief Executive Officer, Group Manager Environment and	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Public Place	Act.	Infrastructure, Director	
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	99.6 The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
99. Power to Assign a Name, or Change a Name, of a Road or Public Place	99.7 The function pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under Section 219 of the Act. 99.7.1 in the Gazette; and 99.7.2 in a newspaper circulating in the area of the Council; and 99.7.3 on a website determined by the Chief Executive Officer.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
100. Numbering of Premises and Allotments	100.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
100. Numbering of Premises and Allotments	100.2 The power pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
100. Numbering of Premises and Allotments	100.3 The function pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
100. Numbering of Premises and Allotments	100.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
100. Numbering of Premises and Allotments	100.5 The function pursuant to Section 220(3) of the Act to give public notice of resolution adopting, altering or substituting a numbering system for a particular road.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
100. Numbering of Premises and Allotments	100.6 The function pursuant to Section 220(4) of the Act to notify the Valuer-General of the resolution adopting, altering or substituting a numbering system.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
100. Numbering of Premises and Allotments	100.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Team Leader Financial Management, Director	
101. Alteration of Road	101.1 The power pursuant to Section to 221(1) and	Project Engineer, Senior Ranger,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>(2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <p>101.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>101.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>101.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>101.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>101.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>	<p>Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Strategic Projects and Planning Manager, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director</p>	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
101. Alteration of Road	<p>101.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the function pursuant to Section 221(4) of the Act to give consideration as to whether the structure will-</p> <p>101.2.1 unduly obstruct the use of the road; or</p> <p>101.2.2 unduly interfere with the construction of the road; or</p> <p>101.2.3 have an adverse effect on road safety.</p>	<p>Project Engineer, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Strategic Projects and Planning Manager, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director</p>	
101. Alteration of Road	<p>101.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act-</p>	<p>Project Engineer, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>101.3.1 for a particular act or occasion; or</p> <p>101.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.</p>	<p>Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Strategic Projects and Planning Manager, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director</p>	
<p>102. Permits for Business Purposes</p>	<p>102.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Ranger Services, Director	
102. Permits for Business Purposes	102.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Director	
102. Permits for Business Purposes	102.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Director	
103. Public Consultation	103.1 The function pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set	Project Engineer, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Senior Urban Forestry	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>out in Council’s public consultation policy, if the Delegate proposes to grant an authorisation or permit-</p> <p>103.1.1 that confers a right of exclusive occupation; or</p> <p>103.1.2 that would have the effect of restricting access to a road; or</p> <p>103.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</p>	<p>Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Team Leader Ranger Services, Team Leader Customer Experience, Communications &amp; Engagement Coordinator, Urban Forestry Officer, Director</p>	
103. Public Consultation	103.2 The function pursuant to Section 223(2) of the Act to give written notice of the proposal to	Project Engineer, Group Manager Finance & Risk, Group Manager	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	People & Innovation, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Team Leader Ranger Services, Team Leader Customer Experience, Communications & Engagement Coordinator, Urban Forestry Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
104. Conditions of Authorisation/Permit	104.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	Project Engineer, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Team Leader Ranger Services, Team Leader Customer Experience, Communications & Engagement Coordinator, Urban Forestry	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Officer, Director	
105. Cancellation of Authorisation/Permit	<p>105.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <p>105.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</p> <p>105.1.2 in any other case - cancel the authorisation or permit for breach of a condition.</p>	<p>Project Engineer, Group Manager Finance &amp; Risk, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
105. Cancellation of Authorisation/Permit	<p>105.2 The function pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to-</p> <p>105.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</p> <p>105.2.2 consider any representations made in response to the notice.</p>	<p>Project Engineer, Group Manager Finance &amp; Risk, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director</p>	
105. Cancellation of	105.3 The power pursuant to Section 225(3) of the	Chief Executive Officer	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Authorisation/Permit	Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.		
105. Cancellation of Authorisation/Permit	105.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.	Chief Executive Officer	
106. Register of Roads	106.1 The power and function pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which- 106.1.1 includes the information required by regulation; and 106.1.2 may consist (if the Delegate so decides) of	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	a computer record of the relevant information.		
106. Register of Roads	106.2 The function pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
107. Planting Trees and Vegetation	107.1 The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement) -	Project Engineer, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Team Leader Natural Resources , Conservation & Land Management Officer,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Urban Forestry Officer, Director	
107. Planting Trees and Vegetation	<p>107.2 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account-</p> <p>107.2.1 environmental and aesthetic issues; and</p> <p>107.2.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects in the road); and</p> <p>107.2.3 road safety matters; and</p> <p>107.2.4 other matters (if any) considered relevant by the Delegate; and</p>	<p>Project Engineer, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Conservation &amp; Land Management, Team Leader Natural Resources , Conservation &amp; Land Management Officer, Urban Forestry Officer, Director</p>	
107. Planting Trees and Vegetation	<p>107.3 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.</p>	<p>Project Engineer, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp;</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Team Leader Natural Resources , Conservation & Land Management Officer, Urban Forestry Officer, Director	
108. Road Damage	108.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Director	
109. Council's Power to Remove Objects from Roads	109.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if -	Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>109.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or</p> <p>109.1.2 an authorisation or permit has been granted but has later expired or been cancelled.</p>	<p>Development &amp; Safety, Group Manager Technical Services &amp; Operations, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Team Leader City Workshop, Team Leader City Clean, Team Leader Civil Maintenance, Team Leader Arboriculture, Team Leader City Safe, Team Leader Parks, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Team Leader Ranger Services, Team Member Civil Maintenance (Employee # 1133), Urban Forestry Officer, Parking Ranger, Ranger, Director</p>	
<p>109. Council's Power to Remove Objects from Roads</p>	<p>109.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or</p>	<p>Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	substance on the road.	Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Team Leader City Workshop, Team Leader City Clean, Team Leader Civil Maintenance, Team Leader Arboriculture, Team Leader City Safe, Team Leader Parks, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Team Leader Ranger Services, Team Member Civil Maintenance (Employee # 1133), Urban Forestry Officer, Parking Ranger, Ranger, Director	
109. Council's Power to Remove Objects from Roads	109.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if	Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services &	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	more than one vehicle was involved, the driver of any one of the vehicles.	Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Team Leader City Workshop, Team Leader City Clean, Team Leader Civil Maintenance, Team Leader Arboriculture, Team Leader City Safe, Team Leader Parks, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Team Leader Ranger Services, Team Member Civil Maintenance (Employee # 1133), Urban Forestry Officer, Parking Ranger, Ranger, Director	
110. Abandonment of Vehicles and Farm Implements	110.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking Ranger, Ranger, Director	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	public road or public place.		
111. Removal of Vehicles	<p>111.1 The function pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p> <p>111.1.1 by written notice in the prescribed form -</p> <p>111.1.2 served on the owner personally; or</p> <p>111.1.3 served on the owner by the use of person-to-person registered post,</p> <p>as soon as practicable after the removal of the vehicle; or</p> <p>111.1.4 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking Ranger, Ranger, Director	
111. Removal of Vehicles	111.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle,	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	and of serving, publishing or posting the notice, and take possession of the vehicle, the power and function pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	Ranger, Ranger, Director	
111. Removal of Vehicles	<p>111.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>111.3.1 the vehicle is offered for sale but not sold; or</p> <p>111.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking Ranger, Ranger, Director	
111. Removal of Vehicles	<p>111.4 The function pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:</p> <p>111.4.1 firstly, in payment of the costs of and</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>incidental to the sale;</p> <p>111.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;</p> <p>111.4.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Ranger, Ranger, Director	
111. Removal of Vehicles	111.5 The function pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the function to pay the balance of the proceeds of sale to the Council.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking Ranger, Ranger, Director	
111. Removal of Vehicles	111.6 The function pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the function to deal with the property as unclaimed goods under the Unclaimed	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Parking Ranger, Ranger, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Goods Act 1987 as if the Council were the bailee of those goods.		
112. Time Limits for Dealing with Certain Applications	112.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the function pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	Project Engineer, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
112. Time Limits for Dealing with Certain Applications	112.2 The function pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	Project Engineer, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Director	
113. Issue of Certificate of Title by Registrar-	113.1 The function pursuant to Section 243(1) of the Act to apply to the Registrar-General for the	Chief Executive Officer, Director	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
General	issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.		
113. Issue of Certificate of Title by Registrar-General	<p>113.2 The function pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:</p> <p>113.2.1 in a manner and form approved by the Registrar-General; and</p> <p>113.2.2 accompanied by</p> <p>113.2.2.1 any surveys of the land and other materials that the Registrar-General may reasonably require; and</p> <p>113.2.2.2 a fee fixed by the Registrar-General</p>	Chief Executive Officer, Director	
114. Liability for Injury, Damage or Loss Caused by Certain Trees	114.1 The power pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to	Senior Urban Forestry Officer, Consultant Arborist , Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services &	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Team Leader Arboriculture, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Urban Forestry Officer, Director	
115. Council May Require Bond or Other Security in Certain Circumstances	<p>115.1 Subject to Section 245A of the Act, if,</p> <p>115.1.1 a person has approval to carry out development under the Development Act 1993; and</p> <p>115.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,</p> <p>the power, pursuant to Section 245A of the Act, to,</p>	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.		
115. Council May Require Bond or Other Security in Certain Circumstances	115.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	Chief Executive Officer	
116. Certain Matters in Relation to Passing By-Laws	116.1 The function pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette	Chief Executive Officer, Group Manager City Development & Safety, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	and in a newspaper circulating in the area of the Council.		
116. Certain Matters in Relation to Passing By-Laws	116.2 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the function pursuant to Section 249(1) of the Act to make copies of the proposed by law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with section 132(1).	Chief Executive Officer, Group Manager City Development & Safety, Director	
116. Certain Matters in Relation to Passing By-Laws	116.3 Before the Council makes a by-law, the function pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –  116.3.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and  116.3.2 the by-law is not in conflict with the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
116. Certain Matters in Relation to Passing By-Laws	116.4 The function pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	Chief Executive Officer, Group Manager City Development & Safety, Director	
116. Certain Matters in Relation to Passing By-Laws	116.5 The function pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Director	
116. Certain Matters in Relation to Passing By-Laws	116.6 The function pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	Chief Executive Officer, Group Manager City Development & Safety, Director	
116. Certain Matters in Relation to Passing By-Laws	116.7 The function pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
116. Certain Matters in Relation to Passing By-Laws	116.8 The function pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	Chief Executive Officer, Director	
116. Certain Matters in Relation to Passing By-Laws	116.9 The function pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	Chief Executive Officer, Director	
117. Power to Make Orders	117.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12 of the Act, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	
117. Power to Make Orders	<p>117.2 The function pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 of the Act (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing-</p> <p>117.2.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>117.2.2 stating the reasons for the proposed</p>	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>action; and</p> <p>117.2.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>	<p>Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director</p>	
<p>117. Power to Make Orders</p>	<p>117.3 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>	<p>Group Manager Finance &amp; Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Conservation &amp; Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City</p>	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	
117. Power to Make Orders	<p>117.4 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act-</p> <p>117.4.1 to make an order in accordance with the terms of the original proposal; or</p> <p>117.4.2 to make an order with modifications from the terms of the original proposal; or</p> <p>117.4.3 to determine not to proceed with an order.</p>	<p>Group Manager Finance &amp; Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Conservation &amp; Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure,</p>	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	
117. Power to Make Orders	<p>117.5 The power pursuant to Section 255(5) of the Act to-</p> <p>117.5.1 include two or more orders in the same instrument;</p> <p>117.5.2 direct two or more persons to do something specified in the order jointly.</p>	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Natural Resources , Urban Forestry Officer, Director	
117. Power to Make Orders	<p>117.6 The function pursuant to Section 255(6) of the Act to ensure that the order-</p> <p>117.6.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p> <p>117.6.2 states the reasons for the order.</p>	<p>Group Manager Finance &amp; Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Conservation &amp; Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban</p>	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Forestry Officer, Director	
117. Power to Make Orders	117.7 The function pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
117. Power to Make Orders	117.8 If an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	
117. Power to Make	117.9 The power pursuant to Section 255(11) of	Group Manager Finance & Risk,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Orders	the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.	Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director	
117. Power to Make Orders	117.10 If the Delegate, in the circumstances of a particular case, considers-	Group Manager Finance & Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>117.10.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or</p> <p>117.10.2 that an emergency situation otherwise exists,</p> <p>the Delegate has the power pursuant to Section 255(12) of the Act to-</p> <p>117.10.3 proceed immediately to make an order under this Section without giving notice under Section 255(1) of the Act; and</p> <p>117.10.4 require immediate compliance with an order despite Section 255(6)(a) of the Act.</p>	<p>Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Conservation &amp; Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Natural Resources , Urban Forestry Officer, Director</p>	
<p>118. Rights of Review of an Order</p>	<p>118.1 The function pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 of the Act includes a statement setting out the rights of the person to seek a review of the order under the Act, and to</p>	<p>Group Manager Finance &amp; Risk, Senior Ranger, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Group</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	include the information specified by the Regulations to the Act.	Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Conservation & Land Management, Coordinator Open Spaces, Coordinator City Services, Team Leader City Clean, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Team Leader Ranger Services, Urban Forestry Officer, Director	
119. Action on Non-Compliance with an Order	119.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	Group Manager Finance & Risk, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Group Manager Technical Services & Operations, Coordinator Capital Projects,	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Compliance Officer Development, Director	
119. Action on Non-Compliance with an Order	119.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	Group Manager Finance & Risk, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Ranger Services, Compliance Officer Development, Director	
119. Action on Non-Compliance with an Order	119.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	Group Manager Finance & Risk, Senior Urban Forestry Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Compliance Officer Development, Director	
119. Action on Non-Compliance with an	119.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person	Group Manager Finance & Risk, Senior Urban Forestry Officer,	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Order	<p>by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period-</p> <p>119.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and</p> <p>119.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6 of the Act, to impose a charge over the land for the unpaid amount, together with interest.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Group Manager Technical Services &amp; Operations, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Compliance Officer Development, Director</p>	
120. Policies Concerning Orders	<p>120.1 The power pursuant to Section 259(1) of the Act to take reasonable steps to prepare for consideration and adoption by the Council policies concerning order making (“Orders Policy”).</p>	<p>Group Manager Finance &amp; Risk, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Group Manager Environment and Infrastructure, Group Manager</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Community Connections, Director	
120. Policies Concerning Orders	<p>120.2 The power pursuant to Section 259(2) of the Act to-</p> <p>120.2.1 prepare a draft of an Orders Policy; and</p> <p>120.2.2 by notice in a newspaper circulating in the area of the Council, to give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Delegate (being at least four weeks).</p>	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
120. Policies Concerning Orders	<p>120.3 The function pursuant to Section 259(3) of the Act to consider any submission made on the proposed Orders Policy in response to an invitation under Section 259(2) of the Act.</p>	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Community Connections, Director	
120. Policies Concerning Orders	120.4 The power to amend the Orders Policy at any time, pursuant to Section 259(4) of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
120. Policies Concerning Orders	120.5 The function pursuant to Section 259(5) of the Act before adopting an amendment to the Orders Policy, to take the steps specified in Section 259(2) and (3) of the Act (as if the amendment were a new policy), unless the Delegate determines the amendment is only of minor significance.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
120. Policies Concerning	120.6 The function pursuant to Sections 259(6) and (7) of the Act to make available for inspection	Group Manager Finance & Risk, Chief Executive Officer, Group	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Orders	(without charge) and purchase (upon payment of a fee fixed by the Council) the Orders Policy at the principal office of the Council during ordinary office hours.	Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
120. Policies Concerning Orders	120.7 The function pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the function to take into account any relevant policy under Division 3 of Part 2 of Chapter 12 of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
121. Appointment of Authorised Persons	121.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
121. Appointment of Authorised Persons	121.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	Chief Executive Officer	
121. Appointment of Authorised Persons	121.3 The power pursuant to Section 260(3) of the Act to issue to an authorised person an identity card-  121.3.1 containing a photograph of the authorised person; and  121.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.	Chief Executive Officer	
121. Appointment of Authorised Persons	121.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
122. Member Behaviour	122.1 The power pursuant to Section 262A(3) of the Act to deal with a complaint in accordance with the Council's behavioural management policy	Chief Executive Officer, Director	
122. Member Behaviour	122.2 The power pursuant to section 262B(1) of the Act to prepare and adopt a behavioural management policy.	NOT DELEGATED	
123. Procedures for Review of Decisions and Requests for Services	<p>123.1 The power pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:</p> <p>123.1.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and</p> <p>123.1.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.</p>	Chief Executive Officer, Director	
123. Procedures for	123.2 The power and function pursuant to Section	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Review of Decisions and Requests for Services	<p>270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</p> <p>123.2.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and</p> <p>123.2.2 using information gained from the Council’s community to improve its services and operations.</p>		
123. Procedures for Review of Decisions and Requests for Services	<p>123.3 Without limiting Sections 270(a1) and (a2) of the Act, the power and function pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</p> <p>123.3.1 the Council;</p> <p>123.3.2 employees of the Council;</p> <p>123.3.3 other persons acting on behalf of the Council,</p>	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>123. Procedures for Review of Decisions and Requests for Services</p>	<p>123.4 The function pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant) -</p> <p>123.4.1 the manner in which an application for review may be made;</p> <p>123.4.2 the assignment of a suitable person to reconsider a decision under review;</p> <p>123.4.3 the matters that must be referred to the Council itself for consideration or further consideration;</p> <p>123.4.4 in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</p> <p>123.4.5 the notification of the progress and</p>	<p>Chief Executive Officer, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>outcome of an application for review;</p> <p>123.4.6 the timeframes within which notifications will be made and procedures on a review will be completed.</p>		
123. Procedures for Review of Decisions and Requests for Services	123.5 The power pursuant to Section 270(3a) of the Act to, as the Delegate thinks fit, reduce, waive or refund (in whole or part) the fee under Section 270(3) of the Act.	Chief Executive Officer, Director	
	<p>123.6 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if</p> <p>123.6.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or</p> <p>123.6.2 it appears that the application is frivolous or vexatious; or</p> <p>123.6.3 the applicant does not have a sufficient interest in the matter;</p>	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	123.6.4 the Council or Delegate or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.		
123. Procedures for Review of Decisions and Requests for Services	123.7 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.	Chief Executive Officer, Director	
123. Procedures for Review of Decisions and Requests for Services	<p>123.8 The power and function pursuant to Section 270(8) of the Act to, on an annual basis, initiate a report that relates to-</p> <p>123.8.1 the number of applications for review made under Section 270; and</p> <p>123.8.2 the kinds of matters to which the applications relate; and</p> <p>123.8.3 the outcome of applications under this Section; and</p> <p>123.8.4 such other matters as may be prescribed</p>	Chief Executive Officer, Director	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	by the Regulations		
123. Procedures for Review of Decisions and Requests for Services	123.9 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	Chief Executive Officer, Director	
124. Mediation, Conciliation and Neutral Evaluation	124.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation	Chief Executive Officer, Director	
124. Mediation, Conciliation and Neutral Evaluation	124.2 The function pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	established under Section 271(1) of the Act.		
125. Provision of Information to Minister	125.1 The power and function, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	Chief Executive Officer, Director	
125. Provision of Information to Minister	125.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:  125.2.1 the information was given to the Council in confidence; or  125.2.2 is held on a confidential basis under Chapter 6 Part 4.	Chief Executive Officer, Director	
126. Minister May Refer Investigation of Council to Ombudsman	126.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
126. Minister May Refer Investigation of Council to Ombudsman	126.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	Chief Executive Officer, Director	
127. Action on a Report	127.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	Chief Executive Officer	
127. Action on a Report	127.2 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	Chief Executive Officer	
128. Special Jurisdiction	<p>128.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council-</p> <p>128.1.1 proceedings to try the title of a member to an office;</p> <p>128.1.2 proceedings to try the right of a person to be admitted or restored to an office;</p> <p>128.1.3 proceedings to compel restoration or</p>	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	admission; 128.1.4 proceedings to compel the Council to proceed to an election, poll or appointment; 128.1.5 proceedings to try the validity of a rate or service charge; 128.1.6 proceedings to try the validity of a by-law; 128.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.		
129. Service of Documents	129.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and function to effect service in accordance with and pursuant to Section 279 of the Act.	Chief Executive Officer, Director	
129. Service of Documents	129.2 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	power to accept or authorise a person to accept documents on Council's behalf.		
130. Recovery of Amounts from Lessees or Licensees	130.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
131. Ability of Occupiers to Carry out Works	131.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Property and Facilities, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Infrastructure, Director	
132. Power to Enter and Occupy Land	132.1 The function pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours' notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital Projects, Principal Traffic Engineer, Group Manager Environment and Infrastructure, Director	
132. Power to Enter and Occupy Land	132.2 The function pursuant to Section 294(3) of the Act –  132.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital Projects, Principal Traffic Engineer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
132. Power to Enter and Occupy Land	132.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land – reasonable compensation for damage caused to any crops on the land; and	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital Projects, Principal Traffic Engineer, Group Manager Environment and Infrastructure, Director	
132. Power to Enter and Occupy Land	132.2.3 within 6 months of ceasing to occupy the land  132.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and  132.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital Projects, Principal Traffic Engineer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
132. Power to Enter and Occupy Land	132.2.4 The function pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	Project Engineer, Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital Projects, Principal Traffic Engineer, Group Manager Environment and Infrastructure, Director	
133. Reclamation of Land	133.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Group Manager Environment and Infrastructure, Director	
133. Reclamation of Land	133.2 The power pursuant to Section 296(2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities,	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development &	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	under Section 296(1) of the Act	Safety, Team Leader Financial Management, Group Manager Environment and Infrastructure, Director	
133. Reclamation of Land	133.3 The function pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Group Manager Environment and Infrastructure, Director	
133. Reclamation of Land	133.4 The function pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1 of Chapter 10 of the Act.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
134. Property in Rubbish	134.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
135. Power to Act in an Emergency	135.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Capital Projects, Principal Traffic Engineer, Coordinator Open Spaces, Coordinator City Services, Group Manager Environment and Infrastructure, Director	
136. Costs of Advertisements	136.1 The function pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Financial Management, Coordinator Capital	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	immediately necessitates the advertisement.	Projects, Coordinator Asset Planning, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Director	
137. Use of Facilities	137.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	
138. Preparation of Stormwater Management Plans by Councils	138.1 The function pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan  138.1.1 complies with the guidelines issued by the Authority; and  138.1.2 is prepared in consultation with the relevant regional NRM board or boards; and	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	138.1.3 is prepared in accordance with any other procedures or requirements prescribed by the Regulations.		
139. Authority May Issue Order	139.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	Chief Executive Officer, Director	
139. Authority May Issue Order	139.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).	Chief Executive Officer	
140. Special Powers in Relation to Land	140.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the	Chief Executive Officer, Group Manager Environment and	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>purpose of taking action consistent with the provisions of an approved stormwater management plan or condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1A of the Act, to-</p> <p>140.1.1 enter and occupy any land; and</p> <p>140.1.2 construct, maintain or remove any infrastructure; and</p> <p>140.1.3 excavate any land; and</p> <p>140.1.4 inspect, examine or survey any land and for that purpose-</p> <p>(a) fix posts, stakes or other markers on the land; and</p> <p>(b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p>(c) remove samples for analysis; and</p> <p>140.1.5 alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing</p>	<p>Infrastructure, Director</p>	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and</p> <p>140.1.6 hold water in a watercourse or lake or by any other means; and</p> <p>140.1.7 divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and</p> <p>140.1.8 deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and</p> <p>140.1.9 undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and</p> <p>140.1.10 undertake any testing, monitoring or evaluation; and</p> <p>140.1.11 undertake any other activity of a prescribed kind.</p>		

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
140. Special Powers in Relation to Land	140.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
141. Entry and Occupation of Land Other Than Council Land	141.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
141. Entry and Occupation of Land Other Than Council Land	141.2 The power pursuant to Clause 25(3) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the Delegate considers is reasonable in the circumstances.	Chief Executive Officer, Group Manager Environment and Infrastructure, Director	
142. Vesting of Infrastructure, etc	142.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister	Chief Executive Officer, Director	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.		
143. Building Upgrade Agreement	<p>143.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:</p> <p>143.1.1 the building owner agrees to undertake upgrade works in respect of the building; and</p> <p>143.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and</p> <p>143.1.3 the Council agrees:</p> <p>143.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the</p>	Chief Executive Officer	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.



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and</p> <p>143.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).</p>		
143. Building Upgrade Agreement	143.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.	Chief Executive Officer	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.
143. Building Upgrade	143.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building	Chief Executive Officer	The power to enter into, or to vary or terminate, a building upgrade

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Agreement	upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.		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.
144. Variation or Termination of Agreement	144.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties	Chief Executive Officer	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.
145. Contents of Agreement	<p>145.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:</p> <p>145.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and</p> <p>145.1.2 the amount of money to be advanced by</p>	Chief Executive Officer	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.

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the finance provider under the agreement; and</p> <p>145.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and</p> <p>145.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and</p> <p>145.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and</p> <p>145.1.6 any prescribed matters.</p>		
145. Contents of Agreement	<p>145.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:</p> <p>145.2.1 provide for the early repayment of any amount payable under the agreement; and</p> <p>145.2.2 include and agree to other provisions.</p>	Chief Executive Officer	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.

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
146. Declaration of Building Upgrade Charge	146.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).	Chief Executive Officer	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.
146. Declaration of Building Upgrade Charge	146.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:  146.2.1 the name and address of the building owner; and  146.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and  146.2.3 the building upgrade agreement under	Chief Executive Officer	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.

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>which the building upgrade charge is being levied; and</p> <p>146.2.4 the amount for which the building owner is liable; and</p> <p>146.2.5 the manner of payment of the amount; and</p> <p>146.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and</p> <p>146.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and</p> <p>146.2.8 any prescribed matters.</p>		
146. Declaration of Building Upgrade Charge	146.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice	Chief Executive Officer	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

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.		Government Act 1999, be subdelegated by the Chief Executive Officer.
147. Payment of Building Upgrade Charge	147.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	Chief Executive Officer	
147. Payment of Building Upgrade Charge	147.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,  147.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and  147.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade	Chief Executive Officer	

Local Government Act 1999			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	agreement under which the charge was levied.		
148. Sale of Land for Non-payment of Building Upgrade Charge	148.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations	Chief Executive Officer	
148. Sale of Land for Non-payment of Building Upgrade Charge	148.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:  148.2.1 – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;  148.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>payment fee in relation to a building upgrade charge);</p> <p>148.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;</p> <p>148.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;</p> <p>148.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;</p> <p>148.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;</p> <p>148.2.7 seventhly – in payment to the owner of the land.</p>		
148. Sale of Land for Non-payment of Building	148.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be	Chief Executive Officer	



<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Upgrade Charge	found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891		
149. Repayment of Advances to Finance Provider	<p>149.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:</p> <p>149.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and</p> <p>149.1.2 give the building owner written notice of the adjustment.</p>	Chief Executive Officer	
149. Repayment of Advances to Finance Provider	<p>149.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:</p> <p>149.2.1 the building owner has made payment in</p>	Chief Executive Officer	

<b>Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>respect of the charge in excess of the adjusted amount; and</p> <p>149.2.2 the excess amount has been paid by the Council to the finance provider,</p> <p>149.2.3 to refund the building owner the excess amount paid.</p>		
150. Register of Building Upgrade Agreements	150.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	Chief Executive Officer	
150. Register of Building Upgrade Agreements	150.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).	Chief Executive Officer	

<b>Local Government (Building Upgrade Agreements) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Copy of notice	<p>1.1 The Power under regulation 8, before the Council sells the relevant land to:</p> <p>1.1.1 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;</p> <p>1.1.2 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;</p> <p>1.1.3 leave a copy of a notice sent to the building owner under clause 9(1) of Schedule 1B of the Local Government Act in a conspicuous place on the relevant land.</p>	Chief Executive Officer	
2. Sale of Land	<p>2.1 If the amount specified in the notice is not paid in full, within the time allowed, the power under regulation 8, where the requirements under the regulations are met, to:</p> <p>2.1.1 set a reserve price for the sale of land by auction;</p> <p>2.1.2 advertise the auction in a newspaper circulating throughout the State;</p> <p>2.1.3 cancel an auction;</p> <p>2.1.4 sell the land by private contract.</p>	Chief Executive Officer	

## Appendix 36 - Instrument of Delegation under the Local Nuisance and Litter Control Act 2016

<b>Local Nuisance and Litter Control Act 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Authorised Officers	<p>1.1 The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:</p> <p>1.1.1 specified officers or employees of the Council; or</p> <p>1.1.2 a specified class of officers or employees of the Council, to be authorised officers for the purposes of the Act.</p>	Chief Executive Officer	
1. Authorised Officers	<p>1.2 The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.</p>	Chief Executive Officer	
1. Authorised Officers	<p>1.3 The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.</p>	Chief Executive Officer	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
2. Identity Cards	<p>2.1 The function pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:</p> <p>2.1.1 containing the person’s name and a recent photograph of the person; and</p> <p>2.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>2.1.3 specifying the name of the Council.</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	
2. Identity Cards	2.2 The function pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	Chief Executive Officer, Group Manager City Development & Safety, Director	
3. Limit of Area of Authorised Officers Appointed by Councils	3.1 The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council’s area.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
4. Provisions Relating to Seizure	4.1 The function pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	
4. Provisions Relating to Seizure	4.2 The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	Chief Executive Officer, Group Manager City Development & Safety, Director	
4. Provisions Relating to Seizure	4.3 The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	Chief Executive Officer, Group Manager City Development & Safety, Director	
4. Provisions Relating to Seizure	4.4 The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	Chief Executive Officer, Group Manager City Development & Safety, Director	
5. Exemptions from Application of Section	5.1 The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a	Chief Executive Officer, Group Manager City Development &	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
18	person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	Safety, Director	
5. Exemptions from Application of Section 18	5.2 The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	Chief Executive Officer, Group Manager City Development & Safety, Director	
5. Exemptions from Application of Section 18	<p>5.3 The power pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:</p> <p>5.3.1 there are exceptional circumstances that justify the making of the declaration; and</p> <p>5.3.2 the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	
5. Exemptions from Application of Section	5.4 The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not	Chief Executive Officer, Group Manager City Development &	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
18	limited to) conditions relating to: 5.4.1 the permitted times or periods of time for carrying on the activity; or 5.4.2 the manner of carrying on the activity.	Safety, Director	
5. Exemptions from Application of Section 18	5.5 The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	
5. Exemptions from Application of Section 18	5.6 The: 5.6.1 power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and 5.6.2 function pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	Chief Executive Officer, Group Manager City Development & Safety, Director	
6. Disposing of Litter	6.1 The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of	Chief Executive Officer, Group Manager Technical Services &	



**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	litter.	Operations, Coordinator City Services, Director	
6. Disposing of Litter	6.2 The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	Chief Executive Officer, Group Manager Technical Services & Operations, Coordinator City Services, Director	
7. Liability of Vehicle Owners	<p>7.1 The function pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:</p> <p>7.1.1 setting out the name and address of the person who the owner believes to have been the alleged principal offender; or</p> <p>7.1.2 if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Parking Ranger, Ranger, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).		
7. Liability of Vehicle Owners	7.2 The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	Chief Executive Officer, Director	
7. Liability of Vehicle Owners	7.3 The function pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:  7.3.1 setting out particulars of the alleged principal offence; and  7.3.2 inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)( and (b).	Chief Executive Officer, Director	
7. Liability of Vehicle	7.4 The function pursuant to Section 26(9) of the Act, if:	Chief Executive Officer,	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Owners	<p>7.4.1 an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or</p> <p>7.4.2 proceedings are commenced against such a person, to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.</p>	Director	
7. Liability of Vehicle Owners	<p>7.5 The function pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.</p>	Chief Executive Officer, Director	
8. Notification of EPA of Serious or Material Environmental Harm	<p>8.1 The function pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9. Nuisance and Litter Abatement Notices	9.1 The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
9. Nuisance and Litter Abatement Notices	9.2 The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
9. Nuisance and Litter Abatement Notices	<p>9.3 The:</p> <p>9.3.1 function pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:</p> <p>9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and</p> <p>9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and</p> <p>9.3.1.3 specifies the purpose for which it is issued; and</p>	Chief Executive Officer, Director	

**Local Nuisance and Litter Control Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>9. Nuisance and Litter Abatement Notices</p>	<p>9.3.2 power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:</p> <p>9.3.2.1 direct two or more persons to do something specified in the notice jointly; and</p> <p>9.3.2.2 impose a requirement that the person do one or more of the following:</p> <p>9.3.2.2.1 discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;</p> <p>9.3.2.2.2 not carry on a specified activity except at specified times or subject to specified conditions;</p> <p>9.3.2.2.3 take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;</p> <p>9.3.2.2.4 furnish to the Council specified results or reports within a specified period;</p> <p>9.3.2.2.5 clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;</p> <p>9.3.2.2.6 make good any damage to property that the Council or delegate considers to have been caused by a contravention of this</p>	<p>Chief Executive Officer, Director</p>	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>Act;</p> <p>9.3.2.2.7 prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;</p> <p>9.3.2.2.8 take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and</p> <p>9.3.2.2.9 in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:</p> <ul style="list-style-type: none"> <li>A. preventing the escape of litter from business premises; or</li> <li>B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and</li> </ul> <p>9.3.2.2.10 impose any other requirement prescribed by regulation; and</p> <p>9.3.2.2.11 ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.</p>		

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9. Nuisance and Litter Abatement Notices	9.4 The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
9. Nuisance and Litter Abatement Notices	9.5 The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to: 9.5.1 the owner or occupier of the premises; or 9.5.2 a person who has the management or control of the premises; or 9.5.3 a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Ranger Services, Director	
9. Nuisance and Litter Abatement Notices	9.6 The function pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	Chief Executive Officer, Director	

**Local Nuisance and Litter Control Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
9. Nuisance and Litter Abatement Notices	9.7 The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	Chief Executive Officer, Director	
10. Action on Non-compliance with Notice	10.1 The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	Chief Executive Officer, Group Manager City Development & Safety, Director	
10. Action on Non-compliance with Notice	10.2 The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	Chief Executive Officer, Group Manager City Development & Safety, Director	
10. Action on Non-compliance with Notice	10.3 The function pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	Chief Executive Officer, Group Manager City Development & Safety, Director	
10. Action on Non-compliance with Notice	10.4 The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who	Chief Executive Officer, Group Manager City Development & Safety, Director	



**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	failed to comply with the requirements of the notice.		
10. Action on Non-compliance with Notice	10.5 The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Civil Remedies	<p>11.1 The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:</p> <p>11.1.1 if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;</p> <p>11.1.2 if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>11.1.3 if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;</p> <p>11.1.4 if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.5 if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;</p> <p>11.1.6 if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.</p>		
11. Civil Remedies	11.2 The power pursuant to Section 33(6) of the Act to make an	Chief Executive Officer, Group	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application under Section 33 of the Act.	Manager City Development & Safety, Director	
11. Civil Remedies	11.3 The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Civil Remedies	11.4 The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Civil Remedies	11.5 The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Civil Remedies	11.6 The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11. Civil Remedies	11.7 The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Civil Remedies	11.8 The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.1 The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	Chief Executive Officer, Group Manager City Development & Safety, Director	
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.2 The function pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the seriousness of the contravention, the previous record of the offender and any other relevant factors.		
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	<p>12.3 The function pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:</p> <p>12.3.1 unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or</p> <p>12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.4 The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	or accruing to the person, as a result of the contravention.		
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.5 The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	Chief Executive Officer, Group Manager City Development & Safety, Director	
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.6 The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	Chief Executive Officer, Group Manager City Development & Safety, Director	
12. Minister or Council May Recover Civil Penalty in Respect of Contravention	12.7 The power pursuant to Section 34(13) of the Act to apply to the Attorney General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
13. Statutory Declaration	13.1 The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	Chief Executive Officer, Group Manager City Development & Safety, Director	
14. Orders in Respect of Contraventions	<p>14.1 The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:</p> <p>14.1.1 an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;</p> <p>14.1.2 an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;</p> <p>14.1.3 an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.		
14. Orders in Respect of Contraventions	14.2 The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	Chief Executive Officer, Group Manager City Development & Safety, Director	
14. Orders in Respect of Contraventions	14.3 The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	Chief Executive Officer, Group Manager City Development & Safety, Director	
15. Recovery of Administrative and Technical Costs Associated with Contraventions	15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council: 15.1.1 has taken action to: 15.1.1.1 investigate the contravention; or	Chief Executive Officer, Group Manager City Development & Safety, Director	



**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or</p> <p>15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or</p> <p>15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,</p> <p>to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.</p>		
<p>15. Recovery of Administrative and Technical Costs Associated with Contraventions</p>	<p>15.2 The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	
<p>15. Recovery of Administrative and</p>	<p>15.3 The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the</p>	<p>Chief Executive Officer, Group Manager City Development &amp;</p>	

**Local Nuisance and Litter Control Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Technical Costs Associated with Contraventions	Act to, by notice in writing: 15.3.1 extend the time for payment of an amount payable in accordance with the notice; or 15.3.2 waive payment of such an amount or reduce the amount payable.	Safety, Director	
15. Recovery of Administrative and Technical Costs Associated with Contraventions	15.4 The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	Chief Executive Officer, Group Manager City Development & Safety, Director	
16. Assessment of Reasonable Costs and Expenses	16.1 The function pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
17. Evidentiary Provisions	17.1 The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to: 17.1.1 the appointment or non-appointment of a person as an authorised officer under the Act; or 17.1.2 a delegation or authority under the Act; or 17.1.3 a notice, requirement or direction of the Council or an authorised officer under the Act; or 17.1.4 the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	
17. Evidentiary Provisions	17.2 The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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**Local Nuisance and Litter Control Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>18. Exemptions from application of section 18</p>	<p>18.1 The power pursuant to Regulation 6(1)(a)(ii) of the Regulations to:</p> <p>18.1.1 fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and</p> <p>18.1.2 to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	
<p>18. Exemptions from application of section 18</p>	<p>18.2 The power pursuant to Regulation 6(2) of the Local Nuisance and Litter Control Regulations 2017 (the Regulations) to refuse to consider an application lodged pursuant to Section 19(2) of the Act if the application is not lodged as required by Regulation 6(1)(a)(ii) of the Regulations.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	
<p>19. Action on Non-compliance with Notice</p>	<p>19.1 The power pursuant to Regulation 13(2)(a) of the Regulations, to:</p> <p>19.1.1 for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General;</p> <p>19.1.2 setting out the amount recoverable under Section 31 of the Act; and</p> <p>19.1.3 setting out the land in relation to which the relevant action was taken; and</p> <p>19.1.4 requesting the Registrar-General to make a notation under Regulation 13(2) in relation to the relevant land.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	

**Local Nuisance and Litter Control Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
19. Action on Non-compliance with Notice	19.2 The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Director	
19. Action on Non-compliance with Notice	19.3 The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling a charge under Regulation 13 from the owner of the land in accordance with Section 144 of the Local Government Act 1999.	Chief Executive Officer, Group Manager City Development & Safety, Director	
20. Payment of fees by instalments	20.1 The power pursuant to regulation 15(1) of the Regulations to allow the payment of a fee in instalments.	Chief Executive Officer, Group Manager City Development & Safety, Director	
21. Waiver or refund of fees	21.1 The power pursuant to Regulation 16 to waive or refund a fee or other amount payable under the Act or Regulations.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Local Nuisance and Litter Control Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22. Recovery of fees	22.1 The power pursuant to Regulation 17 to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.	Chief Executive Officer, Group Manager City Development & Safety, Director	

**Appendix 37A - Instrument A - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority, a Designated Entity**

<b>Planning, Development and Infrastructure Act 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Planning Regions and Greater Adelaide	1.8 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
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.	Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
3. Environment and Food Production Areas – Greater Adelaide	3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development.		
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.	Chief Executive Officer, Group Manager City Development & Safety, Director	
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.	Chief Executive Officer, Director	
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  5.2.2 the constitution of a joint planning board including, in	Chief Executive Officer, Director	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>relation to such a board:</p> <p>5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and</p> <p>5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and</p> <p>5.2.2.3 the procedures to be followed with respect to the appointment of members; and</p> <p>5.2.2.4 the terms of office of members; and</p> <p>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</p> <p>5.2.2.6 the appointment of deputy members; and</p> <p>5.2.2.7 the procedures of the board; and</p> <p>5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and</p> <p>5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and</p>		

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>5.2.5 financial and resource issues associated with the operations of the joint planning board, including:</p> <p>5.2.5.1 the formulation and implementation of budgets; and</p> <p>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</p> <p>5.2.6 such other matters as the delegate thinks fit.</p>		
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).	Chief Executive Officer, Director	
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.	Chief Executive Officer, Director	
6. Community Engagement Charter	6.1 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	Coordinator City Policy & Planning, Planner Policy and Projects, Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	(unless the proposal has been initiated by the Council).	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Strategic Projects and Planning Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
6. Community Engagement Charter	6.2 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.	Coordinator City Policy & Planning, Planner Policy and Projects, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Strategic Projects and Planning Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6. Community Engagement Charter	<p>6.3 The power pursuant to Section 44(10) of the PDI Act to:</p> <p>6.3.1 seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and</p> <p>6.3.2 with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.</p>	<p>Coordinator City Policy &amp; Planning, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Strategic Projects and Planning Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
7. Preparation and Amendment of Charter	<p>7.1 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.</p>	<p>Coordinator City Policy &amp; Planning, Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Strategic Projects and Planning Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
8. Preparation and Amendment	<p>8.1 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:</p> <p>8.1.1 to prepare a draft of the relevant proposal; and</p> <p>8.1.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</p> <p>8.1.3 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</p> <p>8.1.4 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:</p>	Coordinator City Policy & Planning, Planner Policy and Projects, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Strategic Projects and Planning Manager, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>8.1.4.1 an owner or occupier of the land; and</p> <p>8.1.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and</p> <p>8.1.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and</p> <p>8.1.6 to carry out such investigations and obtain such information specified by the Commission; and</p> <p>8.1.7 to comply with any requirement prescribed by the regulations.</p>		
<p>8. Preparation and Amendment</p>	<p>8.2 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.</p>	<p>Coordinator City Policy &amp; Planning, Chief Executive Officer, Group Manager City Development &amp; Safety, Strategic Projects and Planning Manager, Director</p>	
<p>8. Preparation and Amendment</p>	<p>8.3 The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of</p>	<p>Chief Executive Officer, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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)).		
9. Parliamentary Scrutiny	9.1 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.	Coordinator City Policy & Planning, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Strategic Projects and Planning Manager, Director	
10. Complying Changes – Planning and Design Code	10.1 The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).	Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
11. Entities Constituting Relevant	11.1 The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Chief Executive Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Authorities			
12. Panels Established by Joint Planning Boards or Councils	<p>12.1 The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:</p> <p>12.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;</p> <p>12.1.2 determine:</p> <p>12.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and</p> <p>12.1.2.2 the procedures to be followed with respect to the appointment of members; and</p> <p>12.1.2.3 the terms of office of members; and</p> <p>12.1.2.4 conditions of appointment of members, or the</p>	Chief Executive Officer, Group Manager City Development & Safety, Director	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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</p> <p>12.1.2.5 the appointment of deputy members; and</p> <p>12.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.</p>		
<p>12. Panels Established by Joint Planning Boards or Councils</p>	<p>12.2 The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	
<p>12. Panels Established by Joint Planning Boards or Councils</p>	<p>12.3 The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Director</p>	
<p>12. Panels Established by</p>	<p>12.4 The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be</p>	<p>Chief Executive Officer, Group Manager</p>	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Joint Planning Boards or Councils	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.	City Development & Safety, Director	
13. Substitution of Local Panels	13.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
14. Notification of Acting	14.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
15. Matters Against which Development	15.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Must be Assessed	1988) where land is to be vested in the Council, to consent to the vesting.	Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
15. Matters Against which Development Must be Assessed	15.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
15. Matters Against which Development Must be Assessed	15.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
16. Restricted Development	16.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
16. Restricted Development	16.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
16. Restricted Development	16.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
17. Level of Detail	17.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
18 Essential Infrastructure – Alternative Assessment Process	18.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
18 Essential Infrastructure – Alternative Assessment Process	18.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
19 Development Assessment –	19.1 The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Crown Development	notice under Section 131(6) of the PDI Act.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
19 Development Assessment – Crown Development	19.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
20 Land Division Certificate	20.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
20 Land Division Certificate	20.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
21 Action if Development Not Completed	21.1 The power pursuant to Section 141(1) of the PDI Act, if: 21.1.1 an approval is granted under the PDI Act; but 21.1.2 - 21.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>period prescribed by the regulations for the lapse of the approval; or</p> <p>21.1.2.2 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,</p> <p>to apply to the Court for an order under Section 141 of the PDI Act.</p> <p>21.1.3 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.</p> <p>21.1.4 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:</p> <p>21.1.4.1 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.</p>	<p>Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
22 Completion of Work	<p>22.1 The power pursuant to Section 142(1) of the PDI Act, if:</p> <p>22.1.1 an approval is granted under the PDI Act; but</p> <p>22.1.2 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,</p> <p>to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
22 Completion of Work	<p>22.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
22 Completion of	<p>22.3 The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Work	and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
22 Completion of Work	<p>22.4 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:</p> <p>22.4.1 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.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
23 Notification During Building	23.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	inspection by an authorised officer who holds prescribed qualifications.	Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
24 Classification of Buildings	24.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
24 Classification of Buildings	24.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of Occupancy	25.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of Occupancy	25.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
25 Certificates of Occupancy	25.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of Occupancy	25.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
25 Certificates of Occupancy	25.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of Occupancy	25.6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of: 25.6.1 the refusal; and 25.6.2 the reasons for the refusal; and 25.6.3 the applicant's right of appeal under the PDI Act.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of	25.7 The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Occupancy	or part of a building.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25 Certificates of Occupancy	25.8 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
26 Temporary Occupation	26.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
26 Temporary Occupation	26.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
26 Temporary Occupation	26.3 The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:  26.3.1 the refusal; and  26.3.2 the reasons for the refusal; and	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	26.3.3 the applicant's right of appeal under the PDI Act.	Development, Senior Development Officer Planning, Development Officer Planning, Director	
27 Emergency Orders	27.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
27 Emergency Orders	27.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
27 Emergency Orders	27.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
28. Fire Safety	28.1 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	Chief Executive Officer, Director	
28. Fire Safety	28.1 The power pursuant to Section 157(17) of the PDI Act to: 28.1.1 appoint to the appropriate authority: 28.1.1.1 a person who holds prescribed qualifications in	Chief Executive Officer, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>building surveying; and</p> <p>28.1.1.2 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</p> <p>28.1.1.3 a person with expertise in the area of fire safety; and</p> <p>28.1.1.4 if so determined by the delegate, a person selected by the delegate;</p> <p>28.1.2 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;</p> <p>28.1.3 remove a member of the appropriate authority from office for any reasonable cause;</p> <p>28.1.4 appoint deputy members;</p> <p>28.1.5 determine the appropriate authority's procedures (including as to quorum).</p>		

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
29. Consideration of Proposed Scheme	29.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
30. Funding Arrangements	30.1 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.	Chief Executive Officer, Group Manager City Development & Safety, Director	
30. Funding Arrangements	30.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
31. Imposition of Charge by Councils	31.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
32. Authorised Works	32.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
32. Authorised Works	<p>32.2 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:</p> <p>32.2.1 inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and</p> <p>32.2.2 give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and</p> <p>32.2.3 ensure that proper consideration is given to the views of the road maintenance authority.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
32. Authorised Works	32.3 The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
32. Authorised Works	32.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
33. Entry onto Land	33.1 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:  33.1.1 enter and pass over any land; and  33.1.2 bring onto any land any vehicles, plant or equipment;	Chief Executive Officer, Group Manager City Development & Safety, Director	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	and 33.1.3 temporarily occupy land; and 33.1.4 do anything else reasonably required in connection with the exercise of the power.		
33. Entry onto Land	33.2 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.	Chief Executive Officer, Director	
34. Land Management Agreements	34.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
34. Land Management Agreements	34.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	<p>34.3 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:</p> <p>34.3.1 the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and</p> <p>34.3.2 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</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the Planning and Design Code under the PDI Act.		
34. Land Management Agreements	34.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
34. Land Management Agreements	34.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.7 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management	34.8 The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Agreements	under Section 192 of the PDI Act where the Council has a legal interest in the land.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.9 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.10 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	note of the rescission or amendment against the instrument of title, or against the land.	Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.11 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.12 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
34. Land Management Agreements	34.13 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.1 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:  35.1.1 the person; and	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>35.1.2 any other person who has the benefit of the development authorisation; and</p> <p>35.1.3 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).</p>	<p>Planning, Director</p>	
<p>35. Land Management Agreements – Development Applications</p>	<p>35.2 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).</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>35. Land Management Agreements – Development</p>	<p>35.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:</p> <p>35.3.1 the provisions of the Planning and Design Code; and</p> <p>35.3.2 the principle that the entering into of an agreement</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior</p>	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Applications	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.	Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.7 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
35. Land Management Agreements – Development Applications	35.8 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
35. Land Management Agreements – Development Applications	35.9 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
36. Off-setting	36.1 The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is	Chief Executive Officer, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Contributions	<p>designed to support or facilitate:</p> <p>36.1.1 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</p> <p>36.1.2 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</p> <p>36.1.3 any other initiative or policy:</p> <p>36.1.3.1 designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;</p> <p>36.1.3.2 prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.</p>		
36. Off-setting Contributions	<p>36.2 The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:</p> <p>36.2.1 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):</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>36.2.1.1 to make a contribution to a fund established as part of the scheme; or</p> <p>36.2.1.2 to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or</p> <p>36.2.1.3 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</p> <p>36.2.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and</p> <p>36.2.3 an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.</p>	<p>Officer Planning, Development Officer Planning, Director</p>	
<p>36. Off-setting Contributions</p>	<p>36.3 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.</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Strategic Projects and Planning Manager, Director</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Off-setting Contributions	36.4 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.	Chief Executive Officer, Director	
37. Open Space Contribution Scheme	<p>37.1 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:</p> <p>37.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>37.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p> <p>37.1.3 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,</p> <p>according to the determination and specification of the delegate, and to have regard to any relevant provision of the</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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.</p>		
<p>37. Open Space Contribution Scheme</p>	<p>37.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>37. Open Space Contribution Scheme</p>	<p>37.3 The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
37. Open Space Contribution Scheme	37.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
37. Open Space Contribution Scheme	37.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
38. Urban Trees Fund	38.1 The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
38. Urban Trees Fund	38.2 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.	Coordinator City Policy & Planning, Chief Executive Officer, Group Manager City Development & Safety, Strategic Projects and Planning Manager, Director	
38. Urban Trees Fund	38.3 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.	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Director	
38. Urban Trees Fund	<p>38.4 The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:</p> <p>38.4.1 to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or</p> <p>38.4.2 to purchase land within the designated area in order</p>	Group Manager Finance & Risk, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.		
38. Urban Trees Fund	38.5 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).	Chief Executive Officer, Director	
39. Appointment of Authorised Officers	39.1 The power pursuant to Section 210(1) of the PDI Act to: 39.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and 39.1.2 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.	Chief Executive Officer	
39. Appointment of Authorised	39.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to	Chief Executive Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Officers	conditions.		
39. Appointment of Authorised Officers	<p>39.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:</p> <p>39.3.1 containing a photograph of the authorised officer; and</p> <p>39.3.2 stating any conditions of appointment limiting the authorised officer's appointment.</p>	Chief Executive Officer	
39. Appointment of Authorised Officers	<p>39.4 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.</p>	Chief Executive Officer, Director	
40. Enforcement Notices	<p>40.1 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:</p> <p>40.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action,</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>that constitutes the breach;</p> <p>40.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p> <p>40.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>	<p>Planning, Director</p>	
<p>40. Enforcement Notices</p>	<p>40.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>40. Enforcement Notices</p>	<p>40.3 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</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior</p>	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
40. Enforcement Notices	40.4 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
40. Enforcement Notices	40.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
41. Applications to Court	41.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.4 The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to	41.5 The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Court	proceedings based on the application.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.7 The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.8 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
41. Applications to Court	41.10 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
42. Proceedings for Offences	42.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
43. Adverse Publicity Orders	43.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
43. Adverse Publicity Orders	<p>43.2 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:</p> <p>43.2.1 take the PDI Action or actions specified in the order; and</p> <p>43.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
43. Adverse Publicity Orders	<p>43.3 The power pursuant to Section 223(5) of the PDI Act, if:</p> <p>43.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p> <p>43.3.2 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,</p> <p>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</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the PDI Action or actions.		
43. Adverse Publicity Orders	43.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
44. Civil Penalties	44.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
44. Civil Penalties	44.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
44. Civil Penalties	44.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
44. Civil Penalties	44.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	commencement of proceedings for an order under Section 225 of the PDI Act.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
44. Civil Penalties	44.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
45. Make Good Order	45.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
46. Recovery of Economic Benefit	46.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
47. Enforceable Voluntary Undertakings	47.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
47. Enforceable Voluntary Undertakings	47.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
47. Enforceable Voluntary Undertakings	47.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to: 47.3.1 vary the undertaking; or 47.3.2 withdraw the undertaking.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
47. Enforceable Voluntary Undertakings	47.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
47. Enforceable Voluntary Undertakings	47.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
47. Enforceable Voluntary Undertakings	47.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
48. Advertisements	<p>48.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p> <p>48.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p> <p>48.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p> <p>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</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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).</p>		
<p>48. Advertisements</p>	<p>48.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>49. Charges on Land</p>	<p>49.1 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
49. Charges on Land	49.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
50. Registering Authorities to Note Transfer	50.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Director	
51. Reporting	51.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
52. Review of Performance	52.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
41. Applications to Court	41.9 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
53. Performance Assessed Development and Restricted Development	53.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
54. Variation of authorisation	54.1 The power pursuant to Regulation 65(4) for the purposes of section 128(2)(b) of the Act to assess an	Chief Executive Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
(section 128)	application for the variation of a condition of a development authorisation previously given under the Act.		
55. Underground Main Areas	55.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
55. Underground Main Areas	55.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
56. Width of Roads and Thoroughfares	56.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
56. Width of Roads and Thoroughfares	56.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
56. Width of Roads	56.3 The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under	Building and Compliance Officer, Chief Executive Officer, Group Manager City	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
and Thoroughfares	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.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
57. Road Widening	57.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
58. Requirement as to Forming of Roads	58.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	of division.	Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
58. Requirement as to Forming of Roads	58.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
58. Requirement as to Forming of Roads	58.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
58. Requirement as to Forming of Roads	58.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
58. Requirement as to Forming of Roads	58.5 The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Planning, Director	
59. Construction of Roads, Bridges, Drains and Services	59.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
60. Supplementary Provisions	60.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
60. Supplementary Provisions	60.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
60. Supplementary Provisions	60.3 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 and any other water industry entity identified under regulation 79(1) in relation to any such allotment are necessary and need to be laid under the surface of the proposed road, have been made.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
61. General	61.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Provisions	arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
61. General Provisions	<p>61.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p> <p>61.2.1 evidences the consent of the Council to an encroachment by a building over other land; and</p> <p>61.2.2 sets out:</p> <p>61.2.2.1 the date on which any relevant building was erected (if known); and</p> <p>61.2.2.2 the postal address of the site.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
61. General Provisions	61.3 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Regulation 89(3) of the General Regulations.	Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
62. Notifications During Building Work	62.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
62. Notifications During Building Work	62.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
63. Essential Safety Provisions	<p>63.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) and subject to Regulation 94(11) of the General Regulations if:</p> <p>63.1.1 the essential safety provisions were installed</p> <p>63.1.1.1 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</p> <p>63.1.1.2 as part of a performance solution under the Building Code; or</p> <p>63.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
64. Classification of Buildings	64.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>accompanied by:</p> <p>64.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.</p>	<p>Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
64. Classification of Buildings	<p>64.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
64. Classification of Buildings	<p>64.3 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</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	Development, Senior Development Officer Planning, Development Officer Planning, Director	
64. Classification of Buildings	<p>64.4 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:</p> <p>64.4.1 the maximum number of persons who may occupy the building (or part of the building); and</p> <p>64.4.2 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.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
65. Certificates of Occupancy	<p>65.1 The power pursuant to Regulation 103A(1) of the General Regulations to, require the following documentation:</p> <p>65.1.1 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;</p>	Chief Executive Officer, Group Manager City Development & Safety, Compliance Officer Development, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>65.1.2 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 evidence as the delegate may reasonably require to show:</p> <p>65.1.2.1 in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or</p> <p>65.1.2.2 in any other case - that the building is suitable for occupation.</p>		
65. Certificates of Occupancy	65.2 The power pursuant to Regulation 103A(2)(b) of the General Regulations to, if the development has been approved subject to conditions, require such evidence as the delegate may reasonably require to show that the conditions have been satisfied	Chief Executive Officer	
65. Certificates of Occupancy	65.3 The power pursuant to Regulation 103A(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a	Chief Executive Officer, Group Manager City Development & Safety, Compliance Officer Development, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Statement of Compliance if:</p> <p>65.3.1 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</p> <p>65.3.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>		
65. Certificates of Occupancy	<p>65.4 The power pursuant to Regulation 103D(1) of the General Regulations if: COD</p> <p>65.4.1 a building is:</p> <p>65.4.1.1 to be equipped with a booster assembly for use by a fire authority; or</p> <p>65.4.1.2 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</p> <p>65.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	approval under the PDI 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 and to seek such a report from the fire authority.		
65. Certificates of Occupancy	65.5 The power pursuant to Regulation 103D(2) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.	Chief Executive Officer, Group Manager City Development & Safety, Compliance Officer Development, Director	
65. Certificates of Occupancy	65.6 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority before the delegate issues a certificate of occupancy.	Chief Executive Officer, Group Manager City Development & Safety, Compliance Officer Development, Director	
65. Certificates of Occupancy	65.7 The power pursuant to Regulation 103E(b) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be	Chief Executive Officer	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	inspected by an authorised officer.		
65. Certificates of Occupancy	<p>65.8 The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy:</p> <p>65.8.1 if:</p> <p>65.8.1.1 there is a change in the use of the building; or</p> <p>65.8.1.2 the classification of the building changes; or</p> <p>65.8.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m<sup>2</sup> is about to commence, or is being or has been carried out; or</p> <p>65.8.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,</p> <p>and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought;</p> <p>or</p> <p>65.8.2 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</p>	Chief Executive Officer, Group Manager City Development & Safety, Compliance Officer Development, Director	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>other circumstance; or</p> <p>65.8.3 if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or</p> <p>65.8.4 if the delegate considers:</p> <p>65.8.4.1 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</p> <p>65.8.4.2 that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.</p>		
66. Mining Production Tenements	66.1 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.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Planning, Director	
67. Prosecutions	67.1 The power to commence a prosecution against any person for any offence under the Regulations.	Chief Executive Officer	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
68. Calculation of Assessment of Fees	<p>68.1 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):</p> <p>68.1.1 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</p> <p>68.1.2 to make any other determination for the purposes of</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	



<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).		
68. Calculation of Assessment of Fees	68.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
68. Calculation of Assessment of Fees	68.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
69. Waiver or Refund of Fee	<p>69.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>69.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>69.1.2 refund the whole or a part of the fee.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Appendix 37B - 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**

<b>Planning, Development and Infrastructure Act 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Related Provisions	1.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
1. Related Provisions	1.2 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	more relevant authorities under Section 99 of the PDI Act and if all reserved matters are considered by the delegate to have been fulfilled and, if necessary, to replace reserved matters with conditions.	Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
2. Matters Against Which Development Must be Assessed	2.1 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).	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
2. Matters Against Which Development Must be Assessed	2.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Planning, Director	
3. Building Consent	3.1 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).	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Building Consent	3.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>3. Building Consent</p>	<p>3.3 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:</p> <p>3.3.1 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:</p> <p>3.3.1.1 that:</p> <p>(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</p> <p>(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</p> <p>3.3.1.2 in a case where the consent is being sought after the</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	development has occurred - that the variance is justifiable in the circumstances of the particular case.		
3. Building Consent	3.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Building Consent	3.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Building Consent	3.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Building Consent	3.7 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:  3.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or  3.7.2 such compliance is certified by a building certifier.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Building	3.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as	Building and Compliance Officer, Chief Executive Officer, Group Manager City	



**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Consent	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 & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
3. Building Consent	<p>3.9 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):</p> <p>3.9.1 the variance; and</p> <p>3.9.2 the grounds on which the decision is being made.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
4. Application and Provision of Information	4.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	as the delegate may reasonably require.	Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
4. Application and Provision of Information	<p>4.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>4.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>4.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>4.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>4.2.4 to comply with any other requirement prescribed by the regulations.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
4. Application and Provision of Information	4.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
4. Application and Provision of Information	4.4 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
4. Application and Provision of	4.5 The power pursuant to Section 119(9) of the PDI Act to:	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Information	<p>4.5.1 permit an applicant:</p> <p>4.5.1.1 to vary an application;</p> <p>4.5.1.2 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);</p> <p>4.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p> <p>4.5.3 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);</p> <p>4.5.4 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</p>	<p>Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	addressed.		
4. Application and Provision of Information	4.6 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
4. Application and Provision of Information	4.7 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
4. Application and Provision of Information	4.8 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
5. Outline Consent	5.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
5. Outline Consent	5.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>5.2.1 grant any consent contemplated by the outline consent; and</p> <p>5.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	<p>Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>6. Referrals to Other Authorities or Agencies</p>	<p>6.1 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:</p> <p>6.1.1 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</p> <p>6.1.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6. Referrals to Other Authorities or Agencies	<p>6.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>6.2.1 to refuse the application; or</p> <p>6.2.2 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)</p> <p>where the regulations so provide.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
6. Referrals to Other Authorities or Agencies	<p>6.3 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
6. Referrals to Other Authorities	<p>6.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City</p>	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
or Agencies	122 of the PDI Act to a particular stage in the process of assessment.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Proposed Development Involving Creation of Fortifications	7.1 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).	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
7. Proposed Development Involving Creation of Fortifications	7.2 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: 7.2.1 if the proposed development consists only of the	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>creation of fortifications – refuse the application;</p> <p>7.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.</p>	<p>Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>7. Proposed Development Involving Creation of Fortifications</p>	<p>7.3 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>7. Proposed Development Involving Creation of Fortifications</p>	<p>7.4 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development, Senior Development Officer Planning, Development Officer Planning, Director	
8. Determination of Application	8.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
9. Conditions	9.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
9. Conditions	9.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
10. Variation of Authorisation	10.1 The power pursuant to Section 128(2) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11. Saving Provisions	11.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
12. Requirement to Up-grade	12.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
12. Requirement	12.2 The power pursuant to Section 134(1) of the PDI Act, if:	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
to Up-grade	<p>12.2.1 an application for a building consent relates to:</p> <p>12.2.1.1 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</p> <p>12.2.1.2 a change of classification of a building; and</p> <p>12.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p> <p>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.</p>	<p>Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
12. Requirement to Up-grade	<p>12.3 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>12. Requirement to Up-grade</p>	<p>12.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>12.4.1 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</p> <p>12.4.2 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</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>12. Requirement to Up-grade</p>	<p>12.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>12.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>12.5.2 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,</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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).		
12. Requirement to Up-grade	<p>12.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>12.6.1 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</p> <p>12.6.2 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.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
13. Urgent Building Work	13.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
14. Cancellation of Development Authorisation	14.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
14. Cancellation of Development Authorisation	14.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
15. Professional Advice to be Obtained in Relation to Certain Matters	15.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
15. Professional Advice to be Obtained in Relation to Certain Matters	15.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Planning, Director	
16. Continuation of Processes	<p>16.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>16.1.1 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</p> <p>16.1.2 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</p> <p>16.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>16.1.4 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</p> <p>16.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	Delegate	Conditions and Limitations
17. Accredited Professionals	17.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
18. Verification of Application	<p>18.1 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:</p> <p>18.1.1 determine the nature of the development; and</p> <p>18.1.2 if the application is for planning consent - determine:</p> <p>18.1.2.1 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</p> <p>18.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>18.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p> <p>18.1.4 if the relevant authority is the correct entity to</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>assess the application (or any part of the application):</p> <p>18.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>18.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</p> <p>18.1.4.3 provide an appropriate notice via the SA planning portal; and</p> <p>18.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>18.1.5.1 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</p> <p>18.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
19. Amended	19.1 The power pursuant to Regulation 35(3) of the	Building and Compliance Officer, Chief	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Applications	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.	Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
19. Amended Applications	19.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
20. Withdrawing/Lapsing Applications	20.1 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:	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>20.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>20.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,</p> <p>of the withdrawal.</p>	<p>Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>20. Withdrawing/Lapsing Applications</p>	<p>20.2 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
<p>20. Withdrawing/Lapsing Applications</p>	<p>20.3 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:</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning,</p>	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>20.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>20.3.2 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.</p>	<p>Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
21. Court Proceedings	<p>21.1 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.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	
22. Additional Information or Amended Plans	<p>22.1 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</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.	Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
23. Building Matters	<p>23.1 The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:</p> <p>23.1.1 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</p> <p>23.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>23.1.3 special problems for firefighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>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.</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
23. Building Matters	23.2 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
23. Building Matters	23.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
23. Building Matters	23.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>23.4.1 recommends against the granting of building consent; or</p> <p>23.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p> <p>23.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>23.4.4 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,</p> <p>to:</p> <p>23.4.5 refer the application to the Commission; and</p> <p>23.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>	<p>Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
23. Building Matters	23.5 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
24. Notice of Decision (Section 126(1))	24.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
25. Consideration of Other Development	25.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a	Building and Compliance Officer, Chief Executive Officer, Group Manager City	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Authorisations	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.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
26. Certificate of Independent Technical Expert in Certain Cases	26.1 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
27. Variation of Authorisation (Section 128)	27.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning,	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.	Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
27. Variation of Authorisation (Section 128)	27.2 The power pursuant to Regulation 65(4) for the purposes of section 128(2)(b) of the Act to assess an application for the variation of a condition of a development authorisation previously given under the Act.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
28. Construction Industry Training Fund	28.1 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	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	lapsed.	Development, Senior Development Officer Planning, Development Officer Planning, Director	
29. Plans for Building Work	<p>29.1 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:</p> <p>29.1.1 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</p> <p>29.1.2 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,</p> <p>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</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.		

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
30. Calculation or Assessment of Fees	<p>30.1 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):</p> <p>30.1.1 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</p>	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	30.1.2 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).		
30. Calculation or Assessment of Fees	30.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director	
30. Calculation or Assessment of Fees	30.3 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.	Building and Compliance Officer, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning,	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
31. Waiver or Refund of Fee	<p>31.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>31.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>31.1.2 refund the whole or a part of the fee.</p>	<p>Building and Compliance Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning, Director</p>	

**Appendix 37C - Instrument C - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel delegated to the Assessment Manager**

<b>Planning, Development and Infrastructure Act 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Appointment of Additional Members	1.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
2. Relevant Authority –	2.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of	Council Assessment Panel, Building and Compliance Officer,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Commission	the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
3. Relevant Provisions	<p>3.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:</p> <p>3.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or</p> <p>3.1.2 require that the assessment of the development in respect of the Building Rules be</p>	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	undertaken by a building certifier.	Planning	
4. Matters Against Which Development Must Be Assessed	<p>4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>4.1.1</p> <p>4.1.1.1 the relevant provisions of the Planning Rules; and</p> <p>4.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);</p> <p>4.1.2 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;</p> <p>4.1.3 such other matters as may be prescribed.</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	<p>Subject to the following limitations:</p> <p>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which one or more of the following apply:</p> <ol style="list-style-type: none"> <li>1. No valid representations are received against the proposed development;</li> <li>2. All valid representations against the proposed development are withdrawn;</li> <li>3. No representor who has lodged a valid representation against the proposed development wishes to be heard;</li> </ol>

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>4. A deemed consent notice has been served on the Panel under Section 125(2) of the Act.</p> <p>Except in cases where the statutory timeframe within which the CAP must determine the application pursuant to Regulation 53 of the Regulations will expire before the next meeting of the CAP is scheduled to occur, in which cases the limitation does not apply, and the delegate is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant or refuse consent in respect of the relevant provisions of the Planning Rules without limitation.</p>
<p>4. Matters Against Which Development Must Be Assessed</p>	<p>4.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate’s own initiative or on application, reserve the delegate’s decision on a specified matter or reserve the delegate’s decision to grant a planning consent:</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager,</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>4.2.1 until further assessment of the relevant development under the PDI Act; or</p> <p>4.2.2 until further assessment or consideration of the proposed development under another Act; or</p> <p>4.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.</p>	<p>Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>4. Matters Against Which Development Must Be Assessed</p>	<p>4.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
5. Performance Assessed Development	5.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
5. Performance Assessed Development	5.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Senior Development Officer Planning, Development Officer Planning	
5. Performance Assessed Development	5.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
6. Application and Provision of Information	6.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
6. Application and Provision of Information	6.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:  6.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;  6.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;  6.2.3 to consult with an authority or body prescribed by the regulations;  6.2.4 to comply with any other requirement prescribed by the regulations.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>6. Application and Provision of Information</p>	<p>6.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to</p> <p>6.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and</p> <p>6.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	
<p>6. Application and Provision of Information</p>	<p>6.4 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.</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Senior Development Officer Planning, Development Officer Planning	
6. Application and Provision of Information	<p>6.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>6.5.1 permit an applicant:</p> <p>6.5.1.1 to vary an application;</p> <p>6.5.1.2 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);</p> <p>6.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p> <p>6.5.3 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);</p> <p>6.5.4 if there is an inconsistency between any</p>	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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.</p>		
<p>6. Application and Provision of Information</p>	<p>6.6 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.</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6. Application and Provision of Information	6.7 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
6. Application and Provision of Information	6.8 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Senior Development Officer Planning, Development Officer Planning	
7. Outline Consent	7.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
7. Outline Consent	7.2 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:	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>7.2.1 grant any consent contemplated by the outline consent; and</p> <p>7.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	<p>Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	
<p>8. Design Review</p>	<p>8.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	
<p>9. Referrals to</p>	<p>9.1 The power pursuant to Section 122(1) of the PDI</p>	<p>Council Assessment Panel,</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Other Authorities or Agencies	<p>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:</p> <p>9.1.1 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</p> <p>9.1.2 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</p> <p>where the regulations so provide, subject to Section 122 of the PDI Act.</p>	<p>Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
9. Referrals to Other Authorities or Agencies	<p>9.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>9.2.1 to refuse the application; or</p> <p>9.2.2 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</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager,</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>imposed by the prescribed body) where the regulations so provide.</p>	<p>Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>9. Referrals to Other Authorities or Agencies</p>	<p>9.3 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.</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>9. Referrals to Other Authorities or Agencies</p>	<p>9.4 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</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	particular stage in the process of assessment.	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
10. Preliminary Advice and Agreement	<p>10.1 The power pursuant to Section 123(2) of the PDI Act, if:</p> <p>10.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p> <p>10.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p> <p>10.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City</p> <p>Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p> <p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).</p>		
<p>10. Preliminary Advice and Agreement</p>	<p>10.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
11. Proposed Development Involving Creation of Fortifications	11.1 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).	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
11. Proposed Development Involving	11.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of	Council Assessment Panel, Building and Compliance Officer, Group Manager City	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Creation of Fortifications	fortification, to: 11.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or 11.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
11. Proposed Development Involving Creation of Fortifications	11.3 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11. Proposed Development Involving Creation of Fortifications	11.4 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
12. Time Within Which Decision Must be Made	12.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development,	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Senior Development Officer Planning, Development Officer Planning	
12. Time Within Which Decision Must be Made	12.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
13. Determination of Application	13.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
14. Conditions	14.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
14. Conditions	14.2 The power pursuant to Section 127(2)(c) of the	Council Assessment Panel,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.</p>	<p>Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer                      Planning</p>	
<p>14. Conditions</p>	<p>14.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent</p>	<p>Council Assessment Panel,                      Building and Compliance Officer,                      Group Manager City                      Development &amp; Safety, Team                      Leader Building, Team Leader                      Planning, Development Officer                      Building, Assessment Manager,                      Senior Building Surveyor,                      Compliance Officer Development,                      Senior Development Officer                      Planning, Development Officer</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	and the cost of maintenance to be the responsibility of the owner of the land).	Planning	
14. Conditions	14.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
14. Conditions	14.5 The power pursuant to Section 127(8)(b) of the PDI Act to:  14.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Minister concurs in the granting of the exemption; 14.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.	Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
15. Variation of Authorisation	15.1 The power pursuant to Section 128(2)(d) of the PDI Act to assess and determine an application for a variation to a development authorisation previously given under the PDI Act.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
16. Cancellation of Development	16.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has	Council Assessment Panel, Building and Compliance Officer,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Authorisation	the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
16. Cancellation of Development Authorisation	16.2 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning	

**Planning, Development and Infrastructure (General) Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
17. Verification of Application	<p>17.1 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:</p> <p>17.1.1 determine the nature of the development; and</p> <p>17.1.2 if the application is for planning consent - determine:</p> <p>17.1.2.1 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</p>	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Planning and Design Code; and</p> <p>17.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>17.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p> <p>17.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>17.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>17.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</p> <p>17.1.4.3 provide an appropriate notice via the SA planning portal; and</p> <p>17.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>17.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its</p>		



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>17.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
<p>18. Site Contamination – Detailed Site Investigation Report</p>	<p>18.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:</p> <p>18.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and</p> <p>18.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>18.1.2.1 site contamination; and</p> <p>18.1.2.2 if remediation is required, the extent of that remediation; and</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	18.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.		
18. Site Contamination – Detailed Site Investigation Report	18.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Council Assessment Panel, Assessment Manager	
19. Site Contamination – Statement of Suitability	19.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
20. Application and Further Information	20.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
21. Amended Applications	21.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
21. Amended Applications	21.2 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
22. Withdrawing/Lapsing Applications	22.1 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:  22.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and  22.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations,  of the withdrawal.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
22. Withdrawing/Lapsing Applications	22.2 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
22. Withdrawing/Lapsing Applications	<p>22.3 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:</p> <p>22.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>22.3.2 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.</p>	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
23. Court Proceedings	23.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
24. Additional Information or Amended Plans	24.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
25. Preliminary Advice and Agreement (Section 123)	<p>25.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>25.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>25.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,</p> <p>to refer the application (unless withdrawn) to the prescribed body:</p> <p>25.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>25.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
25. Preliminary Advice and Agreement (Section 123)	<p>25.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>25.2.1 an application is withdrawn by the applicant; and</p> <p>25.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	application, to notify relevant prescribed body of the withdrawal.	Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
25. Preliminary Advice and Agreement (Section 123)	25.3 The power pursuant to Regulation 46(8) of the General Regulations, if: 25.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and 25.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify the relevant prescribed body of the lapsing.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
25. Preliminary Advice and Agreement (Section 123)	25.4 The power pursuant to Regulation 46(9) of the General Regulations, if: 25.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>25.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,</p> <p>to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.</p>	<p>Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>26. Notification of Application of Tree-damaging Activity to Owner of Land</p>	<p>26.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:</p> <p>26.1.1 give the owner notice of the application within 5 business days after the application is made; and</p> <p>26.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>27. Public Inspection of Applications</p>	<p>27.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify</p>	<p>Council Assessment Panel, Building and Compliance Officer, Group</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	information in such manner as the delegate thinks fit.	Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
28. Representations	<p>28.1 The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:</p> <p>28.1.1 who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and</p> <p>28.1.2 who has indicated an interest in appearing before the delegate,</p> <p>an opportunity (at a time determined by the delegate) to appear personally or by representative before the</p>	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.		
29. Response by Applicant	29.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.	Council Assessment Panel, Administration Officer - Development, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
30. Notice of Decision (Section 126(1))	30.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
31. Consideration of Other Development Authorisations	31.1 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.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
32. Variation of Authorisation (Section 128)	32.1 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	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
32. Variation of Authorisation (Section 128)	32.2 The power pursuant to Regulation 65(4) for the purposes of section 128(2)(b) of the Act to assess and determine an application for the variation of a condition of a development authorisation previously given under the Act.	Council Assessment Panel, Assessment Manager	
33. Advice from Commission	33.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
35. New Dwellings	35.1 The power pursuant to clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a previous use or activity that was for residential purposes.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
35. New Dwellings	35.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.	Council Assessment Panel, Assessment Manager	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
36. Calculation or Assessment of Fees	<p>36.1 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):</p> <p>36.1.1 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</p> <p>36.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).</p>	<p>Council Assessment Panel, Administration Officer - Development, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
36. Calculation or Assessment of Fees	<p>36.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	<p>Council Assessment Panel, Administration Officer - Development, Building and Compliance Officer, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor,</p>	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
36. Calculation or Assessment of Fees	36.3 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.	Council Assessment Panel, Assessment Manager	

<b>Planning and Design Code</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
37. Procedural Matters	37.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment	



<b>Planning and Design Code</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
37. Procedural Matters	37.2 The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	Council Assessment Panel, Assessment Manager	
38. Procedural Referrals	38.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development	
38. Procedural Referrals	38.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:  38.2.1 an alteration to an existing access or public road junction to be minor	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Development Officer Building, Assessment Manager, Senior Building	

<b>Planning and Design Code</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	38.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access to be minor	Surveyor, Compliance Officer Development	
38. Procedural Referrals	38.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
38. Procedural Referrals	38.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Council Assessment Panel, Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning,	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development Officer Planning	
38. Procedural Referrals	38.5 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	Council Assessment Panel, Assessment Manager	
39. Administrative Terms and Definitions	<p>39.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of ‘Excluded Building’, form the opinion that:.</p> <p>39.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;</p> <p>39.1.2 the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.</p>	Council Assessment Panel, Assessment Manager	

**Appendix 37D - Instrument D - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Manager**

<b>Planning, Development and Infrastructure Act 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Relevant Authority – Commission	1.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
2. Matters Against Which Development Must Be Assessed	2.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):  2.1.1 -	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	2.1.1.1 the relevant provisions of the Planning Rules; and 2.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
2. Matters Against Which Development Must Be Assessed	2.1.2 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):  2.1.2.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied; 2.1.2.2 any relevant requirements set out in a design standard has been satisfied;  2.1.2.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;  2.1.2.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;  2.1.2.5 requirements set out in regulations made for the	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	purposes of Section 102(1)(c) of the PDI Act are satisfied;		
2. Matters Against Which Development Must Be Assessed	<p>2.1.3 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):</p> <p>2.1.3.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p> <p>2.1.3.2 any relevant requirements set out in a design standard has been satisfied;</p> <p>2.1.3.3 any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;</p> <p>2.1.3.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;</p> <p>2.1.3.5 a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;</p> <p>2.1.3.6 the division of land under the Community Titles Act</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;</p> <p>2.1.3.7 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;</p> <p>2.1.3.8 any building situated on the land complies with the Building Rules;</p> <p>2.1.3.9 requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;</p>		
<p>2. Matters Against Which Development Must Be Assessed</p>	<p>2.1.4 any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
2. Matters Against Which Development Must Be Assessed	2.1.5 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
2. Matters Against Which Development Must Be Assessed	2.1.6 such other matters as may be prescribed.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
2. Matters Against Which	2.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's	Building and Compliance Officer, Director Community & Development, Group	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Development Must Be Assessed	<p>own initiative or on application, reserve the delegate’s decision on a specified matter or reserve the delegate’s decision to grant a planning consent:</p> <p>2.2.1 until further assessment of the relevant development under the PDI Act; or</p> <p>2.2.2 until further assessment or consideration of the proposed development under another Act; or</p> <p>2.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.</p>	<p>Manager City Development &amp; Safety,                      Team Leader Building, Team Leader                      Planning, Development Officer Building,                      Assessment Manager, Senior Building                      Surveyor, Compliance Officer                      Development, Senior Development Officer                      Planning, Development Officer Planning</p>	
2. Matters Against Which Development Must Be Assessed	<p>2.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.</p>	<p>Building and Compliance Officer, Director                      Community &amp; Development, Group                      Manager City Development &amp; Safety,                      Team Leader Building, Team Leader                      Planning, Development Officer Building,                      Assessment Manager, Senior Building                      Surveyor, Compliance Officer                      Development, Senior Development Officer                      Planning, Development Officer Planning</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Deemed-to-satisfy Assessment	3.1 The power pursuant to Section 106(2) of the PDI Act to form the opinion and be satisfied that development is deemed-to-satisfy development except for 1 or more minor variations and assess it as being deemed-to-satisfy.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
4. Performance Assessed Development	4.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
4. Performance Assessed	4.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107	Building and Compliance Officer, Director Community & Development, Group	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Development	<p>of the PDI Act to make a decision in accordance with a practice direction.</p> <p>4.2.1 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.</p>	<p>Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
5. Application and Provision of Information	<p>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.</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
5. Application and Provision of Information	<p>5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>5.2.1 to provide such additional documents, assessments or</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>5.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>5.2.4 to comply with any other requirement prescribed by the regulations.</p>	<p>Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>5. Application and Provision of Information</p>	<p>5.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to</p> <p>5.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and</p> <p>5.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
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); 5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>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);</p> <p>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.</p>		
<p>5. Application and Provision of Information</p>	<p>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.</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
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	Building and Compliance Officer, Director Community & Development, Group	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	a consent in the nature of an outline consent.	Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
6. Outline Consent	<p>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:</p> <p>6.2.1 grant any consent contemplated by the outline consent; and</p> <p>6.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
7. Design Review	7.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
8. Referrals to Other Authorities or Agencies	8.1 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:  8.1.1 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  8.1.2 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
8. Referrals to	8.2 The power pursuant to Section 122(5)(b) of the PDI Act,	Building and Compliance Officer, Director	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Other Authorities or Agencies	acting by direction of a prescribed body: 8.2.1 to refuse the application; or 8.2.2 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.	Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
8. Referrals to Other Authorities or Agencies	8.3 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
8. Referrals to Other Authorities or Agencies	8.4 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	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	assessment.	Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
9. Preliminary Advice and Agreement	<p>9.1 The power pursuant to Section 123(2) of the PDI Act, if:</p> <p>9.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p> <p>9.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p> <p>9.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p> <p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement</p>	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).</p>		
<p>9. Preliminary Advice and Agreement</p>	<p>9.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning</p>	
<p>10. Proposed Development Involving Creation of Fortifications</p>	<p>10.1 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).</p>	<p>Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building</p>	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
10. Proposed Development Involving Creation of Fortifications	10.2 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:  10.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or  10.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning, Development Officer Planning	
10. Proposed Development Involving Creation of Fortifications	10.3 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Planning	
10. Proposed Development Involving Creation of Fortifications	10.4 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.	Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning	
11. Time Within Which Decision Must be Made	11.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Building and Compliance Officer, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning	
11. Time Within Which Decision	11.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an	Building and Compliance Officer, Group Manager City Development & Safety,	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Must be Made	application under Section 125(6) of the Act.	Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Compliance Officer Development, Senior Development Officer Planning	
12. Determination of Application	12.1 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).	Assessment Manager	
12. Determination of Application	12.2 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.	Assessment Manager	
13. Conditions	13.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the	Assessment Manager	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	delegate thinks fit to impose in relation to the development.		
13. Conditions	13.2 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.	Assessment Manager	
13. Conditions	13.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	Assessment Manager	
13. Conditions	13.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations	Assessment Manager	



**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.		
13. Conditions	<p>13.5 The power pursuant to Section 127(8)(b) of the PDI Act to:</p> <p>13.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;</p> <p>13.5.2 to seek the Minister’s concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.</p>	Assessment Manager	
14. Variation of Authorisation	14.1 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.	Assessment Manager	
15. Urgent Building Work	15.1 The power pursuant to Section 135(2) of the PDI Act to issue any direction.	Assessment Manager	

**Planning, Development and Infrastructure Act 2016**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
16. Cancellation of Development Authorisation	16.1 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.	Assessment Manager	
16. Cancellation of Development Authorisation	16.2 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.	Assessment Manager	
17. Professional Advice to be Obtained in Relation to Certain Matters	17.1 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.	Assessment Manager	
17. Professional Advice to be Obtained in Relation to Certain Matters	17.2 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	Assessment Manager	

**Planning, Development and Infrastructure Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	advice should be sought.		

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
18. Interpretation	18.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
19. Prescribed Scheme (Section 93)	19.1 The power pursuant to Regulation 22(2) of the General Regulations to, in connection with Regulation 22(1)(a)(ii) of the General Regulations act as a relevant	Building and Compliance Officer, Director Community & Development, Group Manager City Development &	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>authority for the purposes of:</p> <p>19.1.1 making a decision in accordance with a practice direction under Section 107(3)(a) of the PDI Act; and</p> <p>19.1.2 determining whether a proposed development the subject of an application falls within a specified class of development excluded from the operation of Section 107(3) and (4) of the PDI Act by the Planning and Design Code.</p>	<p>Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning</p>	
<p>20. Verification of Application</p>	<p>20.1 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:</p> <p>20.1.1 determine the nature of the development; and</p> <p>20.1.2 if the application is for planning consent - determine:</p> <p>20.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for</p>	<p>Administration Officer - Development, Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>20.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>20.1.3 determine whether the relevant authority is the correct entity to assess the application under 7the PDI Act; and</p> <p>20.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>20.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>20.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</p> <p>20.1.4.3 provide an appropriate notice via the SA planning portal; and</p> <p>20.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>20.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings,</p>		

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>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</p> <p>20.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
<p>21. Site Contamination – Detailed Site Investigation Report</p>	<p>21.1 The power pursuant to Regulation 32A(1) of the General Regulations to for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:</p> <p>21.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and</p> <p>21.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>21.1.2.1 site contamination; and</p> <p>21.1.2.2 if remediation is required, the extent of that</p>	<p>Building and Compliance Officer,                      Director Community &amp; Development,                      Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	remediation; and 21.1.3 the application is not required to be referred to the Environment Protection Authority under item 9A or 9AB of the table in Schedule 9 clause 3.		
21. Site Contamination – Detailed Site Investigation Report	21.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
22. Site Contamination – Statement of Site Suitability	22.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	application.	Officer Planning, Development Officer Planning	
23. Application and Further Information	23.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
24. Amended Applications	24.1 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.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Officer Planning, Development Officer Planning	
24. Amended Applications	24.2 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.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
25. Withdrawing/Lapsing Applications	25.1 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:  25.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and  25.1.2 any person who has made a representation in relation to the application under Division 3 of the General	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Regulations, of the withdrawal.	Officer Planning, Development Officer Planning	
25. Withdrawing/Lapsing Applications	25.2 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
25. Withdrawing/Lapsing Applications	25.3 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:  25.3.1 take reasonable steps to notify the applicant of the action under consideration; and  25.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	determined by the delegate) about the proposed course of action.	Planning	
26. Court Proceedings	26.1 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
27. Additional Information or Amended Plans	27.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Planning	
28. Preliminary Advice and Agreement (Section 123)	<p>28.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>28.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>28.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,</p> <p>to refer the application (unless withdrawn) to the prescribed body:</p> <p>28.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>28.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
28. Preliminary Advice and Agreement (Section 123)	<p>28.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>28.2.1 an application is withdrawn by the applicant; and</p>	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	28.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,  to notify relevant prescribed body of the withdrawal.	Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
28. Preliminary Advice and Agreement (Section 123)	28.3 The power pursuant to Regulation 46(8) of the General Regulations, if:  28.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and  28.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,  to notify the relevant prescribed body of the lapsing.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
28. Preliminary Advice and Agreement (Section 123)	28.4 The power pursuant to Regulation 46(9) of the General Regulations, if:  28.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>28.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,</p> <p>to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.</p>	<p>Building Surveyor, Senior Development Officer Planning, Development Officer Planning</p>	
	<p>29.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:</p> <p>29.1.1 give the owner notice of the application within 5 business days after the application is made; and</p> <p>29.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.</p>	<p>Administration Officer - Development, Building and Compliance Officer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning</p>	
<p>30. Public Inspection of Applications</p>	<p>30.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.</p>	<p>Administration Officer - Development, Building and Compliance Officer, Director Community &amp; Development,</p>	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
31. Notice of Decision (Section 126(1))	31.1 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.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
32. Consideration of Other Development Authorisations	32.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior	Building and Compliance Officer, Director Community & Development, Group Manager City Development &	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.	Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
33. Certificate of Independent Technical Expert in Certain Cases	33.1 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.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
34. Variation of Authorisation (Section 128)	34.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition	Assessment Manager	



<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.		
34. Variation of Authorisation (Section 128)	34.2 The power pursuant to Regulation 65(4) for the purposes of section 128(2)(b) of the Act to assess an application for the variation of a condition of a development authorisation previously given under the Act.	Assessment Manager	
35. Advice from Commission	35.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
36. Underground Mains Area	36.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land	Building and Compliance Officer, Director Community & Development, Group Manager City Development &	

<b>Planning, Development and Infrastructure (General) Regulations 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
37. New Dwellings	37.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
38. Calculation or Assessment of Fees	<p>38.1 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):</p> <p>38.1.1 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</p> <p>38.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment manager is not a relevant authority).</p>	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
38. Calculation or Assessment of Fees	<p>38.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development	

<b>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Officer Planning	
38. Calculation or Assessment of Fees	38.3 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.	Administration Officer - Development, Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	

<b>Planning and Design Code</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
39. Procedural Matters	39.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety,	

<b>Planning and Design Code</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
39. Procedural Matters	39.2 The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
40. Procedural Referrals	40.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would warrant a referral when considering the purpose of the referral.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Planning, Development Officer Planning	
40. Procedural Referrals	<p>40.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:</p> <p>40.2.1 an alteration to an existing access or public road junction to be minor;</p> <p>40.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access to be minor.</p>	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
40. Procedural Referrals	40.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
40. Procedural	40.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or	Building and Compliance Officer, Director Community & Development, Group	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Referrals	like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
40. Procedural Referrals	40.5 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	Building and Compliance Officer, Director Community & Development, Group Manager City Development & Safety, Team Leader Building, Team Leader Planning, Development Officer Building, Assessment Manager, Senior Building Surveyor, Senior Development Officer Planning, Development Officer Planning	
41. Administrative Terms and Definitions	<p>41.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of ‘Excluded Building’, form the opinion that:</p> <p>41.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of</p>	Assessment Manager	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	identified heritage value within the State Heritage Area; 41.1.2 the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.		



**Appendix 38 - Instrument of Delegation under the Private Parking Areas Act 1986**

<b>Private Parking Areas Act 1986</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Enter into an Agreement with the Owner of a Private Parking Area	1.1 The power under section 9(1) of to enter into an agreement with the owner of a private parking area for Council to enforce Part 3 of the Act with respect to the private parking area	Chief Executive Officer, Director	

**Appendix 39 - Instrument of Delegation under the Real Property Act 1886**

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

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
into operation under this Act	any land grant, to consent to an application to bring the said land under the provisions of the Act.		
1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act	1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	Chief Executive Officer	
2. Undivided shares and mortgaged land may not be brought under Act except upon conditions	2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where, 2.1.1 the Council appears to be entitled to an undivided share of the land; or 2.1.2 the Council is the mortgagee of the land.	Chief Executive Officer	
3. Caveat against bringing land under Act	3.1 The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat with the Lands Titles Registration Office, in the form of Schedule 3 to	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the Act, forbidding the bringing of such land under the provisions of the Act.		
4. Applicant may withdraw his application	<p>4.1 The power pursuant to Section 41 of the Act, to:</p> <p>4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;</p> <p>4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.</p>	Chief Executive Officer	
5. Proceedings under Caveat	<p>5.1 The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged with the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.</p>	Chief Executive Officer	
6. Priority of instruments	<p>6.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between two or more registered mortgages or</p>	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	encumbrances.		
6. Priority of instruments	6.2 The power pursuant to Section 56(6)(b) of the Act to consent to an application for the variation of an order of priority in accordance with Section 56(5) of the Act where the Council is the holder of a registered mortgage or encumbrance which is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority.	Chief Executive Officer	
7. Issue of new certificate on application	7.1 The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to make application to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	Chief Executive Officer	
8. Application for Certificate based on possession	8.1 The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	Chief Executive Officer	
9. Caveats	9.1 The power pursuant to and in accordance with Section 80F of the Act,	Chief	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	Executive Officer	
10. Variation and Extinguishment of Easements	<p>10.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:</p> <p>10.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or</p> <p>10.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or</p> <p>extinguish an easement.</p>	Chief Executive Officer	
10. Variation and Extinguishment of Easements	10.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	Chief Executive Officer	
11. Easement subject to existing mortgage etc	11.1 The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a	Chief Executive	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	Officer	
12. Person now holding under lease or agreement may surrender	12.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	Chief Executive Officer	
12. Person now holding under lease or agreement may surrender	12.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	Chief Executive Officer	
13. Execution and registration	13.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute the lease for lodgement in the Lands Titles	Chief Executive	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
of Crown Lease	Registration Office for inclusion or recording in the Register of Crown Leases.	Officer	
14. Transfers	14.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any land to transfer that land and for that purpose, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	Chief Executive Officer	
14. Transfers	14.2 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any right-of-way or other easement intended to be created or transferred, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	Chief Executive Officer	
15. Creation of easements by reservation	15.1 The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	Chief Executive Officer	
16. Sale under Writ of fieri facias or Decree, Warrant or Order of Court	16.1 The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to	Chief Executive Officer	



<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.		
17. Issue of certificate where land is vested by operation of law	<p>17.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:</p> <p>17.1.1 in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or</p> <p>17.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.</p>	Chief Executive Officer	
18. Lands, now leased	18.1 The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	Chief Executive Officer	
19. Leases not to bind non-consenting mortgagees or encumbrancees	19.1 The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
20. Standard terms and conditions of lease	20.1 The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	Chief Executive Officer	
21. Lease may be surrendered by separate instrument	21.1 The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, signed by the lessee and lessor.	Chief Executive Officer	
22. Registrar-General may enter surrender	22.1 The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent, of his or her intention to give up possession of the land comprised in such lease, to make application in the appropriate form and on production of such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land to make a record in the Register Book of the surrender of the lease.	Chief Executive Officer	
23. Surrender where lease subject to mortgage or under lease	23.1 The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
24. Registrar-General to note particulars of re-entry in Register Book	24.1 The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	Chief Executive Officer	
25. Mortgage of land	<p>25.1 The power pursuant to Section 128 and Section 128B of the Act and in accordance with the requirements of Section 129 of the Act:</p> <p>25.1.1 whenever the Council is the registered proprietor of land intended to be charged or made security in favour of any person - to execute a mortgage in the appropriate form; and</p> <p>25.1.2 whenever the Council is the registered proprietor of land intended to be charged with, or made security for, the payment of an annuity, rent charge or sum of money, in favour of any person - to execute an encumbrance in the appropriate form.</p>	Chief Executive Officer	
26. Standard terms and conditions of Mortgage or Encumbrance	26.1 The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office for filing a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	Chief Executive Officer	
27. Nature of Mortgage and	27.1 The power pursuant to Section 132 of the Act, where the Council holds a	Chief	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Encumbrance and procedure in case of default	mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.	Executive Officer	
28. Power of sale	28.1 The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
29 Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land	<p>29.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:</p> <p>29.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or</p> <p>29.1.2 distrain upon the occupier or tenant of the land; or</p> <p>29.1.3 from time to time let the said land for any term not exceeding one year; or</p> <p>29.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.</p>	Chief Executive Officer	
30. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due	<p>30.1 The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the</p>	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.		
31 Application to Mortgagee to Registrar-General for foreclosure	31.1 The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	Chief Executive Officer	
32 Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default	<p>32.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:</p> <p>32.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court</p>	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	thinks proper; 32.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.		
33 Discharge of Mortgages and Encumbrances	33.1 The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and signed by the Delegate, a mortgagee or encumbrance held by the Council.	Chief Executive Officer	
34. Partial discharge of Mortgage or Encumbrance on Grant of Easement	34.1 The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	Chief Executive Officer	
35. Transfer of Mortgage Lease and Encumbrance	35.1 The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	Chief Executive Officer	
36. Renewal or extension of Mortgage etc	36.1 The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
37. Person who intends to lodge an instrument may lodge a priority notice.	37.1 The power pursuant to Section 154A(1) of the Act to lodge an instrument, on payment of the prescribed fee with the Lands Titles Registration Office, a priority notice (as required under Section 154A(2) of the Act) for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction	Chief Executive Officer	
38. Withdrawal of priority notice	38.1 The power pursuant to Section 154E of the Act to withdraw a priority notice by lodging a notice of withdrawal in the appropriate form with the Lands Titles Registration Office.	Chief Executive Officer	
39. Disclaimers	39.1 The power pursuant to Section 169(1) of the Act, where the Council claims that it has been registered, without its consent, as proprietor of any estate or interest in land, to advise the Registrar-General in writing that the registration occurred.	Chief Executive Officer	
39. Disclaimers	39.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	Chief Executive Officer	
39. Disclaimers	39.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under paragraph (b) of Section 169(4)	Chief Executive	



<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	or (5) of the Act to apply to the Supreme Court for an order that the Registrar-General take such action as is necessary to give effect to the instrument of disclaimer.	Officer	
40. Bankruptcy or assignment of lessee	40.1 The power pursuant to Section 173(1)(a) of the Act where the Council is a lessor and the registered proprietor of the lease has become bankrupt, or has made or will make, a statutory assignment and if such lease be not mortgaged or encumbered under the provisions of the Act, to apply to the Registrar General in writing accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment, certifying his or her refusal to accept such lease, to make record in the Register Book a note of such refusal;	Chief Executive Officer	
40. Bankruptcy or assignment of lessee	40.2 The power pursuant to Section 173(1)(b) of the Act and in accordance with Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:  40.2.1 apply to the Registrar General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to make record in the	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>Register Book a note of such refusal.</p> <p>40.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.</p>		
40. Bankruptcy or assignment of lessee	40.3 The power pursuant to Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	Chief Executive Officer	
40. Bankruptcy or assignment of lessee	40.4 The power pursuant to Section 173(1)(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	lease.		
40. Bankruptcy or assignment of lessee	<p>40.5 The power pursuant to Section 173(1)(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:</p> <p>40.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;</p> <p>40.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.</p>	Chief Executive Officer	
40. Bankruptcy or assignment of lessee	<p>40.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall</p>	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.		
41. Application to be made in such case	41.1 The power pursuant to Section 176 of the Act where the Council is an executor or administrator before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	Chief Executive Officer	
42. Proceedings when executor etc refuse to transfer	42.1 The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	Chief Executive Officer	
43. Registration of survivor of joint proprietors, and of remainder-man entitled to	43.1 The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
estate in possession	vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.		
44. Caveats	44.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office.	Chief Executive Officer	
44. Caveats	44.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	Chief Executive Officer	
44. Caveats	44.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
44. Caveats	44.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	Chief Executive Officer	
44. Caveats	44.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	Chief Executive Officer	
44. Caveats	44.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	Chief Executive Officer	
44. Caveats	44.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	Chief Executive Officer	
44. Caveats	44.8 The power pursuant to Section 191(3) of the Act to lodge a caveat under this Section in respect of land for which the Council is the registered proprietor.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
45. Ejectment	<p>45.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:</p> <p>45.1.1 the registered proprietor of a freehold estate in possession;</p> <p>45.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;</p> <p>45.1.3 the lessor with power to re-enter where rent is in arrears for three months; or</p> <p>45.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,</p> <p>to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.</p>	Chief Executive Officer	
46. Persons claiming may, before taking proceedings, apply to the Registrar General for compensation	<p>46.1 The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.</p>	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
47. Reviews	47.1 If the Council is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, the power pursuant to Section 221(1a) of the Act to seek a review of the decision by the Tribunal.	Chief Executive Officer	
48. Applications for amendment	48.1 The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:  48.1.1 the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or  48.1.2 the description of the land in the certificate is erroneous or imperfect on the face of it.	Chief Executive Officer	
48. Applications for amendment	48.2 The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.	Chief Executive Officer	



<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
49. Caveats	49.1 The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.	Chief Executive Officer	
50. Rectification by consent	50.1 The power pursuant to Section 223J of the Act to consent to the Registrar General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	Chief Executive Officer	
51. Application for Division of Land	51.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar General.	Chief Executive Officer	
51. Application for Division of Land	51.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
51. Application for Division of Land	51.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	Chief Executive Officer	
52. Application may deal with statutory encumbrances	52.1 The power pursuant to Section 223LDA of the Act to:  52.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and  52.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer	
53. Consent to plans of division	53.1 The power pursuant to Section 223LH(1) of the Act:  53.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;  53.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>that the Council has consented to the deposit of the plan;</p> <p>53.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.</p>		
53. Consent to plans of division	53.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	Chief Executive Officer	
54. Amalgamation	54.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.	Chief Executive Officer	
54. Amalgamation	54.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrancee of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	Chief Executive Officer	

<b>Real Property Act 1886</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
55. Authority To Register	55.1 The power pursuant to section 273(1) and (1A) of the Act to provide certification in the appropriate form to deal with or affect land (including by instrument lodged electronically under the Electronic Conveyancing National Law (South Australia))	Chief Executive Officer	

## Appendix 40 - Instrument of Delegation under the Roads (Opening and Closing) Act 1991

<b>Roads (Opening and Closing) Act 1991</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Commencement Of Road Process	1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 (“the Act”) to commence a road process in relation to a road or proposed road within the area of the Council.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
2. Deposit of Preliminary Plan and Statement of Persons Affected	<p>2.1 The function pursuant to Section 9(1) of the Roads (Opening and Closing) Act 1991 (“the Act”) where the Council proposes to commence a road process, to cause to be prepared:</p> <p>2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and</p> <p>2.1.2 a statement in a form approved by the Surveyor-General containing -</p> <p>2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and</p> <p>2.1.2.2 such information in relation to the land subject to the proposed</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	road process as is required by the Surveyor-General.		
2. Deposit of Preliminary Plan and Statement of Persons Affected	2.2 The function pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
3. Notification of Proposed Road Process	3.1 The function pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to-  3.1.1 after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and  3.1.2 at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
3. Notification of Proposed Road	3.2 The function pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the	Chief Executive Officer, Coordinator Property and Facilities, Group Manager	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Process	Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.	Environment and Infrastructure, Director	
4. Dealings in Land after Commencement of Road Process	4.1 The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
4. Dealings in Land after Commencement of Road Process	4.2 The power pursuant to Section 11(b)(iii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
5. Power to make Preliminary Agreements	5.1 The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	owner of land adjoining that land.	Infrastructure, Director	
5. Power to make Preliminary Agreements	<p>5.2 The function to pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act:</p> <p>5.2.1 where adjoining land is owned by a person who owns land subject to a proposed road opening, first endeavour to secure an agreement for exchange with that person;</p> <p>5.2.2 in any case, first invite offers from the owners of land adjoining the land subject to the proposed road closure.</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
6. Meeting to Consider Objection or Application	6.1 The function pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
7. Making of Road Process Order	7.1 The function pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all	Chief Executive Officer, Coordinator Property and Facilities, Group Manager	



**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>objections and applications (if any) made in relation to a proposed road process-</p> <p>7.1.1 make a road process order in relation to all or part of the land to which the proposed road process relates; or</p> <p>7.1.2 determine that no road process order is to be made.</p>	<p>Environment and Infrastructure, Director</p>	
<p>7. Making of Road Process Order</p>	<p>7.2 The function pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision;</p> <p>7.2.1 to the Surveyor-General; and</p> <p>7.2.2 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.2.3 in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	
<p>7. Making of Road Process Order</p>	<p>7.3 The function pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order</p>	<p>Chief Executive Officer, Coordinator Property and</p>	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>and what order should be made, to have regard to-</p> <p>7.3.1 any objections made by any person pursuant to the Act; and</p> <p>7.3.2 the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and</p> <p>7.3.3 whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and</p> <p>7.3.4 alternative uses of the land subject to the road process that would benefit the public or a section of the public; and</p> <p>7.3.5 any other matter that the Delegate considers relevant.</p>	<p>Facilities, Group Manager Environment and Infrastructure, Director</p>	
<p>7. Making of Road Process Order</p>	<p>7.4 The function pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:</p> <p>7.4.1 if an agreement for exchange or transfer has been made in</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;</p> <p>7.4.2 an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;</p> <p>7.4.3 an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;</p> <p>7.4.4 if land subject to the road closure is required by the Council for some purpose in order that the land be retained by the Council and the Certificate of Title be issued to the Council;</p> <p>7.4.5 an order that land subject to the road closure-</p> <p>7.4.5.1 be added to adjoining land that is dedicated under the Crown Lands Act 1929; or</p> <p>7.4.5.2 be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or</p> <p>be vested in the Crown.</p>		

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7. Making of Road Process Order	7.5 The power pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
7. Making of Road Process Order	7.6 The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
7. Making of Road Process Order	7.7 The function pursuant to Section 19 of the Act when acting as the relevant authority to as soon as practicable after a road process order is made:  7.7.1 give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and  7.7.2 in addition, in the case of an order for a road opening-	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>7.7.2.1 give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and</p> <p>7.7.2.2 if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant to Division 1 give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and</p> <p>7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.</p>		
<p>7. Making of Road Process Order</p>	<p>7.8 The function pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General-</p> <p>7.8.1 2 copies of the order; and</p> <p>7.8.2 survey plans as required by the Registrar-General for the purposes of this Section; and</p> <p>7.8.3 in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp function payable in</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>respect of the agreement; and</p> <p>7.8.4 in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and</p> <p>7.8.5 any other document required by the Surveyor-General; and</p> <p>7.8.6 any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.</p>		
<p>7. Making of Road Process Order</p>	<p>7.9 The function pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact-</p> <p>7.9.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>7.9.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	
<p>8. Review and</p>	<p>8.1 The function pursuant to Section 22(2)(i) of the Act as the relevant</p>	<p>Chief Executive Officer,</p>	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Confirmation of Road Process Order	authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.	Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
8. Review and Confirmation of Road Process Order	<p>8.2 The function pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision-</p> <p>8.2.1 to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and</p> <p>8.2.2 in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.</p>	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	
9. Compensation	9.1 The function pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to-	Chief Executive Officer, Coordinator Property and	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>9.1.1 serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and</p> <p>9.1.2 append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing the amount, so far as is practicable, into its separate components.</p>	<p>Facilities, Group Manager Environment and Infrastructure, Director</p>	
<p>10. Acquisition of Additional Land under Land Acquisition Act</p>	<p>10.1 The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to:</p> <p>10.1.1 consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and</p> <p>10.1.2 proceed to acquire the land, whether or not the land is required in connection with the proposed road.</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	
<p>10. Acquisition of Additional Land under Land Acquisition Act</p>	<p>10.2 The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in</p>	<p>Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director</p>	



**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	connection with the road opening.		
11. Roads Associated with Adelaide Park Lands	11.1 The power, pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	Chief Executive Officer, Director	
11. Roads Associated with Adelaide Park Lands	11.2 The function, pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by:  11.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor General; and  11.2.2 such other information as may be required by the Regulations.	Chief Executive Officer, Director	
11. Roads Associated with Adelaide Park Lands	11.3 The function, pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act,:  11.3.1 give public notice, in accordance with the Regulations, of the proposal; and  11.3.2 give notice of the proposal to any State authority or council	Chief Executive Officer, Director	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>specified by the Minister; and</p> <p>11.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter).</p>		
<p>11. Roads Associated with Adelaide Park Lands</p>	<p>11.4 The function, pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act :</p> <p>11.4.1 any representation in relation to the proposal made to the Council within the relevant period; and</p> <p>11.4.2 any response that the Council wishes to make in relation to those representations.</p>	<p>Chief Executive Officer, Director</p>	
<p>11. Roads Associated with Adelaide Park Lands</p>	<p>11.5 The power, pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.</p>	<p>Chief Executive Officer, Director</p>	

**Roads (Opening and Closing) Act 1991**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11. Roads Associated with Adelaide Park Lands	11.6 The power and function pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.	Chief Executive Officer, Director	
12. Function to Fence	12.1 The function pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Director	

**Appendix 41 - Instrument of Delegation under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014**

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Installation etc of traffic control devices – general provision	1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.	Chief Executive Officer	
1. Installation etc of traffic control devices – general provision	1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.	Chief Executive Officer	
1. Installation etc of traffic control devices – general	1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act),	Chief Executive Officer	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
provision	install, display, alter, operate or remove traffic control devices:  1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or  1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or  1.3.3 for any temporary purposes.		
1. Installation etc of traffic control devices – general provision	1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	Chief Executive Officer	
2. Direction as to Installation etc of Traffic Control Devices	2.1. The function pursuant to Section 18(5) of the Road Traffic Act 1961 (“the Act”) to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.	Project Engineer, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure,	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Traffic Engineer, Director	
2. Direction as to Installation etc of Traffic Control Devices	2.2. The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.	Project Engineer, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Traffic Engineer, Director	
3. Work areas and work sites	3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.	Chief Executive Officer	
3. Work areas and work sites	3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:	Chief Executive Officer	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or</p> <p>3.2.2 if:</p> <p>3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and</p> <p>3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and</p> <p>3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and</p> <p>3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or</p> <p>3.2.3 if:</p> <p>3.2.3.1 the signs will not relate to any prescribed roads; and</p> <p>3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under this Part.</p>		

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
3. Work areas and work sites	3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.	Chief Executive Officer	
3. Work areas and work sites	3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:  3.4.1 by telephone or any other manner prescribed by the regulations; and  3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).	Chief Executive Officer	
4. Appeal to District Court	4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an	Chief Executive Officer	



Road Traffic Act 1961			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	approval or permit granted as a result of the application, to appeal to the District Court against the decision.		
5. Action to Deal with False Devices or Hazards to Traffic	5.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Coordinator Open Spaces, Coordinator City Services, Team Leader City Workshop, Team Member City Workshop (Employee # 1126), Team Leader City Clean, Team Leader Arboriculture, Team Leader City Safe, Group Manager Environment and Infrastructure, Team Leader Natural Resources , Team Leader Ranger Services, Traffic Engineer, Parking Ranger, Ranger, Director	
6. Road Closing and Exemptions for	6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a	Chief Executive Officer	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Certain Events	road in the Council's area.		
7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed	7.1 The function pursuant to Section 40P(3) of the Act and subject to Section 40P(4) of the Act to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed	7.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of a vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed	<p>7.3 The function pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:</p> <p>7.3.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>7.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this Section of the Act; and</p> <p>7.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed	<p>7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following the sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.</p>	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
8. Council May Determine That Ticket for Parking be Obtained	<p>8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Without Fee	empowered to take by or under the Act):		
8. Council May Determine That Ticket for Parking be Obtained Without Fee	8.2 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
8. Council May Determine That Ticket for Parking be Obtained Without Fee	8.3 vary or revoke a determination made under Section 86 of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
9. Compensation Orders for Damage to Road Infrastructure	9.1 The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	
10. Assessment of Compensation	10.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in	Chief Executive Officer, Group Manager City Development & Safety, Group	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>proceedings for the court to take into account in assessing the amount of any compensation:</p> <p>10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and</p> <p>10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and</p> <p>10.1.3 any other certificate of the Council as the road authority, such as a certificate:</p> <p>10.1.4 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or</p> <p>10.1.5 estimating the cost of remedying the damage; or</p> <p>10.1.6 estimating the extent of the offender's contribution to the damage.</p>	<p>Manager Environment and Infrastructure, Director</p>	
<p>11. Service of Certificates</p>	<p>11.1 The function, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down</p>	<p>Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Environment and Infrastructure, Director</p>	

<b>Road Traffic Act 1961</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	for hearing.		
12. Exemptions	12.1 The power pursuant to Section 174C(1) of the Act to exempt any person or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

<b>Road Traffic (Miscellaneous) Regulations 2014</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
13. Event Management Plan	13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	

**Road Traffic (Miscellaneous) Regulations 2014**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
13. Event Management Plan	13.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Traffic Engineer, Director	

**Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
14. Permit Zones	14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 to determine-	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Team Leader Ranger Services, Traffic Engineer, Director	

<b>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
14. Permit Zones	14.2 the class of permits required for vehicles to stop in a permit zone established by the Council;	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Team Leader Ranger Services, Traffic Engineer, Director	
14. Permit Zones	14.3 the persons entitled to such permits; 14.3.1 any fees to be paid for such permits; 14.3.2 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles), and to vary any such determination.	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Team Leader Ranger Services, Traffic Engineer, Director	
14. Permit Zones	14.4 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions,	Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Principal Traffic Engineer, Technical Officer -	



<b>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	determined by the Delegate.	Traffic & Regulatory, Team Leader Ranger Services, Traffic Engineer, Director	
15. Parking and Parking Ticket-Vending Machines or Parking Meters	15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed permissive parking signs on a length of road or an area, to determine fees that will be payable for parking by the operation of parking ticket-vending machines or parking meters, installed or to be installed in the length of road or area, and the power to vary such fees.	Chief Executive Officer, Group Manager City Development & Safety, Group Manager Environment and Infrastructure, Director	

**Appendix 42A - Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister  
for Transport and Infrastructure**

**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL**

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

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

**MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**REVOCAION OF PREVIOUS INSTRUMENT**

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

**INSTRUMENT OF GENERAL APPROVAL**

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

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

**A. Traffic Control Devices**

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

**A.1 Authorisation of other Officers**

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

**A.2 Conformity with the *Road Traffic Act***

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

**A.3 Conformity with the Australian Standards and the Code**

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

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

**A.4 Notification to adjoining Councils**

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

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

**A.5 Notification to the Commissioner of Highways**

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

**A.6 Consultation on traffic signals**

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

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

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

**A.7 Traffic Impact Statement**

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

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

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

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

#### A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

- (a) specifically listed in the Code requiring separate approval; or
- (b) not contained in or referred to in the Australian Standards or the Code; or
- (c) not complying with clause A.3.

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

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

### B. Speed Limits at Works on Roads

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

- a work area; or
- a work site

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

#### B.1 Authorisation of other Officers

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

#### B.3 Conformity with the *Road Traffic Act*

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

#### B.4 Conformity with the SA Standards

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

#### B.5 Persons who may act on behalf of Council

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

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

#### B.6 Training and Accreditation

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

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

#### B.7 Record Keeping

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

### C. Traffic Control Devices at Works on Roads

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

#### C.1 Authorisation of other Officers

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

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

#### C.2 Conformity with the Road Traffic Act

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

#### C.3 Conformity with the Code, and SA Standards

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

#### C.4 Persons who may act on behalf of Council

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

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

#### C.5 Training and Accreditation

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

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

#### C.6 Record Keeping

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

### D. Temporary Parking Controls

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

#### D.1 Authorisation of other Officers

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

#### D.2 Conformity with the Act

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

#### D.3 Conformity with Australian Standards and the Code

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

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

#### D.4 Information on Signs

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

#### D.5 Limitation of Temporary Parking Controls

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

#### D.6 Records of Temporary Parking Controls

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

### E. TRAFFIC CONTROL DEVICES FOR EVENTS

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

#### E.1. Conformity with the Road Traffic Act

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

#### E.2. Conformity with Plan

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

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

#### E.3. Notification to adjoining Councils

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

#### E.4 Notification to the Commissioner of Highways

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

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### INSTRUMENT OF DELEGATION

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

#### F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

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

#### F.1 Sub-Delegation and Authorisation to other Officers

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

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

#### F.2 Conformity with the Road Traffic Act

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

#### F.3 Conformity with the Australian Standards and the Code

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

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

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

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

#### F.5 Record Keeping

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

### G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

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

- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

#### G.1 Sub-Delegation to other Officers

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

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and
2. Any such sub-delegation must be made by instrument in writing by Council resolution; and
3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and
4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and
5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and
6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

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

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

#### G.3 Conformity with the Road Traffic Act

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

#### G.4 Exemption from Australian Road Rules

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

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

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

#### G.5 Conditions on Exemptions from Australian Road Rules

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

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

#### G.6 Notification to Commissioner of Highways

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

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

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

#### G.8 Notification to Traffic Management Centre, Metropolitan Region

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

#### G.9 Notification to Commissioner of Police

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

**G.10 Agreement of Commissioner of Police**

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

**G.11 Use of Advance Warning Signs**

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

**G.12 Effect on Roadside Furniture**

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

**H. DEFINITION OF TERMS**

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

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

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

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

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

**Officer** means Council employee

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

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

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

**I. FUTURE VARIATIONS TO THIS INSTRUMENT**

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

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



**Appendix 42B - Subdelegation to the Chief Executive Officer under the Road Traffic Act 1961 made in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. BACKGROUND	<p>1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the 'Instrument') containing:</p> <p>1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the Act) for the purposes of the Act; and</p> <p>1.2 delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.</p> <p>This document contains delegations made by the Council to the Chief Executive Officer of the Council (and any person appointed to act in that position), pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.</p>	Chief Executive Officer	
2. POWER TO CLOSE	2. In exercise of the power contained in, and in accordance with, Clause G.1 of the	Chief	

**Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
ROADS AND GRANT EXEMPTION FOR EVENTS	<p>Instrument, the power pursuant to Section 33(1) of the Act and delegated to the Council pursuant to Clause G of the Instrument, to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:</p> <p>2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and</p> <p>2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the function to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.</p>	Executive Officer	
3. CONDITIONS	<p>3. The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and</p>	Chief Executive Officer	
4. CONDITIONS	<p>4. The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.</p>	Chief Executive Officer	

**Appendix 42C - Authorisations under the Road Traffic Act 1961 made by the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

<b>Authorisations under the Road Traffic Act 1961 made by the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. BACKGROUND	<p>1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the 'Instrument') containing:</p> <p>1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the 'Act') for the purposes of the Act; and</p> <p>1.2 delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.</p> <p>This document contains Authorisations made by the Council pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.</p>	Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Traffic Engineer	

<b>Authorisations under the Road Traffic Act 1961 made by the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
2. CLAUSE A7 TRAFFIC IMPACT STATEMENT	2. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:	Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Traffic Engineer	
3. CLAUSE A7 TRAFFIC IMPACT STATEMENT	3. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:	Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Traffic Engineer	
4. CLAUSE A7 TRAFFIC IMPACT STATEMENT	4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:	Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Traffic	

**Authorisations under the Road Traffic Act 1961 made by the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Engineer	

**Appendix 42D - Authorisations under the Road Traffic Act 1961 Approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. BACKGROUND	<p>1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation to Council (the 'Instrument') containing:</p> <p>1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the 'Act') for the purposes of the Act; and</p> <p>1.2 Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.</p> <p>This document contains Authorisations made by the Council to Officers of the Council and approved by</p>	Chief Executive Officer	

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>the Chief Executive Officer (and any person appointed to act in that position) on behalf of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.</p>		
<p>2. TRAFFIC CONTROL DEVICES</p>	<p>2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.</p> <p>2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for</p>	<p>Project Engineer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Technical Officer Civil</p>	<p><b>CONDITIONS</b></p> <p>The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and</p> <p>The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a</p>

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.</p> <p>2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument:</p>		<p>road or the grant of an exemption for an event.</p>
<p>3. SPEED LIMITS AT WORKS ON ROADS</p>	<p>3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a</p>	<p>Project Engineer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place,</p>	<p>CONDITIONS</p> <p>The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is</p>



**Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.</p> <p>3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.</p> <p>3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument:</p>	<p>Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Technical Officer Civil</p>	<p>otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and</p> <p>The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.</p>

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS</p>	<p>4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument.</p> <p>4.2 Pursuant to Clause C.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause C of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.</p> <p>4.3 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the</p>	<p>Project Engineer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Technical Officer Civil</p>	<p>CONDITIONS</p> <p>The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and</p> <p>The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.</p>

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument:</p>		
<p>5. TEMPORARY PARKING CONTROLS</p>	<p>5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.</p> <p>5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument,</p>	<p>Project Engineer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Coordinator Capital Projects, Principal Traffic Engineer, Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Technical Officer Civil</p>	<p><b>CONDITIONS</b></p> <p>The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and</p> <p>The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a</p>

<b>Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.</p> <p>5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument:</p>		<p>road or the grant of an exemption for an event.</p>
<p>6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY</p>	<p>6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a</p>	<p>Project Engineer, Director Community &amp; Development, Group Manager City Development &amp; Safety, Director Environment and Place, Coordinator Capital Projects, Principal Traffic Engineer,</p>	<p>CONDITIONS</p> <p>The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is</p>

**Authorisations under the Road Traffic Act 1961 approved by the Chief Executive Officer of the Council in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>road under the care control or management of the Council, subject to the conditions specified in the Instrument.</p> <p>6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.</p> <p>6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument:</p>	<p>Technical Officer - Traffic &amp; Regulatory, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Technical Officer Civil</p>	<p>under the care, control and management of another Council or the Commissioner for Highways; and</p> <p>The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.</p>

## Appendix 43 - Instrument of Delegation under the Safe Drinking Water Act 2011

Safe Drinking Water Act 2011			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Drinking water providers to be registered	1.1 The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister.	Chief Executive Officer, Eastern Health Authority	
2. Conditions of registration	2.1 The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	Chief Executive Officer, Eastern Health Authority	
3. Suspension of registration	3.1 The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	Chief Executive Officer, Eastern Health Authority	
3. Suspension of registration	3.2 The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	Chief Executive Officer, Eastern	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Health Authority	
3. Suspension of registration	3.3 The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.	Chief Executive Officer, Eastern Health Authority	
4. Appeals	<p>4.1 The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of:</p> <p>4.1.1 a condition imposed by the Minister in relation to a registration under Part 2 of the Act;</p> <p>4.1.2 a variation of a condition of registration made by the Minister on the Minister's own initiative; or</p> <p>4.1.3 a decision of the Minister to refuse to grant an application to vary a condition of registration; or</p> <p>4.1.4 a decision of the Minister to suspend a registration under Part 2 of the Act.</p>	Chief Executive Officer, Eastern Health Authority	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
5. Drinking water providers to prepare, implement and review risk management plans	<p>5.1 The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to: EHA</p> <p>5.1.1 prepare a risk management plan in relation to the supply of drinking water to the public; and</p> <p>5.1.2 keep the plan under continuous review with a view to updating and improving it; and</p> <p>5.1.3 revise any aspect of the plan that is found, on review, to need revision.</p>	Chief Executive Officer, Eastern Health Authority	
5. Drinking water providers to prepare, implement and review risk management plans	<p>5.2 The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.</p>	Chief Executive Officer, Eastern Health Authority	
6. Related matters	<p>6.1 The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's</p>	Chief Executive Officer, Eastern	



<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	monitoring program and incident identification and notification protocol.	Health Authority	
6. Related matters	6.1.1 The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	Chief Executive Officer	
6. Related matters	6.2 The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013.	Chief Executive Officer	
7. Appointment of authorised officers	7.1 The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	Chief Executive Officer	
7. Appointment of authorised officers	7.2 The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised officers appointed by the Council.	Governance Officer, Chief Executive Officer, Director	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
8. Certificates of authority	8.1 The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.	NOT DELEGATED	
8. Certificates of authority	8.2 The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	NOT DELEGATED	
9. Seizure orders	<p>9.1 The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:</p> <p>9.1.1 authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or</p> <p>9.1.2 order that the thing seized be forfeited to the Council;</p>	NOT DELEGATED	
9 Seizure orders	9.2 The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	NOT DELEGATED	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
10 Notices	<p>10.1 The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:</p> <p>10.1.1 securing compliance with a requirement imposed by or under the Act; or</p> <p>10.1.2 averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.</p>	Chief Executive Officer, Eastern Health Authority	
10 Notices	<p>10.2 The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.</p>	Chief Executive Officer, Eastern Health Authority	
11 Action or non-compliance with a notice	<p>11.1 The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.</p>	Chief Executive Officer, Eastern Health Authority	
11 Action or non-compliance with a notice	<p>11.2 The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.</p>	Chief Executive Officer	
11 Action or non-	<p>11.3 The power pursuant to Section 39(4) of the Act to recover the</p>	Chief Executive	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
compliance with a notice	reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.	Officer	
11 Action or non-compliance with a notice	11.4 The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer	
12 Action in emergency situations	12.1 The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	Chief Executive Officer, Eastern Health Authority	
13 Specific power to require information	13.1 The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	NOT DELEGATED	
14 Appeals	14.1 The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.	Chief Executive Officer, Eastern	

<b>Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Health Authority	
15 Annual reports by enforcement agencies	15.1 The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.	Chief Executive Officer, Eastern Health Authority	

**Appendix 44 - Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2019**

<b>South Australian Public Health Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Power to require reports	1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	Chief Executive Officer, Eastern Health Authority	
1. Power to require reports	1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other Councils.	Chief Executive Officer, Eastern Health Authority	
1. Power to require reports	1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	Chief Executive Officer, Eastern Health Authority	
2 Risk of avoidable	2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the	Chief Executive Officer, Eastern	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
mortality or morbidity	request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	Health Authority	
2 Risk of avoidable mortality or morbidity	<p>2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:</p> <p>2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and</p> <p>2.2.2 any plans that the Council may have that may be relevant in the circumstances; and</p>	Chief Executive Officer, Eastern Health Authority	
2 Risk of avoidable mortality or morbidity	2.3 any steps that the Council is willing to take in the circumstances; and	Chief Executive Officer, Eastern Health Authority	
2 Risk of avoidable mortality or morbidity	2.4 any other matter relating to the Council that appears to be relevant.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Cooperation between councils	3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other Councils.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
3. Cooperation between councils	3.2 The power pursuant to section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other Councils.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
3. Cooperation between councils	3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
4 Power of Chief Public Health Officer to act	4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	Chief Executive Officer, Eastern Health Authority	



**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
5 Council failing to perform a function under Act	5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
5 Council failing to perform a function under Act	5.2 The power pursuant to Section 41(6) of the Act to: 5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and 5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and 5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
6 Transfer of function of Council at request of Council	6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	Chief Executive Officer, Eastern Health Authority	Clause 6 Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
6 Transfer of	6.2 The power pursuant to Section 42(10) of the Act to enter into an	Chief Executive	Power can only be exercised after EHA has

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
function of Council at request of Council	agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	Officer, Eastern Health Authority	received consent from the CEO of the Council to exercise the power on a case by case basis.
6 Transfer of function of Council at request of Council	6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
6 Transfer of function of Council at request of Council	6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	Chief Executive Officer, Eastern Health Authority	Power can only be exercised after EHA has received consent from the CEO of the Council to exercise the power on a case by case basis.
7 Local authorised officers	7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7 Local authorised officers	7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	Chief Executive Officer, Eastern Health Authority	
7 Local authorised officers	7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	Chief Executive Officer, Eastern Health Authority	
7 Local authorised officers	7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	Chief Executive Officer, Eastern Health Authority	
7 Local authorised officers	7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:  7.5.1 makes an appointment under Section 44 of the Act; or  7.5.2 revokes an appointment under Section 44 of the Act	Chief Executive Officer, Eastern Health Authority	
7 Local authorised	7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the	Chief Executive Officer, Eastern	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
officers	Council's area and in determining the number of local authorised officers who should be appointed for the Council area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	Health Authority	
8. Identity cards	<p>8.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:</p> <p>8.1.1. containing the person's name and a photograph of the person; and</p> <p>8.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>8.1.3 setting out the name or office of the issuing authority.</p>	Chief Executive Officer, Eastern Health Authority	
9. Specific power to require information	9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	Chief Executive Officer, Eastern Health Authority	
10 Regional	10.1 The power pursuant to Section 51(1) of the Act to in accordance	Chief Executive	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
public health plans	with Sections 51(2), (5),(6),(8), (9),(11), (12),(13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of Councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan)	Officer, Eastern Health Authority	
10 Regional public health plans	10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.	Chief Executive Officer, Eastern Health Authority	
10 Regional public health plans	<p>10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:</p> <p>10.3.1 prepare a draft of the proposal; and</p> <p>10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:</p> <p>10.3.2.1 give a copy of it to:</p> <p>a) the Minister; and</p> <p>b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and</p> <p>c) any relevant public health partner authority under Section 51(23);</p>	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	and d) any other body or group prescribed by the regulations; and 10.3.2.2 take steps to consult with the public		
10 Regional public health plans	10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).	Chief Executive Officer, Eastern Health Authority	
10 Regional public health plans	10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	Chief Executive Officer, Eastern Health Authority	
10 Regional public health plans	10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	Chief Executive Officer, Eastern Health Authority	
10 Regional	10.7 The power pursuant to Section 51(16) of the Act to then adopt a	Chief Executive	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
public health plans	plan or amend a plan with or without alteration.	Officer, Eastern Health Authority	
10 Regional public health plans	10.8 The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).	NOT DELEGATED	
10 Regional public health plans	10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	Chief Executive Officer, Eastern Health Authority	
10 Regional public health plans	10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.	Chief Executive Officer, Eastern Health Authority	
10 Regional	10.11 The power pursuant to Section 51(20) of the Act to, in preparing	Chief Executive	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
public health plans	and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.	Officer, Eastern Health Authority	
10 Regional public health plans	10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	Chief Executive Officer, Eastern Health Authority	
11 Reporting on regional public health plans	11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of	Chief Executive Officer, Eastern Health Authority	



**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the Act		
12 Action to prevent spread of infection	12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	Chief Executive Officer, Eastern Health Authority	
12 Action to prevent spread of infection	12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.	Chief Executive Officer, Eastern Health Authority	
13 Notices	<p>13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:</p> <p>13.1.1 securing compliance with a requirement imposed by or under the Act (including the function under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or</p> <p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>13 Notices</p>	<p>13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general function under Part 6 of the Act:</p> <p>13.2.1 have regard to:</p> <p>13.2.1.1 the number of people affected, or potentially affected, by the breach of the function.</p> <p>13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the function;</p> <p>13.2.1.3 any steps that a person in breach of the function has taken, or proposed to take, to avoid or address the impact of the breach of the function.</p> <p>and such other matters as the Delegate thinks fit; and</p> <p>13.2.2 Subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:</p> <p>13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and</p> <p>13.2.2.2 stating the reasons for the proposed action; and</p> <p>13.2.2.3 inviting the person to show, within a specified time (of a</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).		
13 Notices	13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	Chief Executive Officer, Eastern Health Authority	
13 Notices	<p>13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:</p> <p>13.4.1 issue a notice in accordance with the terms of the original proposal; or</p> <p>13.4.2 issue a notice with modifications from the terms of the original proposal; or</p> <p>13.4.3 determine not to proceed further under Section 92.</p>	Chief Executive Officer, Eastern Health Authority	
13 Notices	<p>13.5 The power pursuant to Section 92(4) of the Act to:</p> <p>13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the</p>	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>circumstances of the particular case; and</p> <p>13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.</p>		
<p>13 Notices</p>	<p>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:</p> <p>13.6.1 in the form of a written notice served on the person to whom it is issued; and</p> <p>13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and</p> <p>13.6.3 Directing 2 or more persons to do something specified in the notice jointly; and</p> <p>13.6.4 Without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:</p> <p>13.6.4.1 is the owner or occupier of the premises; or</p> <p>13.6.4.2 has the management or control of the premises; or</p> <p>13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and</p> <p>13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:</p> <p>13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;</p> <p>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;</p> <p>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;</p> <p>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity.</p> <p>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;</p> <p>13.6.6.6 a requirement that the person undertake specified tests or monitoring;</p>		

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;</p> <p>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;</p> <p>13.6.6.9 a requirement prescribed under or for the purpose of the regulations; and</p> <p>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.</p>		
13 Notices	13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.	Chief Executive Officer, Eastern Health Authority	
13 Notices	13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
14 Action on non-compliance with notice	14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer, Eastern Health Authority	
14 Action on non-compliance with notice	14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act	Chief Executive Officer, Eastern Health Authority	
14 Action on non-compliance with notice	14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice	Chief Executive Officer, Eastern Health Authority	
14 Action on non-compliance with notice	14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer, Eastern Health Authority	
15 Action in emergency	15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in	Chief Executive Officer, Eastern	

**South Australian Public Health Act 2011**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
situations	taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	Health Authority	
16 Review – notices relating to general function	16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	Chief Executive Officer, Eastern Health Authority	
16 Review – notices relating to general function	<p>16.2 The power pursuant to Section 95(15) of the Act to make an application to Review Panel to:</p> <p>16.2.1 dismiss or determine any proceedings that appear:</p> <p>16.2.1.1 to be frivolous or vexatious; or</p> <p>16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose</p> <p>16.2.2 bring any proceedings to an end that appear:</p> <p>16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or</p> <p>16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or</p>	Chief Executive Officer, Eastern Health Authority	



**South Australian Public Health Act 2011**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	16.2.3 bring any proceedings to an end for any other reasonable cause.		
17. Appeals	17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Legionella) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
18. Function to register high risk manufactured water system	18.1 The function pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.	Chief Executive Officer, Eastern Health Authority	
18. Function to register high risk manufactured water system	18.2 The function pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Legionella) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	high risk manufactured water system to which the application relates.		
19 Register of high risk manufactured water systems	19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.	Chief Executive Officer, Eastern Health Authority	
19 Register of high risk manufactured water systems	<p>19.2 The function pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:</p> <p>19.2.1 the type of water system; and</p> <p>19.2.2 the address of the premises on which the water system is installed; and</p> <p>19.2.3 the location of the water system on the premises; and</p> <p>19.2.4 the full name and residential and business addresses of the owner of the premises; and</p> <p>19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,</p> <p>and such other information as the Delegate thinks fit.</p>	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Legionella) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>19A. Annual inspection of microbiological testing</p>	<p>19A.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:</p> <p>19A.3.1 requiring the owner, within the period specified in the notice:</p> <p>19A.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and</p> <p>19A.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:</p> <p>a) of at least 1 sample of water taken from a cooling water system; and</p> <p>b) of at least 2 samples of water taken from a warm water system,</p> <p>to determine the presence and number of colony forming units of Legionella in the water; and</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	
<p>19A. Annual inspection of microbiological testing</p>	<p>19A.4 requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health (Legionella) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>20 Power of council to require microbiological testing in other circumstances</p>	<p>20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:</p> <p>20.1.1 the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or</p> <p>20.1.2 the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,</p> <p>to give the owner of the premises written notice:</p> <p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	
<p>21 Fees relating to high risk manufactured water systems</p>	<p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
22 Relevant authority	22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.	Chief Executive Officer, Eastern Health Authority	
23 Public notification of proposed community wastewater management system	23.1 The power and function pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.	Chief Executive Officer, Eastern Health Authority	
24 Connection to community wastewater management system	24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:	NOT DELEGATED	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>24.1.1 to connect the system to the community wastewater management system; and</p> <p>24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:</p> <p>24.1.2.1 the connection; and</p> <p>24.1.2.2 if necessary, consequential alterations to the on-site wastewater system.</p>		
24 Connection to community wastewater management system	24.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1), to grant a wastewater works approval for the required wastewater works as if the application had been made.	NOT DELEGATED	
24 Connection to community wastewater management system	24.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).	NOT DELEGATED	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
24 Connection to community wastewater management system	24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	NOT DELEGATED	
24 Connection to community wastewater management system	24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.	NOT DELEGATED	
25 Exemptions	25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.	Chief Executive Officer, Eastern Health Authority	
25 Exemptions	25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
26 Exemptions from prescribed codes	26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.	Chief Executive Officer, Eastern Health Authority	
26 Exemptions from prescribed codes	26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Chief Executive Officer, Eastern Health Authority	
27 Application	27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	Chief Executive Officer, Eastern Health Authority	
28 Determination of application	<p>28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:</p> <p>28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following:</p> <p>28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;</p> <p>28.1.1.2 that the wastewater works will not, if undertaken in accordance with</p>	Chief Executive Officer, Eastern Health Authority	



**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>the conditions of approval, adversely affect or threaten public or environmental health; or</p> <p>28.1.2 for any other sufficient reason.</p>		
<p>28 Determination of application</p>	<p>28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water reasonable opportunity to comment on the application and take into account any comments so made.</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	
<p>29 Conditions of approval</p>	<p>29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:</p> <p>29.1.1 any 1 or more of the following prescribed expiable conditions:</p> <p>29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;</p> <p>29.1.1.2 a condition that requires the display of specified notices on the</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>premises on which the wastewater system is located;</p> <p>29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person’s expense) and to provide the Council with specified information in a specified manner and at specified times;</p> <p>29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;</p> <p>29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;</p> <p>29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or</p>		
<p>29 Conditions of approval</p>	<p>29.1.2 any other conditions including any 1 or more of the following:</p> <p>29.1.2.1 a condition that requires decommissioning of the wastewater system:</p> <ul style="list-style-type: none"> <li>a) after a specified trial period; or</li> <li>b) in specified circumstances; or</li> <li>c) on written notice to the operator of the system;</li> </ul> <p>29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;</p>	<p>Chief Executive Officer, Eastern Health Authority</p>	

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;</p> <p>29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);</p> <p>29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;</p> <p>29.1.2.6 a condition that otherwise specifies requirements relating to:</p> <ul style="list-style-type: none"> <li>a) the installation of the waste water system; or</li> <li>b) the decommissioning of the wastewater system; or</li> <li>c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or</li> <li>d) the operation, servicing and maintenance of the wastewater system; or</li> <li>e) the reuse or disposal of wastewater from the wastewater system.</li> </ul>		

**South Australian Public Health (Wastewater) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
29 Conditions of approval	<p>29.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:</p> <p>29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and</p> <p>29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and</p> <p>29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.</p>	Chief Executive Officer, Eastern Health Authority	
29 Conditions of approval	<p>29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p>	Chief Executive Officer, Eastern Health Authority	
29 Conditions of approval	<p>29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:</p> <p>29.4.1 the operator consents; or</p>	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.		
30 Expiry of approval	30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.	Chief Executive Officer, Eastern Health Authority	
31 Registers of wastewater works approvals	31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	Chief Executive Officer, Eastern Health Authority	
31 Registers of wastewater works approvals	31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.	Chief Executive Officer, Eastern Health Authority	
32 Requirement to obtain expert report	32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	engineer within a specified period addressing specified matters.		
32 Requirement to obtain expert report	32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 are not complied with to obtain the required report and recover the costs and expenses reasonably incurred in doing so from the person who failed to comply with the notice, as a debt.	Chief Executive Officer, Eastern Health Authority	
32 Requirement to obtain expert report	32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (General) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
33. Non-compliance with notices (section	33.1 The power pursuant to regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (General) Regulations 2013**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
93(6) of the Act)	General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:  33.1.1 setting out the amount recoverable under Section 93 of the Act; and 33.1.2 setting out the land in relation to which the relevant action was taken; and 33.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.		
33. Non-compliance with notices (section 93(6) of the Act)	33.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.	Chief Executive Officer, Eastern Health Authority	

**South Australian Public Health (Fees) Regulations 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
34. Refund and recovery	34.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2019 (the Fees Regulations), to, where the Council is the	Chief Executive Officer, Eastern	

**South Australian Public Health (Fees) Regulations 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
of fees	relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.	Health Authority	
34. Refund and recovery of fees	34.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council. EHA	Chief Executive Officer, Eastern Health Authority	



**Appendix 45 - Instrument of Delegation under the State Records Act 1997**

<b>State Records Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Surveys of Official Records and Record Management	1.1 The power pursuant to Section 15(2) of the State Records Act 1997 (the Act) to afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
2. Voluntary Transfer to State Records' Custody	2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, to deliver any of the Council's records into the custody of State Records.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
3. Mandatory Transfer to State Records' Custody	3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):  3.1.1 when the Council ceases to require access to the record for	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	

<b>State Records Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>current administrative purposes; or</p> <p>3.1.2 during the year occurring 15 years after the record came into existence, whichever first occurs.</p>		
<p>3. Mandatory Transfer to State Records' Custody</p>	<p>3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:</p> <p>3.2.1 in accordance with record management standards issued by the Manager; or</p> <p>3.2.2 with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.</p>	<p>Group Manager People &amp; Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer</p>	
<p>3. Mandatory Transfer to State Records' Custody</p>	<p>3.3 The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.</p>	<p>Group Manager People &amp; Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer</p>	

<b>State Records Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
3. Mandatory Transfer to State Records' Custody	3.4 The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
4. Keeping of Official Records in Premises Other than State Records' Premises	4.1 The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
5. Disposal of Official Records by Agency	5.1 The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
5. Disposal of Official Records by Agency	5.2 The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.	Group Manager People & Innovation, Team Leader Information Management , Chief	

<b>State Records Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Executive Officer, Director, Information Management Officer	
5. Disposal of Official Records by Agency	5.3 The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
6. Disposal of Official Records by Manager	6.1 The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
7. Agency's Access to Records in Custody of State Records	7.1 The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	

<b>State Records Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
7. Agency's Access to Records in Custody of State Records	7.2 The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	
8. Public Access to Records in Custody of State Records	8.1 The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:  8.1.1 determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or  8.1.2 determine conditions excluding or restricting access to the record.	Group Manager People & Innovation, Team Leader Information Management , Chief Executive Officer, Director, Information Management Officer	

## Appendix 46 - Instrument of Delegation under the Strata Titles Act 1988

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Application for amendment	1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
1. Application for amendment	1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
1. Application for amendment	1.3 The power pursuant to Section 12(3a) of the Act, where:  1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and	Chief Executive Officer, Group Manager City Development & Safety, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.		
1. Application for amendment	1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.	Chief Executive Officer, Group Manager City Development & Safety, Director	
2. Application may deal with statutory encumbrances	2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Planning, Director	
2A Amendment by order of ERD Court	2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
2A Amendment by order of ERD Court	2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter	Chief Executive Officer, Director	
3. Amalgamation of adjacent sites	3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.	Chief Executive Officer, Director	
3. Amalgamation of adjacent sites	3.2 The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units. DCD, DEP	Chief Executive Officer, Director	
4. Cancellation	4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	Chief Executive Officer, Director	
4. Cancellation	4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.	Chief Executive Officer, Director	
4. Cancellation	4.3 The power pursuant to Section 17(4) of the Act to make an application	Chief Executive Officer,	



<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	for an order of the ERD Court cancelling a strata plan.	Director	
4. Cancellation	4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	Chief Executive Officer, Director	
5. Application for division	5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.	Chief Executive Officer, Director	
5. Application for division	5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886	Chief Executive Officer, Director	
6. Articles of strata corporation	6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
7. Certain articles may be struck out by Court	7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	Chief Executive Officer, Director	
8. Offences	8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	Chief Executive Officer, Director	
8. Offences	8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:  8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and  8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.	Chief Executive Officer, Group Manager City Development & Safety, Director	
9. Power to enforce duties of maintenance and repair	9.1 The power pursuant to Section 28(5) of the Act, where:  9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and  9.1.2 the circumstances out of which the work was required are attributable	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to the act or default of another person, to recover those costs from that other person as a debt.		
10. Right of unit holders etc to satisfy themselves as to insurance	10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	Chief Executive Officer, Group Manager City Development & Safety, Director	
11. Holding of general meetings	11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	Chief Executive Officer, Director	
11. Holding of general meetings	11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.	Chief Executive Officer, Director	
12. Voting at general meetings	12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	Chief Executive Officer, Director	
12. Voting at general	12.2 The power pursuant to Section 34(4) of the Act to exercise an	Chief Executive Officer,	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
meetings	absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	Director	
13. Administrator of strata corporation's affairs	13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.	Chief Executive Officer, Director	
14. Information to be furnished	<p>14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:</p> <p>14.1.1 furnish:</p> <p>14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);</p> <p>14.1.1.2 particulars of the assets and liabilities of the corporation;</p> <p>14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;</p> <p>14.1.1.4 particulars in relation to any prescribed matter;</p> <p>14.1.2 provide copies of:</p>	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;</p> <p>14.1.2.2 the statement of accounts of the corporation last prepared by the corporation;</p> <p>14.1.2.3 the articles for the time being in force;</p> <p>14.1.2.4 current policies of insurance taken out by the corporation;</p> <p>14.1.3 make available for inspection:</p> <p>14.1.3.1 a copy of the accounting records of the corporation;</p> <p>14.1.3.2 the minute books of the corporation;</p> <p>14.1.3.3 any other prescribed documentary material;</p> <p>14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;</p> <p>14.1.5 make available for inspection the register maintained under Section 39A of the Act.</p>		
14. Information to be furnished	14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	by the corporation.		
15. Persons who may apply for relief	15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	Chief Executive Officer, Director	
16. Resolution of disputes, etc	16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer, Director	
16. Resolution of disputes, etc	16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.	Chief Executive Officer, Director	
16. Resolution of disputes, etc	16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	Chief Executive Officer, Director	
16. Resolution of disputes, etc	16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to:  16.4.1 transfer an application under Section 41A to the Supreme Court on	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the ground that the application raises a matter of general importance; or 16.4.2 state a question of law for the opinion of the Supreme Court.		
16. Resolution of disputes, etc	16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer, Director	
17. Unit holder's power of entry	17.1 Where the Council is the unit holder of a unit (Unit A) and: 17.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or 17.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and 17.1.3 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs, the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	Chief Executive Officer	
17. Unit holder's power of entry	17.2 Where the Council is the unit holder of a unit (Unit A) and 17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil	Chief Executive Officer, Director	

<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>or air-conditioned air to Unit A fails; or</p> <p>17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and</p> <p>17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,</p> <p>the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.</p>		
18. Dealing with part of unit	<p>18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:</p> <p>18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or</p> <p>18.1.2 where Section 44(2)(a) does not apply:</p> <p>18.1.2.1 if the lease or licence is granted to another unit holder; or</p> <p>18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.</p>	Chief Executive Officer, Director	
19. Body Corporate	19.1 The power pursuant to Section 44A(2) of the Act, and subject to	Chief Executive Officer,	



<b>Strata Titles Act 1988</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
may act as officer, etc	Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council.	Director	
20. Relief where unanimous resolution required	20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.	Chief Executive Officer, Director	

## Appendix 47 - Instrument of Delegation under the Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009

<b>Supported Residential Facilities Act 1992</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Appointment of authorised officers	1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 (the Act) to appoint a person to be an authorised officer under the Act;	Chief Executive Officer, Eastern Health Authority	
1. Appointment of authorised officers	1.2 The function pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	Chief Executive Officer, Eastern Health Authority	
1. Appointment of authorised officers	1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	Chief Executive Officer, Eastern Health Authority	
2. Application for a licence	2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information.	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Act 1992**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
2. Application for a licence	2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration.	Chief Executive Officer, Eastern Health Authority	
2. Application for a licence	2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the function where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence.	Chief Executive Officer, Eastern Health Authority	
2. Application for a licence	2.4 Where an application for a licence is refused, the function pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.	Chief Executive Officer, Eastern Health Authority	
2. Application for a licence	2.5 The function pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit.	Chief Executive Officer, Eastern Health Authority	
2. Application for a	2.6 The function pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified	Chief Executive Officer, Eastern	

**Supported Residential Facilities Act 1992**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
licence	in this Section and to such other matters as the Delegate thinks fit.	Health Authority	
2. Application for a licence	2.7 The function pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit.	Chief Executive Officer, Eastern Health Authority	
2. Application for a licence	2.8 The function pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	Chief Executive Officer, Eastern Health Authority	
3. Renewal of licence	3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee.	Chief Executive Officer, Eastern Health Authority	
3. Renewal of licence	3.2 The function pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the function to state in the notice of refusal the reasons for the refusal and the rights of appeal that the applicant may have under the Act.	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Renewal of licence	3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled under the Act.	Chief Executive Officer, Eastern Health Authority	
4. Licence conditions	4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act.	Chief Executive Officer, Eastern Health Authority	
4. Licence conditions	<p>4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:</p> <p>4.2.1 if imposed at the time of grant or renewal of the licence – the function to include them in the licence itself;</p> <p>4.2.2 if imposed during the currency of the licence – the function to impose them by notice in writing served on the holder of the licence;</p> <p>4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence.</p>	Chief Executive Officer, Eastern Health Authority	
5. Transfer and surrender of licence	5.1 The function pursuant to Section 30(4) of the Act, upon application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied the proposed transferee would be a suitable person to	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	be granted a licence under the Act.		
6. Cancellation of licence	6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable.	Chief Executive Officer, Eastern Health Authority	
6. Cancellation of licence	6.2 The function pursuant to Section 31(2) of the Act, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow at least 28 days within which to make submissions in relation to the proposed action.	Chief Executive Officer, Eastern Health Authority	
6. Cancellation of licence	6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence, to impose conditions to protect the interests of the residents of the facility.	Chief Executive Officer, Eastern Health Authority	
6. Cancellation of licence	6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	Chief Executive Officer, Eastern Health Authority	
7. Review of decision or order	7.1 The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in	Chief Executive Officer, Eastern	

**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	force until the determination of the review.	Health Authority	
7. Review of decision or order	<p>7.2 The power pursuant to Section 32(4) of the Act to:</p> <p>7.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and</p> <p>7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order.</p>	Chief Executive Officer, Eastern Health Authority	
7. Review of decision or order	7.3 The function pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year. EHA	Chief Executive Officer, Eastern Health Authority	
8. Appointment of manager	8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	Chief Executive Officer, Eastern Health Authority	
8. Appointment of	8.2 The power pursuant to Section 34(2) of the Act to extend the period of	Chief Executive	

**Supported Residential Facilities Act 1992**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
manager	management without supervision.	Officer, Eastern Health Authority	
9. Death of licensee	9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.	Chief Executive Officer, Eastern Health Authority	
10. Rescission of resident contract by proprietor	10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	Chief Executive Officer, Eastern Health Authority	
11. Disputes etc	11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act.	Chief Executive Officer, Eastern Health Authority	
11. Disputes etc	11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the	Chief Executive Officer, Eastern	



**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Delegate thinks necessary, and to verify any information by statutory declaration.	Health Authority	
11. Disputes etc	11.3 The function pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application.	Chief Executive Officer, Eastern Health Authority	
11. Disputes etc	11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	Chief Executive Officer, Eastern Health Authority	
11. Disputes etc	11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act.	Chief Executive Officer, Eastern Health Authority	
11. Disputes etc	11.6 The power, pursuant to Section 43(12) of the Act - 11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate; 11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	tribunal constituted by law; or 11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and		
11. Disputes etc	11.7 The function pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	Chief Executive Officer, Eastern Health Authority	
12. Attendance by health service providers etc.	12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	Chief Executive Officer, Eastern Health Authority	
13. Complaints	13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	Chief Executive Officer, Eastern Health Authority	
13. Complaints	13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	Chief Executive Officer, Eastern	

**Supported Residential Facilities Act 1992**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Health Authority	
13. Complaints	13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	Chief Executive Officer, Eastern Health Authority	
13. Complaints	13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	Chief Executive Officer, Eastern Health Authority	
14. Regulations	<p>14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -</p> <p>14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and</p> <p>14.1.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,</p> <p>the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.</p>	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Act 1992**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
14. Regulations	<p>14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:</p> <p>14.2.1 revoke an exemption under Section 57(5);</p> <p>14.2.2 vary or revoke a condition under Section 57(6)</p>	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Regulations 2009**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
15. Licensing scheme	15.1 The function pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (the Regulations) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	Chief Executive Officer, Eastern Health Authority	
15. Licensing scheme	15.2 The function pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	Chief Executive Officer, Eastern Health Authority	

**Supported Residential Facilities Regulations 2009**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
16. Prospectus	16.1 The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	Chief Executive Officer, Eastern Health Authority	
17. Notification of certain events	17.1 The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	Chief Executive Officer, Eastern Health Authority	
18. Acting managers	18.1 The power pursuant to Regulation 17(2) of the Regulations to approve an Acting Manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a Manager is absent from the duties of office or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	Chief Executive Officer, Eastern Health Authority	
19. Management of Nursing Home	19.1 The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	Chief Executive Officer, Eastern Health Authority	
19. Management of	19.2 The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in	Chief Executive Officer, Eastern	

## Supported Residential Facilities Regulations 2009

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Nursing Home	writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	Health Authority	
20. Facilities, hygiene, maintenance etc	20.1 The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	Chief Executive Officer, Eastern Health Authority	
20. Facilities, hygiene, maintenance etc	20.2 The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	Chief Executive Officer, Eastern Health Authority	
21. Communication facility	21.1 The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	Chief Executive Officer, Eastern Health Authority	
22. Indemnity fund	22.1 The function pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	Chief Executive Officer, Eastern Health Authority	

**Appendix 48 - Instrument of Delegation under the Unclaimed Goods Act 1987**

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Unclaimed Goods	1.1 The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance to an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Representative, Director	
1. Unclaimed Goods	1.2 The power pursuant to Section 5(1)(c) of the Act where	Group Manager Finance & Risk, Group	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Representative, Director	
1. Unclaimed Goods	1.3 The function pursuant to Section 5(2) of the Act, in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request - 1.3.1 states the address at which the goods are available for collection; and 1.3.2 contains a brief description of the goods; and	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager	



<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	1.3.3 states the times at which, or the hours between which, the goods will be available for collection at that address; and	Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Representative, Director	
1. Unclaimed Goods	1.3.4 is made – 1.3.4.1 by post addressed to the last known address of the bailor; or 1.3.4.2 if the identity or whereabouts of the bailor is unknown – by notice in the prescribed form published in a newspaper circulating generally throughout the State.	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Representative,	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
1. Unclaimed Goods	1.4 The function pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Representative, Director	
2. Sale or disposal of unclaimed goods	2.1 The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety,	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>2.1.1 sell the goods; or</p> <p>2.1.2 if the value of the goods would be insufficient to defray the costs of sale – otherwise dispose of the goods.</p>	<p>Group Manager Technical Services &amp; Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development &amp; Venues Manager, Director</p>	
<p>2. Sale or disposal of unclaimed goods</p>	<p>2.2 The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the function pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.</p>	<p>Group Manager Finance &amp; Risk, Group Manager People &amp; Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development &amp; Venues Manager,</p>	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
2. Sale or disposal of unclaimed goods	<p>2.3 The function pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to –</p> <p>2.3.1 give notice of the application to the Commissioner of Police; and</p> <p>2.3.2 give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.</p>	<p>Group Manager Finance &amp; Risk, Group Manager People &amp; Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development &amp; Venues Manager, Director</p>	
2. Sale or disposal of unclaimed goods	<p>2.4 The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the function pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to</p>	<p>Group Manager Finance &amp; Risk, Group Manager People &amp; Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Team Leader Financial</p>	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>2.4.1 sell the goods by public auction; and</p> <p>2.4.2 give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale –</p> <p>2.4.2.1 to the Commissioner of Police; and</p> <p>2.4.2.2 to the bailor.</p>	<p>Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development &amp; Venues Manager, Director</p>	
2. Sale or disposal of unclaimed goods	<p>2.5 The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.</p>	<p>Group Manager Finance &amp; Risk, Group Manager People &amp; Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Group Manager Technical Services &amp; Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development &amp; Venues Manager, Director</p>	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
3. Claim made by bailor after commencement of proceedings under this Act	3.1 The function pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Director	
3. Claim made by bailor after commencement of proceedings under this Act	3.2 The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -  3.2.1 the reasonable costs incurred by the Council in proceeding under the Act;  3.2.2 the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the bailor should have collected or taken delivery of them; 3.2.3 the amount of any lien that the Council has over the goods.	Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Director	
3. Claim made by bailor after commencement of proceedings under this Act	3.3 The power pursuant to Section 7(3) of the Act, if the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts within the prescribed period, to proceed to sell or dispose of the goods.	Group Manager Finance & Risk, Group Manager People & Innovation, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Director	
4. Proceeds of sale	4.1 The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act	Group Manager Finance & Risk, Group Manager People & Innovation, Senior	

<b>Unclaimed Goods Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to - 4.1.1 retain from those proceeds - 4.1.1.1 the reasonable costs of the sale and of proceeding under the Act; 4.1.1.2 the reasonable costs of storing and maintaining the goods prior to sale; 4.1.1.3 the amount of any lien that the Council had over the goods; and 4.1.2 pay the balance to the Treasurer.	Ranger, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Team Leader Financial Management, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community Development & Venues Manager, Director	



**Appendix 49 - Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012**

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Water Planning	<p>1.1 The power pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in relation to a proposal:</p> <p>1.1.1 to create the State Water Demand and Supply Statement; or</p> <p>1.1.2 to undertake a comprehensive review of the State Water Demand and Supply Statement,</p> <p>to make written representations on the proposal to the Minister.</p>	NOT DELEGATED	
2. Application for Licence	<p>2.1 The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.</p>	NOT DELEGATED	
3. Licence fees and	<p>3.1 The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2</p>	NOT	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
returns	<p>years or more, to:</p> <p>3.1.1 in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and</p> <p>3.1.2 in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.</p>	DELEGATED	
4 Variation of Licence	<p>4.1 The power pursuant to Section 28(2) of the Act to:</p> <p>4.1.1 make application to the Commission to vary the terms or conditions of the Council's licence;</p> <p>4.1.2 agree to the variation of the terms or conditions of the Council's licence;</p> <p>4.1.3 make representations to the Commission about the proposed variation.</p>	NOT DELEGATED	
5 Transfer of Licence	<p>5.1 The power pursuant to Section 29(1) of the Act, and in</p>	NOT	

<b>Water Industry Act 2012</b>			
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	<p>accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.</p> <p>5.2 The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.</p>	DELEGATED	
6 Surrender of Licence	<p>6.1 The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.</p> <p>6.2 The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.</p>	NOT DELEGATED	
7 Suspension or cancellation of Licences	<p>7.1 The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.</p>	NOT DELEGATED	
8 Standard terms and conditions for retail services	<p>8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a</p>	NOT DELEGATED	

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	designated class.		
8 Standard terms and conditions for retail services	8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	Chief Executive Officer	
8 Standard terms and conditions for retail services	8.3 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	NOT DELEGATED	
9 Customer hardship policies	9.1 The power pursuant to Section 37(3) of the Act to: 9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or 9.1.2 with the written approval of the Commission, adopt such a policy with modifications.	NOT DELEGATED	
10 Power to take over operations	10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the	NOT DELEGATED	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	proclamation should not be made.		
11 Appointment of operator	11.1 The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.	NOT DELEGATED	
12 Appointment of water industry officer	12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.  12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	NOT DELEGATED	
13 Conditions of appointment	13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.  13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
14 Identity cards	14.1 The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	NOT DELEGATED	
15 Power to enter land to conduct investigations	<p>15.1 The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.</p> <p>15.2 The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:</p> <p>15.2.1 give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and</p> <p>15.2.2 minimise the impact of work carried out by the Council on activities of others on the land; and</p> <p>15.2.3 comply with the conditions of the authorisation.</p>	NOT DELEGATED	

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<p>16 Power to carry out work on land</p>	<p>16.1 The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:</p> <p>16.1.1 to construct, install, improve or add to any water/sewerage infrastructure; or</p> <p>16.1.2 to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or</p> <p>16.1.3 to lay pipes and install, operate or inspect pumps and other equipment; or</p> <p>16.1.4 to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or</p> <p>16.1.5 to obtain or enlarge a supply of water; or</p> <p>16.1.6 to protect, improve or restore the quality of water; or</p> <p>16.1.7 to protect any infrastructure or equipment connected with any water service or sewerage service; or</p> <p>16.1.8 to perform any other function brought within the ambit</p>	<p>NOT DELEGATED</p>	

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	of Section 45 of the Act by the regulations.		
16 Power to carry out work on land	<p>16.2 The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:</p> <p>16.2.1 give the authority responsible for the management of public land not less than 12 hours' notice of the Council's intention to carry out work on the land; and</p> <p>16.2.2 secure the authority's agreement to the carrying out of the work;</p>	Chief Executive Officer	
16 Power to carry out work on land	16.3 The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.	NOT DELEGATED	
16 Power to carry out work on land	16.4 The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public	NOT DELEGATED	



<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	interest.		
16 Power to carry out work on land	16.5 The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	NOT DELEGATED	
16 Power to carry out work on land	16.6 The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	NOT DELEGATED	
16 Power to carry out work on land	16.7 The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	NOT DELEGATED	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
16 Power to carry out work on land	16.8 The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	NOT DELEGATED	
16 Power to carry out work on land	16.9 The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	NOT DELEGATED	
16 Power to carry out work on land	16.10 The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	NOT DELEGATED	
16 Power to carry out work on land	16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.		
16 Power to carry out work on land	16.12 The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	NOT DELEGATED	
17 Acquisition of land	17.1 The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969.	NOT DELEGATED	
18 Requirement to connect to infrastructure	18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.	NOT DELEGATED	Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
18 Requirement to connect to infrastructure	18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with	Chief Executive	Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.	Officer	and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
18 Requirement to connect to infrastructure	18.3 The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer	Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
18 Requirement to connect to infrastructure	18.4 The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.	Chief Executive Officer	Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
18 Requirement to	18.5 The power pursuant to Section 48(12) of the Act to	Chief	Section 48 applies to a water industry entity

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
connect to infrastructure	recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice	Executive Officer	involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
18 Requirement to connect to infrastructure	18.6 The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	Chief Executive Officer	Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).
19 Encroachments	<p>19.1 The power pursuant to Section 49(1) of the Act to consent to a person:</p> <p>19.1.1 constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or</p> <p>19.1.2 creating any form of encroachment over any</p>	NOT DELEGATED	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>easement that exists for the purposes of any water service or sewerage service; or</p> <p>19.1.3 obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or</p> <p>19.1.4 excavating or altering any land or structure supporting any water/sewerage infrastructure.</p>		
19 Encroachments	<p>19.2 The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:</p> <p>19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and</p> <p>19.2.2 as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.</p>	NOT DELEGATED	
19 Encroachments	<p>19.3 The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or</p>	NOT	

<b>Water Industry Act 2012</b>			
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	obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	DELEGATED	
19 Encroachments	19.4 The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	NOT DELEGATED	
19 Encroachments	19.5 The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	NOT DELEGATED	
19 Encroachments	19.6 The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	NOT DELEGATED	
20 Protection of infrastructure and equipment	20.1 The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	NOT DELEGATED	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>20.1.1 at any reasonable time, enter any land and carry out an inspection of any place; and</p> <p>20.1.2 as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.</p>		
20 Protection of infrastructure and equipment	20.2 The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Chief Executive Officer	
20 Protection of infrastructure and equipment	20.3 The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	Chief Executive Officer	
20 Protection of infrastructure and equipment	20.4 The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Chief Executive Officer	



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	<p>20.4.1 on application to a court convicting the person of an offence against Section 50 of the Act; or</p> <p>20.4.2 by action in a court of competent jurisdiction.</p>		
<p>22 Duty to give notice before paving a road etc</p>	<p>22.1 The power pursuant to Section 52(1) of the Act, before the Council begins:</p> <p>22.1.1 to first lay the pavement or hard surface in any road; or</p> <p>22.1.2 to relay the pavement or hard surface in any road; or</p> <p>22.1.3 to widen or extend the pavement or hard surface in any road; or</p> <p>22.1.4 to alter the level of any road; or</p> <p>22.1.5 to construct or alter any footpaths, gutters, kerbing or water tables in any road; or</p> <p>22.1.6 to construct or alter any drainage work in any road, in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days' notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface</p>	<p>NOT DELEGATED</p>	

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	<p>proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).</p> <p>22.2 The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.</p> <p>22.3 The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:</p> <p>22.3.1 unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;</p> <p>22.3.2 in prescribed circumstances – an amount determined under the regulations.</p>		
22 Duty to give notice before paving a road etc	22.4 The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the	NOT DELEGATED	

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	Act, waive the requirement to give such notice in relation to specified classes of work.		
23 Unlawful abstraction, removal or diversion of water or sewage	<p>23.1 The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.</p> <p>23.2 The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:</p> <p>23.2.1 on application to a court convicting the person of an offence against this Section; or</p> <p>23.2.2 by action in a court of competent jurisdiction.</p>	NOT DELEGATED	
24 Water meters	<p>24.1 The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to</p> <p>24.1.1 allow a person authorised by the Council to enter</p>	NOT DELEGATED	

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	<p>land and fix a meter supplied by the Council;</p> <p>24.1.2 ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.</p> <p>24.2 The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.</p> <p>24.3 The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.</p> <p>24.4 The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.</p> <p>24.5 The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including</p>		

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.</p> <p>24.6 The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:</p> <p>24.6.1 on application to a court convicting the person of an offence against this section; or</p> <p>24.6.2 by action in a court of competent jurisdiction.</p> <p>24.7 The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.</p>		
25 Discharge of unauthorised material into water infrastructure	<p>25.1 The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:</p> <p>25.1.1 on application to a court convicting the person of an offence against this Section; or</p>	NOT DELEGATED	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	25.1.2 by action in a court of competent jurisdiction.		
26 Discharge of unauthorised material into sewerage infrastructure	<p>26.1 The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:</p> <p>26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or</p> <p>26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.</p>	NOT DELEGATED	
26 Discharge of unauthorised material into sewerage infrastructure	26.2 The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	NOT DELEGATED	
26 Discharge of unauthorised material into sewerage	26.3 The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
infrastructure	otherwise enter, any sewerage infrastructure.		
26 Discharge of unauthorised material into sewerage infrastructure	26.4 The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	NOT DELEGATED	
26 Discharge of unauthorised material into sewerage infrastructure	26.5 The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	NOT DELEGATED	
27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	27.1 The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:  27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or  27.1.2 to prevent the discharge of rainwater, stormwater or	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,</p> <p>by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.</p>		
<p>27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p>	<p>27.2 The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:</p> <p>27.2.1 install or construct in such locations as are specified in the notice;</p> <p>27.2.2 connect to the infrastructure;</p> <p>27.2.3 alter or replace;</p> <p>27.2.4 maintain, repair or cleanse;</p> <p>27.2.5 remove, block or disconnect,</p> <p>such drains, equipment or works as are specified in the</p>	<p>NOT DELEGATED</p>	



<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	notice in the manner specified in the notice or take other action specified in the notice.		
27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	27.3 The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	Chief Executive Officer	
27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	27.4 The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer	
27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage	27.5 The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	Chief Executive Officer	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
infrastructure			
27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	27.6 The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer	
28 Power to disconnect drains to restrict services	28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:  28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or  28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,  to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>connected to the infrastructure or restrict the provision of any sewerage service to the land.</p> <p>28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.</p>		
<p>29 Power to restrict or discontinue water supply</p>	<p>29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:</p> <p>29.1.1 that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or</p> <p>29.1.1.1 that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or</p> <p>29.1.1.2 that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated</p>	<p>NOT DELEGATED</p>	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>demand; and</p> <p>29.1.2 that action under Section 59(1) of the Act is justified in the circumstances,</p> <p>to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.</p> <p>29.2 The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:</p> <p>29.2.1 lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);</p> <p>29.2.2 prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;</p> <p>29.2.3 prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;</p> <p>29.2.4 prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;</p>		

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>29.2.5 for such time or times as the delegate thinks proper, discontinue the supply of water.</p> <p>29.3 The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.</p> <p>29.4 The power pursuant to Section 59(4) of the Act, to:</p> <p>29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and</p> <p>29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.</p>		
30 Power to require the use of devices to reduce flow	30.1 The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>to water infrastructure operated by the Council.</p> <p>30.2 The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:</p> <p>30.2.1 to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and</p> <p>30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.</p> <p>30.3 The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.</p> <p>30.4 The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a</p>		

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	debt from the person who failed to comply with the requirements of the notice.		
31 Disconnection in an emergency	31.1 The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	NOT DELEGATED	
32 Responsibilities of water industry entity	32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:  32.1.1 prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and  32.1.2 obtain the approval of the Technical Regulator to the plan and any revision; and  32.1.3 comply with the plan as approved from time to time; and  32.1.4 audit from time to time the Council's compliance with the plans and report the results of those audits to the	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Technical Regulator.		
33 Responsibilities of Customers	33.1 The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	NOT DELEGATED	
34 Enforcement notices	34.1 The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	NOT DELEGATED	
35 Warning notices and assurances	35.1 The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.  35.2 The power pursuant to Section 82(2)(b)(ii) of the Act,	NOT DELEGATED	



<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.		
36 Injunctions	<p>36.1 The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.</p> <p>36.2 The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.</p>	NOT DELEGATED	
37 Review of decisions by Commission or Technical Regulator	<p>37.1 The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:</p> <p>37.1.1 the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for</p>	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or</p> <p>37.1.2 the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or</p> <p>37.1.3 the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or</p> <p>37.1.4 the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.</p>		
38 Appeals	<p>38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:</p> <p>38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;</p>	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act.		
Third Party Access Regime	Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.	NOT DELEGATED	
38A. Information brochure	<p>38A.1 The power pursuant to Section 86F(1) of the Act to determine:</p> <p>38A.1.1 the terms and conditions on which the Council is prepared to make the Council’s regulated infrastructure available for use by others; and</p> <p>38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and</p> <p>38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and</p> <p>38A.1.4 the standard access arrangement used by the</p>	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Council.		
38B. Specific information to assist proponent to formulate proposal	<p>38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.</p> <p>38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.</p>	NOT DELEGATED	
38C. Access proposal	<p>38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.</p> <p>38C.2 The power pursuant to Section 86I(4)(b) of the Act to,</p>	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>within 1 month after the relevant day determine, and give the proponent a preliminary indication about,</p> <p>38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and</p> <p>38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.</p> <p>38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:</p> <p>38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and</p> <p>38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and</p> <p>38C.3.3 the general nature of the access proposal.</p> <p>38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section</p>		

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	86I of the Act, as a debt, from the proponent.		
38D. Function to negotiate in good faith	38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.	NOT DELEGATED	
38F. Power to refer dispute to arbitration	38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.	NOT DELEGATED	
38G. Confidentiality of information	38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.	NOT DELEGATED	
38H. Formal requirements related to awards	38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
38I. Consent awards	38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.	NOT DELEGATED	
38J. Termination of variation of award	38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.  38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.	NOT DELEGATED	
38K. Appeal on question of law	38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.	NOT DELEGATED	
38L. Injunctive remedies	38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.  38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.  38L.3 The power pursuant to Section 86ZK(8) of the Act to	NOT DELEGATED	

<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	apply to the Court to discharge or vary an injunction.		
38M. Compensation	38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.	NOT DELEGATED	
38N. Confidential information	38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.	NOT DELEGATED	
38O. Access by agreement	38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.	NOT DELEGATED	
38P. Review of Part	38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.	NOT DELEGATED	



<b>Water Industry Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
39 Water conservation measures	39.1 The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	NOT DELEGATED	

<b>Water Industry Regulations 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
40 Information as to amounts already paid for retail services etc	40.1 The power pursuant to Regulation 11(1) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	NOT DELEGATED	
40 Information as to amounts already paid for retail services etc	40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	NOT DELEGATED	
40 Information as to amounts already paid	40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the	NOT DELEGATED	

**Water Industry Regulations 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
for retail services etc	Regulations.		
41 Certificate as to encumbrance	41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council.	NOT DELEGATED	
42 Protection of infrastructure – planting of trees etc on public land	42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	NOT DELEGATED	
42 Protection of infrastructure – planting of trees etc on public land	42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	NOT DELEGATED	
43 Protection of	43.1 The power pursuant to Regulation 14(1) of the Regulations, if:	NOT	

**Water Industry Regulations 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
infrastructure – action in relation to trees and shrubs	43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or 43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure, to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.	DELEGATED	
43 Protection of infrastructure – action in relation to trees and shrubs	43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action	Chief Executive Officer	
43 Protection of infrastructure – action in relation to trees and shrubs	43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	Chief Executive Officer	
44 Protection of infrastructure – damage	44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the	NOT	

**Water Industry Regulations 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
caused by trees or shrubs	<p>Council's costs of taking action under Regulation 14 as a debt from:</p> <p>44.1.1 the owner for the time being of the land on which the tree or shrub is, or was, situated; or</p> <p>44.1.2 in the case of land under the care, control or management of a Council – that Council.</p>	DELEGATED	
45 Access to sewerage infrastructure	<p>45.1 The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.</p>	NOT DELEGATED	
46 Power to restrict or discontinue water supply	<p>46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:</p> <p>46.1.1 obtain the approval of the prescribed authority before acting; and</p> <p>46.1.2 notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):</p> <p>46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and in all cases:</p> <ul style="list-style-type: none"> <li>• on a website determined by the delegate and in accordance with Regulation</li> </ul>	NOT DELEGATED	

**Water Industry Regulations 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>17(2) of the Regulations; and</p> <ul style="list-style-type: none"> <li>• in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and</li> <li>• in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.</li> </ul>		
<p>47 Notices under Section 59 – Permits</p>	<p>47.1 The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.</p>	<p>NOT DELEGATED</p>	
<p>48 Fittings etc to be flush with road surface</p>	<p>48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.</p>	<p>NOT DELEGATED</p>	
<p>48 Fittings etc to be flush with road surface</p>	<p>48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.</p>	<p>NOT DELEGATED</p>	

**Water Industry Regulations 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
48 Fittings etc to be flush with road surface	48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	NOT DELEGATED	
49 Pipes must not lie across allotment boundaries	49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	NOT DELEGATED	
49 Pipes must not lie across allotment boundaries	49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	Chief Executive Officer	
49 Pipes must not lie across allotment boundaries	49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work	Chief Executive Officer	

**Water Industry Regulations 2012**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>50 Water meters – estimates</p>	<p>50.1 The power pursuant to Regulation 36 of the Regulations if:</p> <p>50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and</p> <p>50.1.2 a code or rules made under the Essential Services Commission Act 2002 relating to the provision of retail services to customers does not apply to that supply of water,</p> <p>to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.</p>	<p>NOT DELEGATED</p>	
<p>51 Charge where land not connected or service to land reduced or discontinued</p>	<p>51.1 The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:</p> <p>51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or</p> <p>51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued.</p>	<p>NOT DELEGATED</p>	

**Appendix 50 - Instrument of Delegation under the Work Health and Safety Act 2012**

<b>Work Health and Safety Act 2012</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Determination of work groups	1.1 The power pursuant to Section 51(1) of the Work Health and Safety Act 2012 (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
2. Negotiations for agreement for work group	2.1 The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
2. Negotiations for agreement for work group	2.2 The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with	Group Manager Finance & Risk, WHS & Risk Management	



**Work Health and Safety Act 2012**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Section 52(6) of the Act.	Coordinator, Chief Executive Officer, Director	
3. Failure of negotiations	3.1 The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
4 Determination of work groups of multiple businesses	4.1 The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
4 Determination of work groups of multiple businesses	4.2 The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Executive Officer, Director	
5 Negotiation of agreement for work groups of multiple businesses	5.1 The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
6 Withdrawal from negotiations or agreement involving multiple businesses	6.1 The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
6 Withdrawal from negotiations or agreement involving multiple businesses	6.2 The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer,	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
7 Disqualification of health and safety representatives	<p>7.1 The power pursuant to Section 65(1) of the Act, to make an application to SAET to disqualify a health and safety representative on the ground that the representative has:</p> <p>7.1.1 exercised a power or performed a function as a health and safety representative for an improper purpose; or</p> <p>7.1.2 used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,</p> <p>where the Council is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act.</p>	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
8 General obligations of person conducting business or undertaking	<p>8.1 The power pursuant to Section 70(1) of the Act, to</p> <p>8.1.1 consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and</p> <p>8.1.2 confer with a health and safety representative for a work group,</p>	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and</p> <p>8.1.3 allow any health and safety representative for the work group to have access to information that the Council has relating to:</p> <p>8.1.3.1 hazards (including associated risks) at the workplace affecting workers in the work group; and</p> <p>8.1.3.2 the health and safety of the workers in the work group; and</p> <p>8.1.4 with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and:</p> <p>8.1.4.1 an inspector; or</p> <p>8.1.4.2 the Council or the Council's representative; and</p> <p>8.1.5 with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:</p> <p>8.1.5.1 an inspector; or</p>		

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>8.1.5.2 the Council or the Council’s representative; and</p> <p>8.1.6 provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.</p> <p>8.1.7 allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and</p> <p>8.1.8 permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and</p> <p>8.1.9 provide any other assistance to the health and safety representative for the work group that may be required by the regulations.</p>		
<p>9 Exceptions for obligations under Section 70(1)</p>	<p>9.1 The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.</p>	<p>Group Manager Finance &amp; Risk, WHS &amp; Risk Management Coordinator, Chief Executive Officer, Director</p>	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10 Obligation to train health and safety representatives	10.1 The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
10 Obligation to train health and safety representatives	10.2 The power pursuant to Section 72(3) of the Act to: (a) as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and (b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
10 Obligation to train health and safety representatives	10.3 The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>11 Obligation to share costs if multiple businesses or undertakings</p>	<p>11.1 The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:</p> <p>11.1.1 the costs of the representative exercising powers and performing functions under the Act; and</p> <p>11.1.2 the costs referred to in Section 72(3)(b) of the Act, for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.</p>	<p>Group Manager Finance &amp; Risk, WHS &amp; Risk Management Coordinator, Chief Executive Officer, Director</p>	
<p>11 Obligation to share costs if multiple businesses or undertakings</p>	<p>11.2 The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.</p>	<p>Group Manager Finance &amp; Risk, WHS &amp; Risk Management Coordinator, Chief Executive Officer, Director</p>	
<p>12 Health and safety</p>	<p>12.1 The power pursuant to Section 75(2) of the Act to, establish a</p>	<p>Group Manager Finance &amp; Risk, WHS &amp; Risk</p>	

**Work Health and Safety Act 2012**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
committees	health and safety committee for the workplace or part of the workplace.	Management Coordinator, Chief Executive Officer, Director	
13 Constitution of committee	13.1 The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
13 Constitution of committee	13.2 The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Director	
14 Referral of issue to regulator for resolution	14.1 The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the	Chief Executive Officer, Director	



**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
by inspector	issue.		
15 Alternative work	15.1 The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.	Chief Executive Officer, Director	
16 Request to regulator to appoint inspector to assist	16.1 The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work.	Chief Executive Officer, Director	
17 Request for review of provisional improvement notice	17.1 The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice.	Chief Executive Officer, Director	
18 Application for assistance of inspector to resolve dispute	18.1 The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Chief Executive Officer, Director	

**Work Health and Safety Act 2012**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
19 Authorising authority may deal with a dispute about a right of entry under this Act	19.1 The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	Chief Executive Officer, Director	
20 Return of seized things	20.1 The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.	Chief Executive Officer, Director	
21 Access to seized things	21.1 The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	Chief Executive Officer, Director	
22 Application for internal review	22.1 The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:  22.1.1 the prescribed time after the day on which the decision first came	Chief Executive Officer, Director	

**Work Health and Safety Act 2012**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>to the Council's notice; or</p> <p>22.1.2 such longer period as the regulator allows.</p>		
<p>23 Application for external review</p>	<p>23.1 The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014, in accordance with Section 229(2) of the Act, for a review of:</p> <p>23.1.1 a reviewable decision made by the regulator; or</p> <p>23.1.2 a decision made, or taken to have been made, on an internal review.</p>	<p>Chief Executive Officer, Director</p>	

## Appendix 51 - Delegations under the City of Burnside - Urban Tree Strategy

<b>Instrument of Delegation - Urban Tree Strategy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Tree Removal Technical Manual - Dead Tree Removal < 5m	<p>Dead Tree Removal &lt; 5m</p> <p>Notification Requirement:</p> <p>Internal Notification:</p> <ul style="list-style-type: none"> <li>- Senior Urban Forestry Officer and Coordinator Open Space</li> </ul> <p>External Public Notification:</p> <ul style="list-style-type: none"> <li>- Adjacent and opposite property</li> </ul> <p>Elected Member Notification:</p> <ul style="list-style-type: none"> <li>- None</li> </ul>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Team Leader Arboriculture, Team Leader Parks, Group Manager Environment and Infrastructure, Urban Forestry Officer</p>	<p>If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.</p>
Tree Removal Technical Manual - Live Tree Removal >10 (with a trunk circumference less than 2m)	<p>Live Tree Removal &gt;10 (with a trunk circumference less than 2m)</p> <p>Internal Notification:</p> <ul style="list-style-type: none"> <li>• Senior Urban Forestry Officer to provide</li> </ul>	<p>Chief Executive Officer, Director Community &amp; Development, Director Environment and Place</p>	<p>If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice</p>

**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>report summary to General Manager Urban and Community for approval prior to removal</p> <p>External Public Notification:</p> <ul style="list-style-type: none"> <li>• Adjacent and opposite property plus 4 properties either side (i.e. 14 properties)</li> </ul> <p>Elected Member Notification:</p> <ul style="list-style-type: none"> <li>• Ward Members only</li> </ul>		<p>should be sent to Ward members.</p>
<p>Tree Removal Technical Manual - Dead Tree Removal &gt;5 &lt;10m</p>	<p>Dead Tree Removal &gt;5 &lt;10m Notification Requirement</p> <p>Internal Notification:</p> <ul style="list-style-type: none"> <li>- Group Manager Operations and Environment</li> </ul> <p>External Public Notification:</p> <ul style="list-style-type: none"> <li>- Adjacent and opposite property plus either side i.e. 6 properties</li> </ul> <p>Elected Member Notification:</p> <ul style="list-style-type: none"> <li>- None</li> </ul>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Consultant Arborist , Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Urban Forestry Officer</p>	<p>If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.</p>

**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>Tree Removal Technical Manual - Dead Tree Removal &gt;10m</p>	<p>Dead Tree Removal &gt;10m                      Notification Requirement                      Internal Notification:                      - Group Manager Operations and Environment                      External Public Notification:                      - Adjacent and opposite property plus 4 properties either side (i.e. 14 properties)                      Elected Member Notification:                      - None</p>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Urban Forestry Officer</p>	<p>If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.</p>
<p>Tree Removal Technical Manual - Live Tree Removal &gt;5 &lt;10m</p>	<p>Live Tree Removal &gt;5 &lt;10m                      Internal Notification:                      • Group Manager Operations and Environment                      External Notification:                      • Adjacent and opposite property plus either</p>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and</p>	<p>If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.</p>

**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	side i.e. 6 properties Elected Member Notification: <ul style="list-style-type: none"> <li>• None</li> </ul>	Infrastructure, Urban Forestry Officer	
Tree Removal Technical Manual - Live Tree Removal >10 (with a trunk circumference less than 2m) - Removal of tree posing immediate risk to life or property that has no solution other than removal, which has been identified as part of normal operations	Live Tree Removal >10 (with a trunk circumference less than 2m) - Removal of tree posing immediate risk to life or property that has no solution other than removal, which has been identified as part of normal operations	Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services & Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Urban Forestry Officer	If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.
Tree Removal Technical Manual - Regulated or Significant Tree Removal	Regulated or Significant Tree Removal Internal Notification: <ul style="list-style-type: none"> <li>• Report to be provided to Council for approval for a development application to be submitted.</li> </ul>	Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Environment and Infrastructure	If removal is due to vandalism, then Tree Vandalism Notifications should be sent to all "line of sight" residents and / or notices placed on site as soon as practicable after discovery of incident. Copy of notice should be sent to Ward members.

**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>External Notification:</p> <ul style="list-style-type: none"> <li>• As per standard category notification under development application</li> </ul> <p>Elected Member Notification:</p> <ul style="list-style-type: none"> <li>• None</li> </ul>		
<p>Tree Removal Technical Manual - Section 54 Emergency Works – Regulated or Significant Tree Pruning and Removal</p>	<p>Section 54 Emergency Works – Regulated or Significant Tree Pruning and Removal</p> <p>Internal Notification:</p> <ul style="list-style-type: none"> <li>• Group Manager Operations and Environment and General Manager Urban and Community</li> <li>• Retrospective Development Application submitted if required.</li> </ul> <p>External Notification:</p> <ul style="list-style-type: none"> <li>• As per standard category notification under development application</li> </ul> <p>Elected Member Notification:</p>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Urban Forestry Officer</p>	<p>Nil</p>



**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<ul style="list-style-type: none"> <li>All Elected Members</li> </ul>		
<p>Tree Removal Technical Manual - Removal or relocation of council owned trees for approved development</p>	<p>Removal or relocation of council owned trees for approved development</p>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure, Urban Forestry Officer</p>	<p>Nil</p>
<p>Public Amenity Technical Manual - Tree Valuations</p>	<p>Tree Valuations</p>	<p>Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Consultant Arborist, Chief Executive Officer, Director Environment and Place, Group Manager Technical Services &amp; Operations, Coordinator Open Spaces, Group Manager Environment and Infrastructure,</p>	<p>Nil</p>

**Instrument of Delegation - Urban Tree Strategy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Urban Forestry Officer	
Tree Inspection and Risk Technical Manual - Tree General Assessment following Customer Complaint	Tree General Assessment following Customer Complaint	Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Consultant Arborist , Chief Executive Officer, Director Environment and Place, Coordinator Open Spaces, Team Leader Arboriculture, Group Manager Environment and Infrastructure, Urban Forestry Officer	Minimum Level 3 qualified Arborist
Tree Inspection and Risk Technical Manual - Tree General Assessment following Customer Complaint	Tree Risk Assessment following Customer Complaint	Senior Urban Forestry Officer, Coordinator Environmental Sustainability, Consultant Arborist , Chief Executive Officer, Director Environment and Place, Group Manager Environment and Infrastructure, Urban Forestry Officer	Minimum Level 3 qualified Arborist and TRAQ Certification

## Appendix 52 - Delegations Under the City of Burnside Behavioural Management Policy

City of Burnside Behavioural Management Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3.4.4.1	<p>The CEO or delegate is responsible for the receipt of the complaint and the record keeping responsibilities involved in:</p> <ul style="list-style-type: none"> <li>a. receipt;</li> <li>b. initial acknowledgement; and</li> <li>c. allocation of the matter to the Responsible Person for managing the complaint.</li> </ul>	<p>Chief Executive Officer, Director Corporate</p>	
3.6.2	<p>The CEO or their delegate is responsible under this Policy to:</p> <ul style="list-style-type: none"> <li>1 manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy; and</li> <li>2 facilitate access resources as contemplated by</li> </ul>	<p>Chief Executive Officer, Director Corporate</p>	

**City of Burnside Behavioural Management Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	this Policy.		
5.3.1	<p>Upon receipt of a complaint the CEO or delegate will, as far as practicable within 5 business days:</p> <p>1 acknowledge receipt of the complaint, including the provision of a copy of this Policy;</p> <p>2 commence the record keeping processes for the complaint; and</p> <p>3 allocate the matter to the Responsible Person for managing the complaint.</p>	<p>Chief Executive Officer, Director Corporate</p>	
6.3	<p>Council delegates the authority to the CEO the reimbursement of legal expenses of up to \$2,500.</p>	<p>Chief Executive Officer</p>	<p>Council Members involved in formal investigation of a complaint by a third party under clause 5.6 of this policy are entitled to be reimbursed legal expenses up to \$2,500 actually incurred by the Council Member, if the final report, presented to Council, finds that they have not breached the Behavioural Standards for Council Members or the Behavioural Support Policy.</p>

## Appendix 53 - Delegations Under the City of Burnside Closed Circuit Television (CCTV) & Recording Policy

City of Burnside Closed-Circuit Television (CCTV) & Recording Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10.3	If alleged criminal activity occurs, the incident should be reported to the South Australian Police (SAPOL). Once a report is lodged and a SAPOL reference is provided to Council, a Responsible Officer is responsible for collating any Audio/Visual Recordings relevant to the alleged criminal activity and supply the evidence to SAPOL or as directed by SAPOL and the Chief Executive Officer (CEO).	Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer, Director	
10.2	Any application received under the FOI Act must be determined by an accredited Freedom of Information Officer. If the application is approved, a member of the public may then listen/view the recording at the Civic Centre or obtain a copy of the requested Audio/Visual Recording within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a staff member delegated by the Chief Executive Officer (CEO) will always be present to operate the equipment.	Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer, Director	
11.1	Section 61(1) of the Local Government Act 1999 provides that 'a member of a Council is entitled at any reasonable time, in the connection with the performance	Group Manager People & Innovation, Team Leader	

<b>City of Burnside Closed-Circuit Television (CCTV) &amp; Recording Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant Council document', which subject to section 61 of the Local Government Act 1999, may include an Audio/Visual Recording.	Innovation and Technology, Chief Executive Officer, Director	
11.2	<p>Section 61(2) of this Act requires any request for access to be directed to the Chief Executive Officer (CEO) of the Council or such other officers as the CEO has specified. Provided that:</p> <ol style="list-style-type: none"> <li>1. the Elected Member makes the necessary request in writing to view or obtain a copy of the Audio/Visual Recording to the CEO of the Council; and</li> <li>2. the CEO is satisfied that access to the relevant information relates to the performance or discharge of the functions or duties of that Elected Member; and</li> <li>3. it does not contain information that the Elected Member requesting access would not normally be permitted to access (e.g. excluded due to conflict of interest, potentially compromising an ongoing investigation, or if there is a risk to building and/or staff security).</li> </ol>	Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer, Director	
11.3	If the application is approved, the Elected Member may then view the Audio/Visual Recordings at the Civic Centre or obtain a copy of the requested Audio/Visual Recordings within a timeframe that is reasonable and appropriate. If viewing at the Civic Centre, an accredited FOI Officer or a Responsible Officer delegated by the	Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer,	

<b>City of Burnside Closed-Circuit Television (CCTV) &amp; Recording Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Chief Executive Officer will always be present to operate the viewing equipment.	Director	
12.4	Responsible Officers responsible for the management of systems containing Audio/Visual Recordings must not, at any time, give access to staff unless directed by the CEO or such other officers as delegated by the CEO.	Group Manager People & Innovation, Team Leader Innovation and Technology, Chief Executive Officer, Director	

## Appendix 54 - Delegations Under the City of Burnside Corporate Credit Card Policy

<b>City of Burnside Corporate Credit Card Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.1.1	<p>The Chief Executive Officer has delegated authority to approve issuing corporate credit cards to staff members, procedures for which are contained in the Corporate Credit Card Protocol. It should be noted that Credit Cards will not be provided to Council Members.</p>	<p>Chief Executive Officer</p>	<p>The credit limits determined for an Account Holder by Chief Executive Officer and the Account Holder's division Director, with reference to the Financial Delegation Policy Limits.</p> <p>Each corporate credit card shall have a monthly limit capping the maximum amount that can be purchased on that corporate credit card in any one (1) billing period.</p> <p>Each corporate credit card shall have an individual transaction limit capping the maximum amount that can be purchased on a corporate credit card in any one (1) transaction</p> <p>The credit limit for any Account Holder shall be determined by the Chief Executive Officer and the Account Holder's division Director, with reference to the Financial Delegation Policy, and submitted</p>



**City of Burnside Corporate Credit Card Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			business case. Credit limits for the Chief Executive Officer's corporate credit card shall be approved by the CEO Recruitment, Performance Appraisal & Remuneration Committee.
6.1.8	An annual review of credit cards including number of cards, positions with allocated cards and credit card limits shall be undertaken by the Group Manager Finance and Risk and provided to the Executive Team for endorsement.	Group Manager Finance & Risk, Chief Executive Officer, Director Corporate	
6.2.12	The Chief Executive Officer, and in the case of the Chief Executive Officer, the CEO Recruitment, Performance Appraisal & Remuneration Committee, reserves the right to request an Account Holder to forfeit their corporate credit card at any time.	Chief Executive Officer	
7.1	Without changing the intent, only the CEO may waive or vary the requirements of this policy as needed to meet operational requirements; any deviations in this regard will be provided through the CEO's monthly report to Council.	Chief Executive Officer	

## Appendix 55 - Delegations Under the City of Burnside Council Members Policy

<b>City of Burnside Council Members Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.2.8	Decisions about whether a request should be subject to a recommendation that it be considered in confidence, will be made by the CEO. If, in the view of the CEO, there are no legally available grounds and/or the reasons for considering the leave of absence request in confidence are not sufficient, the leave of absence report will be included in the public agenda papers.	Chief Executive Officer	
6.2.13	The CEO will prepare a short report to the Council regarding the request for the leave of absence for the consideration of the Council. This report will include a recommendation as to whether or not the leave of absence request is consistent with the Policy and if it should be approved.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	
6.3.2	The CEO or delegate may determine how access to information that is considered to be sensitive or confidential. Documents which access is granted may be provided to Council Members as encrypted electronic documents	Chief Executive Officer, Director	
6.4.2	The CEO will remind Council members of the requirement for them to submit a return. It is the Council member's responsibility to submit the return within the statutory	Chief Executive Officer, Executive	

**City of Burnside Council Members Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	timeframes.	Assistant to CEO, Mayor and Councillors	
6.9.5.2	It is the responsibility of the Council Member to notify the Office of the CEO when they have reached a service milestone. The Council will then contact the LGA on their behalf.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	
6.10.2	A register is maintained and published on the Council website outlining all gifts and benefits received by members.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	
6.10.3	The register published on the Council website (burnside.sa.gov.au) will disclose any benefits provided to Council members greater than the amount determined by the Minister, this includes but is not limited to the provision of meals, data plans etc.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	

## Appendix 56 - Delegations Under the Council Members' Allowances and Benefits Policy

<b>City of Burnside Council Members' Allowances and Benefits Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.2.1	Members are entitled to reimbursement for travel expenses in travelling to or from a prescribed meeting for Council (by the shortest and most practicable route).	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	<p>Travelling outside the council area to attend Council or Council committee meetings is not reimbursable under section 77(1) (a) of the Act and section (5) (1) (a) and section 5(2) of the Regulations.</p> <p>The rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 (Cwth) using the ATO Cents Per Kilometre Calculator.</p>
6.2.4 - Child Care	Members are entitled to reimbursement for child /	Chief Executive Officer,	Child / dependent care provided by a person

<b>City of Burnside Council Members' Allowances and Benefits Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
/ Dependent Care	dependent care expenses actually incurred in respect of children or dependants requiring full time care whilst the Member attends prescribed meetings of Council.	Executive Assistant to CEO, Mayor and Councillors	ordinarily residing within the Member's household will not be eligible for reimbursement.
6.3 - Additional Reimbursement and Support	The CEO has delegated authority to approve the attendance of Council Members at relevant nonresidential conferences, seminars and workshops held within metropolitan Adelaide up to the value of \$750 for each training activity. Any amount above this will require Council approval.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	Expenses incurred by a Council Member because of a Council Member's attendance at a conference, seminar, training course or other similar activity in Australia that is directly or closely related to the performance or discharge of the roles or duties of a Council Member as follows: 6.3.1.1 In case of conferences and seminars, expenses will only be reimbursed after receipt of a written report to Council.
6.7 - Provision of Facilities and Support	Council Members who resign, retire, or are not re-elected will be required to return equipment supplied by the Council immediately at the end of the Council Member's term of office, or at any other time as determined by the Chief Executive Officer.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	
6.9 - Provision of Facilities and	If a Council Member requires any goods or services not already included in this Policy, a written request is	Chief Executive Officer, Executive Assistant to	

<b>City of Burnside Council Members' Allowances and Benefits Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Support	required to be provided to the CEO. The CEO can then determine whether to approve the request or if Council approval is required.	CEO, Mayor and Councillors	
6.15.1 - Insurance	Council Members will be covered by Council insurance for matters relating to performing and discharging of official functions and duties in accordance with section 80 of the Act.	Group Manager Finance & Risk, WHS & Risk Management Coordinator, Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors , Director Corporate	
6.26 - Register of Benefits	<p>Pursuant to Section 79(1) and (2) of the Act, a schedule showing prescribed payments made to Council Members is to be maintained with respect to each member of the Council and will include:</p> <p>6.26.1 the annual allowance payable to the member in the case of section 79 (1)(a);</p> <p>6.26.2 details of any expenses reimbursed by the</p>	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	

<b>City of Burnside Council Members' Allowances and Benefits Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	council under section 77(1)(b) of the Act; and 6.26.3 details of other benefits paid or payable to, or provided for the benefit of, the member by the council in the case of section 79(1)(c); and 6.26.4 to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b).		

## Appendix 57 - Delegations Under the Customer Service and Complaints Handling Policy

<b>City of Burnside Customer Service and Complaints Handling Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.6 - Council and Customer Expectations	<p>At the discretion of the Director, unreasonable conduct incidents will generally be managed by limiting or adapting the ways that Council interacts with customers by defining:</p> <p>6.6.1. Who they have contact with – limiting a customer to a sole contact officer at the Council.</p> <p>6.6.2. What they can raise with Council – restricting the subject matter of communications that Council will consider and respond to.</p> <p>6.6.3 When they can have contact – limiting a customer’s contact with Council to a particular time, day, or length of time, or defining the frequency of their contact.</p> <p>6.6.4 How they can make contact – limiting or modifying the forms of contact that customer can have with Council.</p>	Chief Executive Officer, Director	
6.7 - Council and Customer Expectations	<p>In rare cases, and as a last resort when all other strategies have been considered and/or attempted, it may be necessary for Council to terminate a customer's contact/access. This can only be approved by the Chief Executive Officer. A decision to have no further contact with a customer will only be made if there is a documented history of contact that</p>	Chief Executive Officer	



<b>City of Burnside Customer Service and Complaints Handling Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	supports a conclusion that the customer is unlikely to modify their conduct and/or the conduct poses a significant risk for staff or other parties.		
12.4 - Unreasonable Complainant Conduct	In the event that after a warning the behaviour continues, the CEO or delegate may take action to mitigate the risk to Council and any Employee(s). This action will be communicated in writing to the complainant.	Chief Executive Officer, Director	

## Appendix 58 - Delegations Under the Entertainment and Hospitality Policy

<b>City of Burnside Entertainment and Hospitality Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.7.1 - Transport and Accommodation	Travel expenses are expenses incurred during authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Travel expenses must be reasonable and an efficient use of public funds. Any travel expenses are required to be pre-authorised in writing by the Line Manager or Director.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, Director	
6.7.7 - Transport and Accommodation	The reimbursement of certain expenses incurred by employees in performing or discharging official functions and duties may be approved on case-by-case basis by the relevant Line Manager or Director.	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure,	

**City of Burnside Entertainment and Hospitality Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, Director	
6.7.8 - Transport and Accommodation	Council will maintain a public register of all interstate travel undertaken in an official capacity by Council employees and Council Members.	Group Manager Finance & Risk, Group Manager People & Innovation, People Experience Advisor, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, People Experience Programs Officer, People Experience Trainee, Director	
6.8 - Authorisation by CEO	The CEO will maintain ultimate discretion to determine where and when it is appropriate to provide an exemption from this Guideline. This discretion may include the provision of food/recognition/gifts. Any variation to this	Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager	

**City of Burnside Entertainment and Hospitality Policy**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	policy, authorised by the CEO must be in writing and document the reason for the variation to this policy prior to the purchase.	Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator, Director	
6.9 - Monitoring and Reporting	The Finance Team will conduct bi-annual sample audits to ensure compliance with this policy and identify any abnormal trends.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
6.9.4 - Monitoring and Reporting	Council will maintain a public online register of all interstate and overseas travel undertaken in an official capacity by Council employees and Council Members.	Chief Executive Officer, Executive Assistant to CEO, Mayor and Councillors	

## Appendix 59 - Delegations Under the City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy

<b>City of Burnside - Fees &amp; Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.5 Approval of Fees and Charges Subsidies	Authorised by Chief Executive Officer - 100% of Fee Published in Fees and Charges Schedule	Chief Executive Officer	This table is separate in operation to the fee reduction an individual or group may receive from the Revised Subsidy & Criteria Matrix in Appendix 1.
6.5 Approval of Fees and Charges Subsidies	Authorised by Director - 50% of Fee Published in Fees and Charges Schedule	Director	This table is separate in operation to the fee reduction an individual or group may receive from the Revised Subsidy & Criteria Matrix in Appendix 1.
6.5 Approval of Fees and Charges	Authorised by Department Manager - 25% of Fee Published in Fees and Charges Schedule	Group Manager Finance & Risk, Group Manager People & Innovation, Group Manager City Development & Safety, Group Manager Technical Services &	This table is separate in operation to the fee reduction an individual or group may receive from the Revised Subsidy & Criteria Matrix in Appendix

City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Subsidies		Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Strategic Projects and Planning Manager, Communications & Engagement Coordinator	1.
6.5 - Approval of Fees and Charges Subsidies	One (1) Approving Officer at the point of sale - 15% of Fee Published in Fees and Charges Schedule	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Coordinator Community Centres, Customer Experience Representative, Director	This table is separate in operation to the fee reduction an individual or group may receive from the Revised Subsidy & Criteria Matrix in Appendix 1.

City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Appendix 1 - Revised Fee Subsidy Structure - Community Centres and Other Facilities	No subsidy - Any non-City of Burnside resident, non-City of Burnside business or commercial operator OR any other Government individual or group	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Communications & Engagement Coordinator, Community Development & Venues Manager, Customer Experience Projects Officer, Events & Sponsorship Coordinator, Coordinator Community Centres, Customer Experience Representative,	Note: applicant is only able to apply for one subsidy category

City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
Appendix 1 Revised Fee Subsidy Structure (Community Centres and Other Facilities)	15% subsidy - Any concession card holder entitling the holder to a concession as stipulated in clauses 6.4.4. and 6.4.5 of this Policy.	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Communications & Engagement Coordinator, Community Development & Venues Manager, Events & Sponsorship Coordinator, Coordinator Community Centres, Customer Experience Representative,	Note: applicant is only able to apply for one subsidy category



City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Director	
Appendix 1 Revised Fee Subsidy Structure (Community Centres and Other Facilities)	25% subsidy - Any City of Burnside resident OR any other Community Organisation, School, Not-for-Profit or Charitable Organisation. Burnside-based businesses by evidence of ABN registered address or street address within City of Burnside as demonstrated at the time of booking.	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Group Manager Community Connections, Communications & Engagement Coordinator, Community Development & Venues Manager, Coordinator Community Centres, Director	Note: applicant is only able to apply for one subsidy category
Appendix 1 Revised Fee Subsidy Structure (Community	50% subsidy - Community Organisation, School, Not-for-profit or Charitable Organisation AND conducts its primary activities for the sole benefit of the City of Burnside residents.	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Chief Executive Officer, Group Manager	Note: applicant is only able to apply for one subsidy category

<b>City of Burnside - Fees &amp; Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Centres and Other Facilities)		City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Group Manager Community Connections, Communications & Engagement Coordinator, Community Development & Venues Manager, Coordinator Community Centres, Director	
Appendix 1 Revised Fee Subsidy Structure (Community Centres and Other Facilities)	100% subsidy - Community Organisation, School, Not-for-Profit or Charitable Organisation where Council is an identified sponsor.	Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Group Manager Technical Services & Operations, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community	Note: applicant is only able to apply for one subsidy category

**City of Burnside - Fees & Charges (Non-Rates) - Waivers, Discounts and Subsidies Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Connections, Team Leader Customer Experience, Community Development & Venues Manager, Director	

## Appendix 60 - Delegations Under the General Ledger Policy

<b>City of Burnside General Ledger Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.12 - Debtor Reconciliations	The reconciliation shall be checked and authorised by a senior finance officer. If a senior finance officer is not available to undertake the check this shall be undertaken by the Group Manager Finance & Governance.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
6.20 - Provision for Doubtful Debts (Non Rates Debts)	If all reasonable attempts at recovery have been exhausted, the Group Manager Finance & Governance may recommend an unrecoverable debt to be written off. This recommendation shall be endorsed by the manager of the operational unit responsible for raising the debt.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	
6.21 - Provision for Doubtful Debts (Non Rates Debts)	Once this endorsement has been gained, The Group Manager Finance & Governance may then commence the protocol to write-off the debt in line with the process prescribed in the Delegations Register.	Group Manager Finance & Risk, Chief Executive Officer, Team Leader Financial Management, Director	

## Appendix 61 - Delegations Under the Hire of Community Open Space and Facilities Policy

<b>City of Burnside Hire of Community Open Space and Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.5	<p>Each activity type requires consideration and approval by an Authorised Officer. Applicant form(s), must be completed and submitted to Council, along with any Council requested documents. The full application will not be processed unless accompanied by a signed statement that the Applicant has read and agrees to the Permit Guidelines and/or Terms and Conditions of Hire.</p>	<p>Exhibitions &amp; Community Arts Officer, Team Leader Community Centres &amp; Events, Coordinator Rates &amp; Revenue, Group Manager People &amp; Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Aquatic Programs Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience,</p>	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Community Development & Venues Manager, Events & Sponsorship Coordinator, Coordinator Community Centres, Customer Experience Representative, Director	
6.9	Permits and Hire Agreements may be revoked, as determined by an Authorised Officer.	Team Leader Community Centres & Events, Group Manager People & Innovation, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Director	

<b>City of Burnside Hire of Community Open Space and Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.10	Applicants to whom a Permit and/or Hire Agreement is issued may be required to complete a Post-Evaluation Report to Council on the conclusion of the activities. Details of the requirements of such a report will be provided by the Authorised Officer requesting the report.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
10. Exclusion Areas	Any other area as advised by an Authorised Officer.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
11.2 - Permit Application and	Applications for Public Events with road closures, must be submitted 6 (six) months in advance. Late	Group Manager People & Innovation, Chief Executive	

<b>City of Burnside Hire of Community Open Space and Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Approval Process	applications will be accepted at the discretion of the Authorised Officer.	Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Group Manager Community Connections, Director	
11.3 Permit Application and Approval Process	Applications for regular annual Public Events must be submitted 3 (three) months in advance. Late applications will be accepted at the discretion of the Authorised Officer.	Team Leader Community Centres & Events, Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Director	



**City of Burnside Hire of Community Open Space and Facilities Policy**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
<p>13.3 Fees, Bonds, Signage, Insurance and Other Requirements</p>	<p>A reduced or subsidised fee or charge may be approved if, in the opinion of the Authorised Officer as per the Fee Subsidy Structure (Community Centre and other Facilities Appendix 1) in the Fees and Charges (Non Rates) Waivers Discounts and Subsidies Policy and the application delivers worthy and substantive community outcomes in accordance with the Fees and Charges (Non Rates) Waivers Discounts and Subsidies Policy. This subsidy matrix provides a clear and transparent process, in which fee subsidies will be assessed.</p>	<p>Exhibitions &amp; Community Arts Officer, Team Leader Community Centres &amp; Events, Group Manager People &amp; Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Chief Executive Officer, Group Manager City Development &amp; Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development &amp; Venues Manager, Customer Experience Projects Officer, Events &amp; Sponsorship Coordinator, Coordinator</p>	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Community Centres, Customer Experience Representative, Director	
13.4 Fees, Bonds, Signage, Insurance and Other Requirements	An Applicant may be required to pay: 13.4.1 a bond of such sum as the Authorising Officer reasonably requires; 13.4.2 the cost of any road closure advertisement, which must be paid prior to placement of the advertisement.	Exhibitions & Community Arts Officer, Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development &	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Venues Manager, Customer Experience Projects Officer, Events & Sponsorship Coordinator, Coordinator Community Centres, Customer Experience Representative, Director	
13.6 Fees, Bonds, Signage, Insurance and Other Requirements	Some events may require consultation or communication with affected residents and/or businesses and/or media, for example Public Events at Hazelwood Park. The Authorising Officer will inform the Applicant of any requirements for consultation or communication required for Permit approval. The Applicant must pay all costs associated with that process.	Team Leader Community Centres & Events, Group Manager People & Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager,	

<b>City of Burnside Hire of Community Open Space and Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	
13.7 - Fees, Bonds, Signage, Insurance and Other Requirements	In accordance with the Terms and Conditions of Hire, the Applicant must, if Council requires, provide evidence of public liability insurance indemnifying the Council to a minimum sum of ten million dollars (\$10,000,000). The Authorising Officer may, if an event is deemed to be of higher risk, require a higher level of cover.	Team Leader Community Centres & Events, Group Manager People & Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Events & Sponsorship Coordinator, Director	
14.3 Cancellation of an Event	The Authorised Officer will assess the requirement to refund any fee or bond that has been paid prior	Team Leader Community Centres & Events, Group Manager People	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to the cancellation.	& Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Director	
15. Special Exemptions	Council reserves the right to consider each Application request on a case-by case basis and require conditions or approve exemptions at the discretion of the Authorised Officer.	Team Leader Community Centres & Events, Group Manager People & Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Events & Sponsorship Coordinator, Director	
16. Reinstatement	Council may choose to inspect the site(s) in question prior to hire in conjunction with the Applicant, to determine the site(s) “before hire” condition. The Applicant must reinstate the area(s) and its facilities for which the Permit / hire agreement was issued to the satisfaction of Council at the conclusion of the use of the community land or community facility.	Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Regal Theatre	

<b>City of Burnside Hire of Community Open Space and Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		<p>Manager, Group Manager                      Community Connections, Team                      Leader Natural Resources , Team                      Leader Ranger Services, Team                      Leader Customer Experience,                      Community Development &amp;                      Venues Manager, City Operations                      Manager, Events &amp; Sponsorship                      Coordinator, Director</p>	
<p>17. Post Event Reporting</p>	<p>Council may request applicants to lodge a Post Event Evaluation Report, within twelve (12) weeks of the conclusion of the event, with sufficient detail for Council to assess the social and economic benefits of the event. The Authorised Officer will notify the Applicant of this requirement at the time of permit approval.</p>	<p>Team Leader Community Centres &amp; Events, Group Manager People &amp; Innovation, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Chief Executive Officer, Group Manager City Development &amp; Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Community Development &amp;</p>	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Venues Manager, Events & Sponsorship Coordinator, Director	
19.1 - Issue and Revocation of Permits	Pursuant to Section 44 of the Local Government Act, 1999 Council delegates the power to issue Permits under this Policy to the Chief Executive Officer, with the power to further delegate to an Authorised Officer of Council.	Exhibitions & Community Arts Officer, Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Customer Experience, Community Development & Venues Manager, Customer Experience Projects	



City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Officer, Events & Sponsorship Coordinator, Coordinator Community Centres, Customer Experience Representative, Director	
19.3 Issue and Revocation of Permits	Permit holders found to be in breach of any Terms and Conditions of Hire or any relevant Council By-Law, except with the approval of the Authorised Officer or any other direction provided by Council may have their Permit revoked, at Council's discretion.	Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Community	

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Development & Venues Manager, Events & Sponsorship Coordinator, Director	
21. Road Closures	All applications that impact the use of roads or road related areas under the care, control or management of Council will be assessed against this Policy, other road use related policies of Council, By-Law No 4 Roads and legislation.	Group Manager People & Innovation, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Coordinator Asset Planning, Principal Traffic Engineer, Technical Officer - Traffic & Regulatory, Group Manager Environment and Infrastructure, Group Manager Community Connections, Traffic Engineer, Community Development & Venues Manager, Director	<p>The permit will document the details of the approval.</p> <p>In addition to the Terms and Conditions of Hire, the Applicant is required to:</p> <p>21.3.1 provide sufficient time for applications for road closures to be assessed and for consultation and advertising to occur in advance of the road closure;</p> <p>21.3.2 provide Council with written proof of public notification to all residents and/or business operators who may be affected by the temporary closure of a road or road-related area or use of Council land;</p> <p>21.3.3 confirm commencement and end times of the required temporary road closure (which may differ from the actual event times); and</p> <p>21.3.4 pay the costs of the required road</p>

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			closure advertising. In accordance with the Road Traffic Act 1961, Council is required to advertise the road closure in at least one newspaper circulating in the area prior to the event.
22. Parking on Reserves	Applications which request vehicle access or parking (including in relation to all event staff, contractors, deliveries, food vendors, stall holders and the general public) will be assessed against this Policy, road use related polices of Council, By-Laws and legislation.	Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Team Leader Swimming Centre, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Team Leader Community Development, Community Development & Venues Manager, Customer	<p>The permit will document the details of the approval.</p> <p>The Applicant seeking to hold an event must address the parking needs of attendees. This issue will be taken into account when assessing the suitability of areas where applications have been received to hold events.</p> <p>Parking on reserves is not permitted unless on an area or road that is constructed or set aside by the Council for that purpose. In exceptional circumstances, where the Authorising Officer (in their absolute discretion) considers that</p>

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Experience Projects Officer, Events & Sponsorship Coordinator, Customer Experience Representative, Parking Ranger, Ranger, Director	there are valid reasons and no alternatives, an application for permission may be made.
23. Commercial Traders, Photographers and Entertainment Providers	Permits for the commercial activity will only be provided for those areas on community land or in facilities which have been identified as suitable for that activity, taking into account Council's Community Land Management Plans, Heritage Areas and By-Laws such as those covering erection of signs and structures.	Exhibitions & Community Arts Officer, Community Development Officer, Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Senior Ranger, Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections,	Existing Permit holders will be given priority to book their desired location and times but Council reserves the right to negotiate alternative sites and change bookings after review, or to decline to issue a Permit or withdraw a Permit from a previous or existing Permit holder.

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Team Leader Ranger Services, Team Leader Customer Experience, Communications & Engagement Coordinator, Digital Marketing Officer , Team Leader Community Development, Community Development & Venues Manager, Customer Experience Projects Officer, Communications Officer, Rangers, Coordinator Community Centres, Customer Experience Representative, Administration Officer Community Engagement, Director	
24 . Filming and Photo Shoots	Approval is required if the filming or photo shoot is for commercial purposes. An assessment fee is required to be paid prior to the assessment commencing.	Exhibitions & Community Arts Officer, Community Development Officer, Team Leader Community Centres & Events, Group Manager People & Innovation, Senior Customer Experience Representative, Coordinator	Council receives requests to film or take images on community land for commercial use in print, television, online or cinema productions. Approval for such activities is required to ensure compliance with Council's Filming Photo Shoot in the City of Burnside Terms and Conditions on issues such as

City of Burnside Hire of Community Open Space and Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		<p>Pepper Street Arts Centre, Team Leader Swimming Centre, Aquatic Programs Officer, Senior Ranger, Chief Executive Officer, Group Manager City Development &amp; Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Group Manager Community Connections, Team Leader Ranger Services, Team Leader Customer Experience, Communications &amp; Engagement Coordinator, Digital Marketing Officer , Team Leader Community Development, Community Development &amp; Venues Manager, Customer Experience Projects Officer, Communications Officer, Rangers, Coordinator Community Centres, Customer Experience Representative, Administration Officer Community Engagement,</p>	<p>public liability insurance, safety, public notification and minimising inconvenience to residents.</p> <p>The Applicant must also provide documents referred to in the Filming/Photo Shoot Permit Application, which may include a \$20M Public Liability Insurance certificate, Risk Management Plan, an Accredited Traffic Management Plan and other approvals as required.</p> <p>The Filming/Photo Shoot Permit will document the details of the</p>

**City of Burnside Hire of Community Open Space and Facilities Policy**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Director	

## Appendix 62 - Delegations Under the Leasing & Licensing of Community Facilities Policy

<b>City of Burnside Leasing &amp; Licensing of Community Facilities Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
9.1 - Licensed Clubrooms	Licence applications under the Liquor Licensing Act 1997 are made through Consumer and Business Services (CBS). As Landlord, the Authorised Officer of Council or their delegate provide support to the application in the first instance, and then the application may be assessed by the relevant delegate of Council in collaboration with the CBS.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
9.3 - Licensed Clubrooms	Each application for a liquor licence or variation of hours is to be considered on its merits by the Authorised Officer, considering the proposed activity, locality, membership and total hours.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	
10.1	Council delegates approval for granting and signing lease and licence agreements to the Chief Executive Officer within the guidelines specified in Appendix A of this Policy.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager	Assessment of standardised lease and licence renewals At a minimum, Council must consult on all proposed lease and licence grants with a



City of Burnside Leasing & Licensing of Community Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Environment and Infrastructure, Property Officer, Director	<p>term of greater than five years or are not included in an approved CLMP.</p> <p>In addition to this minimum requirement, Council endorsement will be required on lease agreements that involve the following:</p> <ul style="list-style-type: none"> <li>- The tenant is a new tenant; or</li> <li>- The tenant has undertaken a change of constitution or directive purpose; or</li> <li>- New or altered special conditions itemised in the second schedule of the lease/licence; or</li> <li>- The term is greater than five years including renewal; or</li> <li>- A change of land use is implicated; or</li> <li>- A change of method of rent assignment / review is implicated; or</li> <li>- The tenant has been issued with a notice of breach or been the subject of complaints during the previous lease period that were not satisfactorily resolved.</li> </ul> <p>Assessment of new lessee or licensee For</p>

City of Burnside Leasing & Licensing of Community Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>every new lease or licence which is considered by Council and/or Council Administration, the following points must always be considered and investigated:</p> <ul style="list-style-type: none"> <li>- Has Council adopted a CLMP for the relevant land?</li> <li>- Is the proposed use consistent with the CLMP and with current Council Policy?</li> <li>- Will there be a benefit to the local community by housing this Community Organisation in these premises?</li> <li>- Does the applicant have the financial and logistical capacity to fulfil maintenance obligations as set out in the lease or licence?</li> <li>- Does the applicant have a three year business plan which underscores their viability?</li> <li>- Has the applicant provided sufficient details regarding their proposed use and future of the facility?</li> <li>- Has the applicant provided a current National</li> </ul>

City of Burnside Leasing & Licensing of Community Facilities Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>Police Certificate?</p> <p>- If the lease or licence is to be granted over dedicated Crown land, the lease or licence should also be consistent with the dedication and the approval of the Minister will need to be sought for the grant.</p> <p>All proposed leases and licences of dedicated Crown land are also to be forwarded to Council for approval.</p>
15.2.1	Development of a building management plan by the tenant and approved by the Authorised Officer, including a condition audit and schedule of improvements above and beyond those implied by a standard five year lease.	Chief Executive Officer, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	

## Appendix 63 - Delegations Under the On-Street Parking Policy

<b>City of Burnside On-Street Parking Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.52	Occupiers of commercial premises who do not reside on the premises will be deemed not to be “residents” for the purpose of this policy, and as such, are not eligible for a permit unless special approval is granted by the Chief Executive Officer or authorised delegate.	Chief Executive Officer, Group Manager City Development & Safety, Coordinator Property and Facilities, Group Manager Environment and Infrastructure, Property Officer, Director	

## Appendix 64 - Delegations Under the Regulated & Significant Tree Assistance Policy

City of Burnside Regulated & Significant Tree Assistance Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6.7.1 - Relevant Officer	The Group Manager, City Development and Safety, will administer the fund.	Director Community & Development, Group Manager City Development & Safety	

## Appendix 65 - Delegations Under the Social Media Policy

<b>City of Burnside Social Media Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.1	The establishment of new Council social media accounts must be approved by the Director Corporate.	Chief Executive Officer, Director Corporate	
6.2	Approval of new authorised social media accounts will involve consideration of the identified business objective of the account, the audience, the proposed use, alignment with Council's corporate branding and style guidelines and resourcing requirements.	Chief Executive Officer, Director Corporate	
6.3 Access	Access to the Council's authorised social media platforms by Council staff, Volunteers and contractors that are engaged by the Council (including for content creation, responding to queries, monitoring, account maintenance and security), will be authorised and managed in accordance with Council guidelines.	Chief Executive Officer, Communications & Engagement Coordinator, Digital Marketing Officer , Communications Officer, Director Corporate	

**City of Burnside Social Media Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6.8 Closing Social Media Applications	If an authorised social media site is no longer considered by the CEO to be a useful communication tool, is no longer popular with the community, is proving too expensive or time consuming to maintain, or any other appropriate reason, it can be suspended or closed. A notice of intention will be provided as a courtesy.	Chief Executive Officer, Communications & Engagement Coordinator, Director Corporate	
6.10	<p>Where an item is about the Council, the CEO or delegated staff member may place a comment on behalf of the Council via social media provided that:</p> <p>6.10.1 they do not disclose any City of Burnside information that is considered to be confidential or non-public in nature; and</p> <p>6.10.2 they do not knowingly communicate inaccurate or false information and all reasonable efforts should be made to provide only verifiable facts, not personal opinions.</p>	Coordinator Programming Services, Team Leader Community Wellbeing, Team Leader Community Centres & Events, Group Manager Finance & Risk, Group Manager People & Innovation, Coordinator Pepper Street Arts Centre, Team Leader Library & Volunteers, Team Leader Swimming Centre, Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Regal Theatre Manager, Group Manager Community Connections, Communications & Engagement Coordinator, Digital Marketing Officer, Community Development & Venues Manager, Communications Officer, Digital &	

**City of Burnside Social Media Policy**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Graphic Designer, Events & Sponsorship Coordinator, Director	



## Appendix 66 - Delegations Under the Street Numbering Policy

<b>City of Burnside Street Numbering Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
7.2.4	<p>Should the request be in accordance with the provisions of this Policy the following procedures will apply:</p> <p>7.2.4.1 If the request is supported by all affected landowners (and evidence of this, which must be to the Council's satisfaction, is provided to the Council) the Rates section may, with the approval of the General Manager Corporate and Development (or his/her delegate) give effect to the request. Where this occurs:</p> <ul style="list-style-type: none"> <li>• at least one month's notice of the change must be provided to the affected landowners; and</li> <li>• the Council will give public notice of the change and its effective date as required by section 220(3) of the Local Government Act 1999.</li> </ul>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Director Corporate	
5.2	<p>The allocation of street numbers as a result of a land division must be endorsed by the Council's General Manager Corporate and Development (or his/her delegate) prior to a landowner being notified of the number that has been assigned to his/her property.</p>	Group Manager Finance & Risk, Coordinator Rates & Revenue, Chief Executive Officer, Director Corporate	

## Appendix 67 - Delegations Under the Treasury Management Policy

City of Burnside Treasury Management Policy			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6.2.1	Responsibility for the treasury management function will be undertaken jointly by the General Manager Corporate and Development and Group Manager, Finance and Governance.	Group Manager Finance & Risk, Chief Executive Officer, Director Corporate	

## Appendix 68 - Delegations Under the Urban Forest Management Policy

<b>City of Burnside Urban Forest Management Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.2.5.1	Subject to any statutory or legislative requirements, removals of living and dead public trees will be determined by the Chief Executive Officer (CEO) or their delegate. Noting that outside of the AMP the removal of living and low risk significant and/or regulated trees on public land will only be determined by the CEO.	Chief Executive Officer, Group Manager Technical Services & Operations, Group Manager Environment and Infrastructure, Director	

## Appendix 69 - Delegations Under the Vegetation Encroachment Policy

<b>City of Burnside Vegetation Encroachment Policy</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.2	The Council may enter into an agreement (including, where appropriate, an authorisation under section 221 of the Local Government Act 1999) with the owner of a Hedge permitting the Hedge to encroach onto a road.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
6.3	An agreement permitting a Hedge encroachment under clause 6.2 must set out the maximum permitted encroachment for the Hedge and any other conditions specified by the Council including whether a pruning plan is required for the Hedge.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
6.10	The Council may enter into an agreement with the owner of a Hedge to relocate infrastructure that is impacted by the Hedge and the cost of relocating infrastructure (including a footpath and any services located under, over or within the footpath) must be met by the owner of the Hedge.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

**City of Burnside Vegetation Encroachment Policy**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6.11	A register of encroaching Hedges and the relevant details (including the details of any agreement made under this Policy and any agreed pruning plan) is to be developed and maintained by Council.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
6.13	<p>An agreement under clause 6.12 must be made having regard to the following matters:</p> <p>6.13.1 public safety;</p> <p>6.13.2 pedestrian access;</p> <p>6.13.3 any relevant requirements, plans, regulations, or guidelines under Disability Legislation;</p> <p>6.13.4 overhead clearance;</p> <p>6.13.5 the health and structural integrity of the Overhanging Vegetation and the overall health and structural integrity of the relevant tree or plant;</p> <p>6.13.6 whether the Overhanging Vegetation relates to or forms part of a Significant or Regulated Tree (in accordance with the Development Act 1993 or any other relevant legislation from time to time); and</p> <p>6.13.7 any other relevant matters (as determined by the Council).</p>	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

**City of Burnside Vegetation Encroachment Policy**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
6.14	An agreement under clause 6.12 may include a pruning plan. The pruning plan may be developed with the assistance of a qualified arborist. The pruning plan should include recommendations (if any) in relation to staged pruning and in relation to the ongoing maintenance of the Overhanging Vegetation and empower the Council to take the steps required by the pruning plan, at the owner's expense, should they fail to comply with the requirements of the plan.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	
6.12	The Council may enter into an agreement (including, where appropriate, an authorisation under section 221 of the Local Government Act 1999) with the owner of Overhanging Vegetation that encroaches onto a road regarding the pruning and maintenance of the Overhanging Vegetation.	Chief Executive Officer, Group Manager City Development & Safety, Team Leader Ranger Services, Director	

## Appendix 70 - EHA Delegations Appendix 1 - Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010

<b>EHA Delegations - Instrument of Delegation under the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, the South Australian Public Health (General) Regulations 2013 and the South Australian Public Health (Fees) Regulations 2018</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	The power pursuant to Section 85(3) of the Environment Protection Act 1993 (“the Act”), to appoint authorised officers for the purposes of the Act.	Eastern Health Authority	
2.	The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	Eastern Health Authority	
3.	The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	Eastern Health Authority	
7.	The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied	Eastern	

**EHA Delegations - Instrument of Delegation under the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, the South Australian Public Health (General) Regulations 2013 and the South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	with in relation to any medical waste received by the Eastern Health Authority:	Health Authority	
7.	(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;	Eastern Health Authority	
7.	(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;	Eastern Health Authority	
7.	(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;	Eastern Health Authority	
7.	(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;	Eastern Health Authority	



**EHA Delegations - Instrument of Delegation under the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, the South Australian Public Health (General) Regulations 2013 and the South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7.	(e) all containers of medical waste must be stored in a secure location;	Eastern Health Authority	
7.	(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;	Eastern Health Authority	
7.	(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;	Eastern Health Authority	
7.	(h) medical waste must be disposed of as soon as reasonably practicable;	Eastern Health Authority	
7.	(i) all medical waste must be:	Eastern Health	

**EHA Delegations - Instrument of Delegation under the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, the South Australian Public Health (General) Regulations 2013 and the South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	(i) disposed of by incineration; or (ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit; (iii) collected for disposal by - (A) a licensed waste transporter authorised to collect and transport medical waste; or (B) a council;	Authority	
7.	j before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;	Eastern Health Authority	
7.	(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.	Eastern Health Authority	

**Appendix 71 - EHA Delegations Appendix 2 - Instrument of Delegation Under the Expiation of Offences Act 1996**

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Certain Offences may be Expiated	1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under:	Eastern Health Authority	
1. Certain Offences may be Expiated	1.1.1. Environment Protection Act 1993 and any regulation or Policy made thereunder;	Eastern Health Authority	
1. Certain Offences may be Expiated	1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;	Eastern Health Authority	
1. Certain Offences may be Expiated	1.1.3. Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009,	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Certain Offences may be Expiated	1.1.4. Food Act 2001	Eastern Health Authority	
1. Certain Offences may be Expiated	1.1.5. Safe Drinking Water Act 2011 and the alleged offence may accordingly be expiated in accordance with the Act.	Eastern Health Authority	
2. Expiation Notices	2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:	Eastern Health Authority	
2. Expiation Notices	2.1.1 Environment Protection Act 1993 and any regulation or Policy made thereunder;	Eastern Health Authority	
2. Expiation Notices	2.1.2 South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
2. Expiation Notices	2.1.3 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009	Eastern Health Authority	
2. Expiation Notices	2.1.4 Food Act 2001	Eastern Health Authority	
2. Expiation Notices	2.1.5 Safe Drinking Water Act 2011	Eastern Health Authority	
3. Review of Notices on Ground that Offence is Trifling	3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling: 3.1.1 to provide further information; and 3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Eastern Health Authority	
3. Review of Notices on Ground that	3.2 The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Offence is Trifling	the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	Authority	
3. Review of Notices on Ground that Offence is Trifling	3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	Eastern Health Authority	
4. Expiation Reminder Notices	4.1 The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.	Eastern Health Authority	
5. Expiation Enforcement Warning Notices	5.1 The duty pursuant to Section 11A(1) of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	offender.		
6. Late Payment	6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.1.2 the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.1.3 the notice is defective; or	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Authority	
8. Withdrawal of Expiation Notices	8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	Eastern Health Authority	
8. Withdrawal of Expiation Notices	8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system or failure in the transmission of an email.	Eastern Health Authority	



<b>EHA Delegations - Instrument of Delegation under the Expiation of Offences Act 1996</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
8. Withdrawal of Expiation Notices	8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2014, to inform the Chief Recovery Officer of the withdrawal of the notice.	Eastern Health Authority	
9. Provision of Information	<p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:</p> <p>9.1.1 the manner in which the Chief Recovery Officer is to provide information to EHA in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and</p> <p>9.1.2 the manner in which EHA is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.</p>	Eastern Health Authority	

**Appendix 72 - EHA Delegations Appendix 3 - Instrument of Delegation Under the Local Government Act 1999**

<b>EHA Delegations - Instrument of Delegation under the Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. General Powers and Capacities	<p>1.1 The power pursuant to Section 36(1) of the Local Government Act 1999 (“the Act”) to commence a prosecution for a breach of the:</p> <p>1.1.1 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009,</p> <p>where the instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council’s power.</p>	Eastern Health Authority	<p>The powers delegated at paragraphs 2.1-2.2 of this instrument can only be exercised by EHA in respect of any fee, charge, expense or other amount recoverable from a person or payable by a person in circumstances where the amount has become recoverable or payable on account of EHA acting in accordance with a delegated authority provided by the Council under the Act or any other Act.</p> <p>Certain Councils may impose conditions on the exercise of these powers. Check against the Head Delegation from the relevant constituent Council.</p>
2. Recovery of Amounts due to Council	<p>2.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under the Act or another Act.</p>	Eastern Health Authority	<p>The powers delegated at paragraphs 2.1-2.2 of this instrument can only be exercised by EHA in respect of any fee, charge, expense or other amount recoverable from a person or payable by a person in circumstances where the amount has become recoverable or payable on account of EHA acting in accordance with a delegated authority</p>

<b>EHA Delegations - Instrument of Delegation under the Local Government Act 1999</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			<p>provided by the Council under the Act or any other Act.</p> <p>Certain Councils may impose conditions on the exercise of these powers. Check against the Head Delegation from the relevant constituent Council.</p>
<p>2. Recovery of Amounts due to Council</p>	<p>2.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.</p>	<p>Eastern Health Authority</p>	<p>The powers delegated at paragraphs 2.1-2.2 of this instrument can only be exercised by EHA in respect of any fee, charge, expense or other amount recoverable from a person or payable by a person in circumstances where the amount has become recoverable or payable on account of EHA acting in accordance with a delegated authority provided by the Council under the Act or any other Act.</p> <p>Certain Councils may impose conditions on the exercise of these powers. Check against the Head Delegation from the relevant constituent Council.</p>

**Appendix 73 - EHA Delegations Appendix 4 - Instrument of Delegation Under the Safe Drinking Water Act 2011**

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
5. Drinking water providers to be registered	(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council or Eastern Health Authority (EHA) under the Act to the Minister and in a manner and form determined by the Minister.	Eastern Health Authority	
8. Conditions of registration	(3) The power pursuant to Section 8(3) of the Act where the Council or EHA holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	Eastern Health Authority	
9. Suspension of registration	(5) The power pursuant to Section 9(5) of the Act after the Council or the EHA has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	Eastern Health Authority	
9. Suspension of registration	(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Authority	
9. Suspension of registration	(10) The power pursuant to Section 9(10) of the Act where the Council or EHA's registration has been suspended to make application to the Minister for the cancellation of the suspension.	Eastern Health Authority	
10. Appeals	(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the South Australian Civil and Administrative Tribunal against:  (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;  (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or  (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or  (d) a decision of the Minister to suspend a registration under Part 2 of the Act.	Eastern Health Authority	
12. Drinking water providers to prepare, implement and review	(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:  (a) prepare a risk management plan in relation to the supply of drinking water to the	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
risk management plans	public; and  (b) keep the plan under continuous review with a view to updating and improving it; and  (c) revise any aspect of the plan that is found, on review, to need revision.		
12. Drinking water providers to prepare, implement and review risk management plans	(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council or EHA falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	Eastern Health Authority	
14. Related matters	(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council or EHA's monitoring program and incident identification and notification protocol.	Eastern Health Authority	
14. Related matters	(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
14. Related matters	(4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to seek a review of the requirement by the South Australian Civil and Administrative Tribunal.	Eastern Health Authority	
34. Appointment of authorised officers	(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	Eastern Health Authority	
34. Appointment of authorised officers	(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by EHA.	Eastern Health Authority	
35. Certificates of authority	(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by EHA with a certificate of authority as an authorised officer.	Eastern Health Authority	
35. Certificates of authority	(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Authority	
37. Seizure orders	(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:	Eastern Health Authority	
37. Seizure orders	(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or	Eastern Health Authority	
37. Seizure orders	(i) order that the thing seized be forfeited to EHA;	Eastern Health Authority	
37. Seizure orders	(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	Eastern Health Authority	
38. Notices	(1) The power pursuant to Section 38(1) of the Act and in accordance with Section	Eastern Health	



<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	38(2) of the Act to issue a notice under Section 38 for the purpose of:	Authority	
38. Notices	(a) securing compliance with a requirement imposed by or under the Act; or	Eastern Health Authority	
38. Notices	(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.	Eastern Health Authority	
38. Notices	(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council or EHA, vary or revoke the notice.	Eastern Health Authority	
39. Action or non-compliance with a notice	(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council or EHA are not complied with, to take any action required by the notice.	Eastern Health Authority	
39. Action or non-compliance with a notice	(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council or EHA's behalf.	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Authority	
39. Action or non-compliance with a notice	(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council or EHA in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.	Eastern Health Authority	
39. Action or non-compliance with a notice	(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council or EHA under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Eastern Health Authority	
40. Action in emergency situations	(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council or EHA in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	Eastern Health Authority	
41. Specific power to require information	(1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Safe Drinking Water Act 2011</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
42. Appeals	(3) The power pursuant to Section 42(3) of the Act to apply for the Council or EHA to be a party to proceedings under Section 42 of the Act.	Eastern Health Authority	
52. Annual reports by enforcement agencies	(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council or EHA under the Act during the financial year ending on the preceding 30 June.	Eastern Health Authority	

**Appendix 74 - EHA Delegations Appendix 5 - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

<b>EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Power to Require Reports	1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	Eastern Health Authority	
1. Power to Require Reports	1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.	Eastern Health Authority	
1. Power to Require Reports	1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	Eastern Health	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Authority	
2. Risk of Avoidable Mortality or Morbidity	2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	Eastern Health Authority	
2. Risk of Avoidable Mortality or Morbidity	2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about: 2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and 2.2.2 any plans that EHA and/or the Council may have that may be relevant in the circumstances; and	Eastern Health Authority	
2. Risk of Avoidable Mortality or Morbidity	2.3 any steps that EHA and/or the Council is willing to take in the circumstances; and	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
2. Risk of Avoidable Mortality or Morbidity	2.4 any other matter relating to EHA and/or the Council that appears to be relevant.	Eastern Health Authority	
3. Cooperation Between Councils	3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils	Eastern Health Authority	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
3. Cooperation Between Councils	3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.	Eastern Health Authority	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3. Cooperation Between Councils	3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	Eastern Health Authority	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
4. Power of Chief Public Health Officer to Act	4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	Eastern Health Authority	
5. Council Failing to Perform a Function Under Act	5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act	Eastern Health Authority	
5. Council Failing to Perform a Function	5.2 The power pursuant to Section 41(6) of the Act to: 5.2.1 make written submissions to the Minister in relation to the	Eastern Health	The powers delegated at paragraph 5.2 of this

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Under Act	matter within a period specified by the Minister; and 5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and 5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.	Authority	instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6. Transfer of Function of Council at Request of Council	6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	Eastern Health Authority	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6. Transfer of Function of Council at Request of Council	6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	Eastern Health Authority	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive



**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Officer of the Council to exercise those powers on a case-by-case basis.
6. Transfer of Function of Council at Request of Council	6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	Eastern Health Authority	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6. Transfer of Function of Council at Request of Council	6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	Eastern Health Authority	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
7. Local Authorised	7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably	Eastern Health	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Officers	qualified person to be a local authorised officer.	Authority	
7. Local Authorised Officers	7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	Eastern Health Authority	
7. Local Authorised Officers	7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	Eastern Health Authority	
7. Local Authorised Officers	7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	Eastern Health Authority	
7. Local Authorised Officers	7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:  7.5.1 makes an appointment under Section 44 of the Act; or	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.5.2 revokes an appointment under Section 44 of the Act.		
7. Local Authorised Officers	7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	Eastern Health Authority	
8. Identity Cards	<p>8.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:</p> <p>8.1.1 containing the person's name and a photograph of the person; and</p> <p>8.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p>	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	8.1.3 setting out the name or office of the issuing authority.		
9. Specific Power to Require Information	9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	Eastern Health Authority	
10. Regional Public Health Plans	10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).	Eastern Health Authority	
10. Regional Public Health Plans	10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.	Eastern Health Authority	
10. Regional Public Health Plans	10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:	Eastern Health	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>10.3.1 prepare a draft of the proposal; and</p> <p>10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:</p> <p>10.3.2.1 give a copy of it to:</p> <p>(a) the Minister; and</p> <p>(b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and</p> <p>(c) any relevant public health partner authority under Section 51(23); and</p> <p>(d) any other body or group prescribed by the regulations; and</p> <p>10.3.2.2 take steps to consult with the public.</p>	<p>Authority</p>	
<p>10. Regional Public Health Plans</p>	<p>10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).</p>	<p>Eastern Health Authority</p>	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Regional Public Health Plans	10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	Eastern Health Authority	
10. Regional Public Health Plans	10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	Eastern Health Authority	
10. Regional Public Health Plans	10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	Eastern Health Authority	
10. Regional Public Health Plans	10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Regional Public Health Plans	10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.	Eastern Health Authority	
10. Regional Public Health Plans	10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.	Eastern Health Authority	
10. Regional Public Health Plans	10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Public Health Plan as requiring change.		
11. Reporting on Regional Public Health Plans	11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.	Eastern Health Authority	
12. Action to Prevent Spread of Infection	12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	Eastern Health Authority	
12. Action to Prevent Spread of Infection	12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the	Eastern Health Authority	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	disease.		
13. Notices	<p>13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:</p> <p>13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or</p> <p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>	Eastern Health Authority	
13. Notices	<p>13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:</p> <p>13.2.1 have regard to:</p> <p>13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;</p> <p>13.2.1.2 the degree of harm, or potential degree of harm, to public</p>	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>health on account of the breach of the duty;</p> <p>13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,</p> <p>and such other matters as EHA thinks fit; and</p> <p>13.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:</p> <p>13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and</p> <p>13.2.2.2 stating the reasons for the proposed action; and</p> <p>13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).</p>		
13. Notices	13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	Eastern Health	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Authority	
13. Notices	<p>13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:</p> <p>13.4.1 issue a notice in accordance with the terms of the original proposal; or</p> <p>13.4.2 issue a notice with modifications from the terms of the original proposal; or</p> <p>13.4.3 determine not to proceed further under Section 92.</p>	Eastern Health Authority	
13. Notices	<p>13.5 The power pursuant to Section 92(4) of the Act to:</p> <p>13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and</p> <p>13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.</p>	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
13. Notices	<p>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:</p> <p>13.6.1 in the form of a written notice served on the person to whom it is issued; and</p> <p>13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and 13.6.3 directing 2 or more persons to do something specified in the notice jointly; and</p> <p>13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:</p> <p>13.6.4.1 is the owner or occupier of the premises; or</p> <p>13.6.4.2 has the management or control of the premises; or</p> <p>13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and</p> <p>13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and</p> <p>13.6.6 imposing any requirement reasonably required for the</p>	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>purpose for which the notice is issued including 1 or more of the following:</p> <p>13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;</p> <p>13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;</p> <p>13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;</p> <p>13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;</p> <p>13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;</p> <p>13.6.6.6 a requirement that the person undertake specified tests or monitoring;</p>		

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;</p> <p>13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;</p> <p>13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and</p> <p>13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.</p>		
13. Notices	13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by EHA or the Council, vary or revoke the notice.	Eastern Health Authority	
13. Notices	13.8 The power pursuant to Section 92(15) of the Act to, not	Eastern	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before EHA issues a notice under Section 92 of the Act.	Health Authority	
14. Action on Non-compliance with Notice	14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	Eastern Health Authority	
14. Action on Non-compliance with Notice	14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.	Eastern Health Authority	
14. Action on Non-compliance with Notice	14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	Eastern Health Authority	
14. Action on Non-compliance with	14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to,	Eastern Health	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Notice	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	Authority	
15. Action in Emergency Situations	15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	Eastern Health Authority	
16. Reviews – Notices Relating to General Duty	16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	Eastern Health Authority	
16. Reviews – Notices Relating to General Duty	16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to: 16.2.1 dismiss or determine any proceedings that appear: 16.2.1.1 to be frivolous or vexatious; or 16.2.1.2 to have been instituted for the purpose of delay or	Eastern Health Authority	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>obstruction, or for some other improper purpose;</p> <p>16.2.2 bring any proceedings to an end that appear:</p> <p>16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or</p> <p>16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or</p> <p>16.2.3 bring any proceedings to an end for any other reasonable cause.</p>		
17. Appeals	17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	Eastern Health Authority	
18. Duty to Register High Risk Manufactured Water System	18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or EHA and payment of the prescribed fee to the Council or EHA, register the high risk manufactured water	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	system to which the application relates.		
18. Duty to Register High Risk Manufactured Water System	18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the prescribed fee to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.	Eastern Health Authority	
19. Register of High Risk Manufactured Water Systems	19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.	Eastern Health Authority	
19. Register of High Risk Manufactured Water Systems	19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:  19.2.1 the type of water system; and  19.2.2 the address of the premises on which the water system is	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>installed; and</p> <p>19.2.3 the location of the water system on the premises; and</p> <p>19.2.4 the full name and residential and business addresses of the owner of the premises; and</p> <p>19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system, and such other information as EHA thinks fit.</p>		
<p>19. Register of High Risk Manufactured Water Systems</p>	<p>19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:</p> <p>19.3.1 requiring the owner, within the period specified in the notice:</p> <p>19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person</p>	<p>Eastern Health Authority</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>responsible for the operation and maintenance of the system); and</p> <p>19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:</p> <p>(a) of at least 1 sample of water taken from a cooling water system; and</p> <p>(b) of at least 2 samples of water taken from a warm water system, to determine the presence and number of colony forming units of Legionella in the water; and</p>		
<p>19. Register of High Risk Manufactured Water Systems</p>	<p>19.4 requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.</p>	<p>Eastern Health Authority</p>	
<p>20. Power of Council to Require Microbiological Testing in Other Circumstances</p>	<p>20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:</p> <p>20.1.1 the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or</p>	<p>Eastern Health Authority</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations, to give the owner of the premises written notice:</p> <p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>		
21. Fees	21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.	Eastern Health Authority	
22. Relevant Authority	22.1 The power pursuant to Regulation 6(1)(b) of the South	Eastern	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.</p>	<p>Health Authority</p>	
<p>25. Exemptions</p>	<p>25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.</p>	<p>Eastern Health Authority</p>	
<p>25. Exemptions</p>	<p>25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.</p>	<p>Eastern Health Authority</p>	
<p>26. Exemptions From</p>	<p>26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to</p>	<p>Eastern Health</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Prescribed Codes	conditions determined by EHA and stated in the notice.	Authority	
26. Exemptions From Prescribed Codes	26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	Eastern Health Authority	
27. Application	27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	Eastern Health Authority	
28. Determination of Application	28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval: 28.1.1 if the applicant fails to satisfy EHA of either or both of the following: 28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or</p> <p>28.1.2 for any other sufficient reason.</p>		
28. Determination of Application	<p>28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.</p>	Eastern Health Authority	
29. Conditions of Approval	<p>29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:</p> <p>29.1.1 any 1 or more of the following prescribed expiable conditions:</p>	Eastern Health Authority	



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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;</p> <p>29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located; 29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;</p> <p>29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;</p> <p>29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;</p> <p>29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or</p>		

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
<p>29. Conditions of Approval</p>	<p>29.1.2 any other conditions including any 1 or more of the following:</p> <p>29.1.2.1 a condition that requires decommissioning of the wastewater system:</p> <p>(a) after a specified trial period; or</p> <p>(b) in specified circumstances; or</p> <p>(c) on written notice to the operator of the system;</p> <p>29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;</p> <p>29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;</p> <p>29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);</p> <p>29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied</p>	<p>Eastern Health Authority</p>	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;</p> <p>29.1.2.6 a condition that otherwise specifies requirements relating to:</p> <ul style="list-style-type: none"> <li>(a) the installation of the wastewater system; or</li> <li>(b) the decommissioning of the wastewater system; or</li> <li>(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or</li> <li>(d) the operation, servicing and maintenance of the wastewater system; or</li> <li>(e) the reuse or disposal of wastewater from the wastewater system.</li> </ul>		
29. Conditions of	29.2 The power pursuant to Regulation 25(3) of the Wastewater	Eastern	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Approval	<p>Regulations to impose a condition of approval that:</p> <p>29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and</p> <p>29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and</p> <p>29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.</p>	Health Authority	
29. Conditions of Approval	<p>29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p>	Eastern Health Authority	
29. Conditions of Approval	<p>29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or</p>	Eastern Health Authority	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>imposition does not take effect until at least 6 months after the giving of the notice unless:</p> <p>29.4.1 the operator consents; or</p> <p>29.4.2 EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.</p>		
30. Expiry of Approval	30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.	Eastern Health Authority	
31. Registers of Wastewater Works Approvals	31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	Eastern Health Authority	
31. Registers of Wastewater Works	31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered	Eastern Health	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Approvals	appropriate by the EHA.	Authority	
32. Requirement to Obtain Expert Report	32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters	Eastern Health Authority	
32. Requirement to Obtain Expert Report	32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.	Eastern Health Authority	
32. Requirement to Obtain Expert Report	32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable	Eastern Health	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	time for the purposes of the report	Authority	
34. Non-compliance with Notices (Section 93(6) of Act)	<p>34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar General:</p> <p>34.1.1 setting out the amount recoverable under Section 93 of the Act; and</p> <p>34.1.2 setting out the land in relation to which the relevant action was taken; and</p> <p>34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.</p>	Eastern Health Authority	
34. Non-compliance with Notices (Section 93(6) of Act)	34.2 The power pursuant to Regulation 5B(7) of the General Regulations to recover an amount as if it were a rate constituting a charge on land under Section 144(2) of the Local Government Act	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation Under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	1999		
34. Non-compliance with Notices (Section 93(6) of Act)	34.3 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar General) cancel the charge.	Eastern Health Authority	
35. Refund and Recovery of Fees	35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.	Eastern Health Authority	
35. Refund and Recovery of Fees	35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.	Eastern Health Authority	



## Appendix 75 - EHA Delegations Appendix 6 - Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017

<b>EHA Delegations - Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum	1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.	Eastern Health Authority	
2. Arrangements as to Manner and Time of Payment	2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Health Authority (EHA) notice of an arrangement entered into under Section 20 of the Act in its capacity as delegate of Council.	Eastern Health Authority	
2. Arrangements as to Manner and Time of Payment	2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the chief Recovery Officer is to give the EHA notice of the termination and the amount then outstanding as delegate of Council (taking into account, where the arrangement required the performance of community service,	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	the number of hours of community service to be performed).		
3. Enforcement Determination	<p>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p> <ul style="list-style-type: none"> <li>(a) the alleged offender; and</li> <li>(b) the offence or offences that remain unexpiated; and</li> <li>(c) the amount due under the notice; and</li> <li>(d) compliance by the EHA as delegate of Council with the requirements of the Act and any other Act.</li> </ul>	Eastern Health Authority	
3. Enforcement Determination	3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.	Eastern Health Authority	

**Appendix 76 - EHA Delegations Appendix 7 - Instrument of Delegation Under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1. Role of Councils	1.1 The power pursuant to Section 9 of the Supported Residential Facilities Act 1992 (“the Act”) to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council’s power.	Eastern Health Authority	
2. Appointment of Authorised Officers	2.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 (“the Act”) to appoint a person to be an authorised officer under the Act;	Eastern Health Authority	
2. Appointment of Authorised Officers	2.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
2. Appointment of Authorised Officers	2.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	Eastern Health Authority	
3. Application for a Licence	3.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	Eastern Health Authority	
3. Application for a Licence	3.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	Eastern Health Authority	
3. Application for a Licence	3.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as EHA may have determined), to grant a licence; and	Eastern Health Authority	
3. Application for a	3.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any	Eastern Health	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
Licence	rights of review that the applicant has under the Act.	Authority	
3. Application for a Licence	3.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;	Eastern Health Authority	
3. Application for a Licence	3.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;	Eastern Health Authority	
3. Application for a Licence	3.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;	Eastern Health Authority	
3. Application for a Licence	3.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	Eastern Health Authority	
4. Renewal of	4.1 The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
Licence	application for renewal provided that the applicant pays the prescribed late application fee;	Authority	
4. Renewal of Licence	4.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act.	Eastern Health Authority	
4. Renewal of Licence	4.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled	Eastern Health Authority	
5. Licence Conditions	5.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;	Eastern Health Authority	
5. Licence Conditions	5.2 Pursuant to Section 29(3) of the Act where conditions are imposed by EHA:- 5.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	5.2.2 if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;  5.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;		
6. Transfer of Licence	6.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	Eastern Health Authority	
7. Cancellation of Licence	7.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	Eastern Health Authority	
7. Cancellation of Licence	7.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	Eastern Health Authority	

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
7. Cancellation of Licence	7.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	Eastern Health Authority	
7. Cancellation of Licence	7.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	Eastern Health Authority	
8. Review of decision or Order	8.1 The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review	Eastern Health Authority	
8. Review of decision or Order	8.2 The power pursuant to Section 32(4) of the Act to: 8.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by EHA and specified in the order; and 8.2.2 vary or revoke an order made by the Council or EHA under Section 32(3) of the Act by further order.	Eastern Health Authority	
8. Review of	8.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where	Eastern	



**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
decision or Order	application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	Health Authority	
9. Appointment of Manager	9.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	Eastern Health Authority	
9. Appointment of Manager	9.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	Eastern Health Authority	
10. Death of Licensee	10.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
11. Rescission of Resident Contract by Proprietor	11.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	Eastern Health Authority	
12. Disputes	12.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;	Eastern Health Authority	
12. Disputes	12.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;	Eastern Health Authority	
12. Disputes	12.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	Eastern Health Authority	
12. Disputes	12.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	resolution of the matter.	Authority	
12. Disputes	12.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	Eastern Health Authority	
12. Disputes	12.6 The power, pursuant to Section 43(12) of the Act - 12.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA; 12.6.2 to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or 12.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	Eastern Health Authority	
12. Disputes	12.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the	Eastern Health	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	circumstances.	Authority	
13. Attendance by Health Service Providers etc.	13.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	Eastern Health Authority	
14. Complaints	14.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	Eastern Health Authority	
14. Complaints	14.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	Eastern Health Authority	
14. Complaints	14.3 The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.	Eastern Health Authority	
14. Complaints	14.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	to resolve the matter as expeditiously as possible.	Authority	
15. Regulations	<p>15.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -</p> <p>15.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and</p> <p>15.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,</p> <p>the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.</p>	Eastern Health Authority	
15. Regulations	<p>15.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor: CEO</p> <p>15.2.1 revoke an exemption under Section 57(5);</p> <p>15.2.2 vary or revoke a condition under Section 57(6).</p>	Eastern Health Authority	
16.	16. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section	Eastern Health	

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	24 of the Act within eight weeks of the application being made.	Authority	
17.	17. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	Eastern Health Authority	
18.	18. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	Eastern Health Authority	
19.	19. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	Eastern Health Authority	
20.	20. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	facility is in need of personal care services.		
21.	21. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	Eastern Health Authority	
22.	22. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	Eastern Health Authority	
23.	23. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	Eastern Health Authority	
24.	24. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	Eastern Health Authority	

**EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
25.	25. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	Eastern Health Authority	
26.	26. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.	Eastern Health Authority	



**Appendix 77 - EHA Delegations Appendix 8 - Enforcement Agency under the Food Act 2001**

<b>EHA Delegations - Instrument of Delegation under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
1.	<p>The Council acknowledges that:</p> <p>EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and</p> <p>EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the City of Burnside.</p>	Eastern Health Authority	
2.	<p>The Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.</p>	Eastern Health Authority	