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8 May 2014

NOTICE OF COUNCIL AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that in accordance with Sections 83 and 87 of the *Local Government Act 1999* that an **Ordinary Meeting of Council** of the City of Onkaparinga will be held on **Tuesday 13 May 2014** at the Willunga Golf Club, St Peter's Terrace Willunga at 7pm for the purpose of considering the items included on the attached agenda.

We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna.

A handwritten signature in blue ink, appearing to read "Mark Dowd".

Mark Dowd
Chief Executive Officer

Disclaimer: Please note that the contents of the Council Agendas have yet to be considered by Council and recommendations contained herein may be altered or changed by the Council in the process of formally making decisions of Council.



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City of Onkaparinga
Agenda for the Council meeting
to be held on May 13, 2014

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced:

Present:

Apologies:

Leave of absence: Cr Gunn

Absent:

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

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1. **Opening of meeting**
2. **Confirmation of minutes of the Council meeting held on Tuesday April 29, 2014 and the Special Council meeting held on Tuesday May 6, 2014.**

3. **Adjourned business**

4. **Leave of absence**

Nil.

5. **Mayor's Communication**

5.1 **Mayor's Report – 13 May 2014**

External audit management letter

A copy of the External Audit Management Report – April 2014, from Dean Newbery and Partners our external Auditors is provided as attachment 1.

Elected member representation, April 18 – May 4 2014

I thank the following elected members who have represented me over this period:

Deputy Mayor Gail Kilby

- ANZAC Dawn Service, RSL Port Noarlunga and Christies Beach, April 25
- Noarlunga Figure Skating Club Awards Ceremony, April 27

Councillor Phil Sutherland

- ANZAC Dawn Service, Coromandel Valley, RSL Blackwood and Districts, April 25

Council Peter Schulze

- ANZAC Youth Vigil, Blackwood, RSL Blackwood and Districts, April 24
- ANZAC Dawn Service, Blackwood, RSL Blackwood and Districts, April 25

Councillor Daryl Parslow

- ANZAC Dawn Service, Clarendon, April 25
- ANZAC Dawn Service, Morphett Vale, RSL Morphett Vale and districts, April 25

EM briefings/workshops from April 18 – May 4, 2014

No workshops or briefings have been conducted in this period.

Mayor's calendar

My activities from April 18 – May 4 2014 are reflected in attachment 2.

Thank you



Lorraine Rosenberg

Mayor



Mark 9
Attachment 9

	Corresp. No.
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24 April 2014

Mayor Lorraine Rosenberg
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Dear Mayor Rosenberg

RE: External Audit Management Report - April 2014

Further to our expanded scope as outline in the recent audit engagement letter, our audit team attended Council's offices to undertake the first three audit attendances in relation to the 2013/14 financial year external audit of your Council.

We have included the responses made by your Council to our findings and recommendations in the attached evaluation document.

There were no matters identified during our recent attendances which would have an adverse impact on our audit opinions for the 2013/14 financial year, however further transaction testing and review of internal controls will need to be completed during future audit attendance before finalising our audit opinion.

Please contact me on 8267 4777 (sam@deannewbery.com.au) if you require any additional information on matters raised above.

Yours sincerely
DEAN NEWBERY & PARTNERS

Samantha Allard
Partner

Enc. City of Onkaparinga – External Audit Management Report April 2014

- C. Presiding Member, Audit Committee
- C. Chief Executive Officer

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City of Onkaparinga

External Audit Management Report – April 2014

External Audit Findings – Section 129(b) Audit Opinion

1. Strategic Planning		Client Response	
Control Activity	Findings	Recommended Action	Client Response
On-going review by management of actual performance against budget and ensure consistency of budget in relation to initiatives/objectives of Annual Business Plan and Strategic Management Plans.	Monthly Budget to Actual reports are produced and reviewed by Management.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
Council has a long term financial plan which underpins the development of the annual budget and aligns with council's strategic management plans.	The Long Term Financial Plan (LTFP) was obtained and reviewed and no issues were raised.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
Council has adopted a budget Framework which is delegated to the Council administrators who are responsible to put in place a framework of internal controls over budget formulation and management.	At the time of our Audit the Council's Budget Framework document was being developed.	Ensure the Budget Framework is completed and formally adopted by Council.	Complete – 7 March 2014
Budgets approved by appropriate level of management and adopted by Council in accordance with Local Government Act.	All required Budget Reviews were found to have been completed as at the time of audit attendance. Council had another Budget Review process to complete before 31 May 2014 to satisfy the requirements under the Act.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
End of year actual budget compared to original budget; significant variances explained.	The Forth Budget Review (BR4) presents all the actual figures for the end of the year to the original budget and any and all variances are investigated and explained by Council.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree

1. Strategic Planning		Client Response	
Control Activity	Findings	Recommended Action	Client Response
<p>General Ledger policies and procedures are appropriately created, updated & communicated to relevant personnel in the finance department.</p>	<p>Council does maintain a General Ledger Account Reconciliations – Administrative Procedure this was last reviewed 15 July 2011 and its next review date is 13 December 2014.</p> <p>This documented procedure was obtained and reviewed; no issues were raised.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>General Ledger reconciliations (including control and clearing accounts) are prepared on a regular basis; all reconciliations independently reviewed.</p>	<p>A review was performed of all General Ledger reconciliations completed up until the time of our audit.</p>	<p>Ensure that at the end of every month the Manager Finance is informed (in writing) by the Team Leader Financial Accounting of any reconciliations (that are required) that remain unreconciled and the reasons for the delay in reconciliation.</p>	<p>Disagree</p> <p>Adequate measures already in place to inform Team Leaders (Financial & Management Accounting) of any outstanding General Ledger reconciliations - via monthly email.</p>
<p>Formal disaster recovery plan adopted by Council or Senior Executive.</p>	<p>The Information, Communications and Technology Disaster Recovery Plan was being updated at the time of our Audit.</p>	<p>Please ensure that review of the Information, Communications and Technology Disaster Recovery Plan is completed and adopted by Council and then made available to employees as soon as possible.</p>	<p>Will include Manager Finance in this email</p> <p>Agree</p>
<p>Statutory financial reports prepared by suitably qualified staff, reviewed by senior management and/or Audit Committee.</p>	<p>The annual financial statements are reviewed by Senior Management and the Audit Committee prior to the adoption by Council.</p>	<p>Testing of the procedures and processes outlined in the plan should also be undertaken to ensure all actions are operationally feasible and operate as intended.</p>	<p>Agree - Testing of procedures and processes currently in place under existing Information, Communications and Technology Disaster Recovery Plan and will continue once new Disaster Recovery Plan is adopted</p> <p>Agree</p>
<p>Actual results compared to budget regularly; management reviews and investigates significant variances.</p>	<p>Monthly Budget to Actual reports are produced and reviewed by Management before being presented to Council at their Council Meeting.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>



1. Strategic Planning			
Control Activity	Findings	Recommended Action	Client Response
<p>Ensure that roles and responsibilities are documented and within Delegations of Authority register and is maintained and updated.</p> <p>Accounting Policies and Procedures are appropriately created, updated & communicated to appropriate personnel in the financial reporting department. Knowledgeable personnel monitor changes in guidance & regulations that affect the entity & make the appropriate changes to the entity's corporate accounting policies & procedures on a timely basis.</p>	<p>The procedures performed by Council's Administration surrounding the maintenance and monitoring of changes to Delegations within the Authority Register was deemed acceptable.</p> <p>It was discussed with Senior Management that currently there is no central area in which all policies can be located by employees.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Recommend the Onkanet is updated to include all Council policies.</p> <p>The Administration should, at least annually, compare/benchmark their policies to other South Australian Local Government Councils. The Chief Executive Officer should be formally advised as to any policy variations that are raised as a result of this review.</p>	<p>Agree</p> <p>Agree</p>
2. Assets			
Control Activity	Findings	Recommended Action	Client Response
<p>Blank cheques and/or cheque-signing machine are adequately safeguarded.</p> <p>Access to EFT Banking system restricted to appropriately designated personnel.</p>	<p>Blank cheques are kept in a secure cabinet with the key guarded by Accounts Payable Department. Access to the secure cabinet is restricted to the Accounts Payable Department staff.</p> <p>The internal controls surrounding the release of Electronic Funds Transfers (EFTs) within the CommBiz website were deemed appropriate.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p> <p>Agree</p>

2. Assets		Client Response
Control Activity	Findings	Recommended Action
Bank reconciliations are performed on a predetermined basis and are reviewed by an authorised officer. Any identified discrepancies are investigated immediately.	Bank reconciliations are performed daily. A formal reconciliation is performed monthly and is reviewed by the Senior Accountant – Compliance & Control.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis. Agree
Cash transfers between bank accounts and investment bodies are approved by authorised officer.	Transfers between bank accounts require a form to be completed and approved by Team Leader Financial Accounting, Team Leader Management Accounting or Senior Accountant.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis. Agree
All investments are to be held in the name of the Council or associated entities in accordance with the source of funds.	All investments are held in the Council name, except those which are held in trust for associated entities.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis. Agree
Investment transactions at the end of an accounting period are scrutinised and/or reconciled to ensure complete and consistent recording.	Monthly Council Investment reconciliations are performed and formally authorised by an independent employee. The reconciliation requires matching third party statements to the appropriate General Ledger account balances.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis. Agree
Council has clear and comprehensive Conflict of Interest policy and Code of Conduct.	Council's documented Code of Conduct policies for both Elected Members and Council employees was obtained and reviewed. It was noted information relating to the Conflicts of Interest is outlined in the Code of Conduct policies. Representations were made to us by the Council Administration that these policies were appropriately provided to employees. Our review of Council's Code of Conduct policies revealed no areas of concern.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis. Agree

2. Assets	Control Activity	Findings	Recommended Action	Client Response
	Debtor's reconciliation performed on a regular basis to the General Ledger and reviewed by an independent person.	Debtor reconciliations are performed by Finance Officer – Debtors and Internal Control Officer. These reconciliations are independently reviewed by the Senior Accountant – Compliance & Control.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
	Subject to the relevant Council Procurement policy, a purchase order must be raised prior to ordering the goods from a supplier.	It was discussed with Senior Management that the Procurement Policies and documented procedures are currently being redeveloped.	Ensure that the redeveloped procurement policies are completed and implemented, including employee awareness of procedures as soon as possible.	Agree
	Management monitors the compliance and issuing of money to Clubs / Community Groups in accordance with funding arrangements on a regular basis.	Council approves all loans and applicable loan schedules. These are monitored through a semi-annual General Ledger reconciliation performed by Finance staff.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
	Loan receivable reconciliations are prepared on a regular basis and reviewed by an independent person.	Loan receivable reconciliations are prepared semi-annually as part of the General Ledger reconciliation process. The reconciliations are formally reviewed and authorised by an employee, independent of whom performed the reconciliation.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
	All loans must be approved by Council in accordance with Delegations of Authority.	All new Council loans are required to be formally approved by Council. All documentation for new loans are signed off by the Mayor and Chief Executive Officer when drawn down.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree

3. Liabilities	Control Activity	Findings	Recommended Action	Client Response
<p>Cheque usage to be reconciled to stock of cheques on a regular basis and blank cheques to be held securely.</p>	<p>The Council blank cheque register was obtained and reviewed. It was noted that there is no information being retained to document which employee actually accessed/removed the blank cheques.</p>	<p>It is recommended that as an added control, the blank cheque register is extended to include the initials of the employee that removed the blank cheques and updated the register.</p>	<p>Agree</p>	
<p>Bank files that are uploaded onto the banking website cannot be manipulated prior to the upload and subsequent EFT release.</p>	<p>An interview with the Accounts Payable Officer revealed that the current process of uploading Accounts Payable payment-runs involves producing, from the JD Edwards system, a 'CSV' Microsoft Excel document. This CSV file is automatically saved on the R Network Drive which is accessible only by the two Accounts Payable Officers and the IT Department.</p>	<p>Controls need to be introduced to ensure the integrity of payments processing. It is recommended that either:</p> <ul style="list-style-type: none"> - A control is introduced to lock the CSV Excel file at generation to ensure there can be no changes made to this document. 	<p>Agree</p>	
<p>Employee expense claims must be approved by authorised officer and independently verified and include relevant substantiation.</p>	<p>Audit testing undertaken on a 'dummy batch' created revealed that the details within the CSV file such as BSB, account numbers, account names and payment amounts can be edited, saved and then successfully uploaded onto the Commbiz module (CBA online banking). Given the editable nature of the CSV document, there is a risk that these files may be altered, and then uploaded and released on the Commbiz website with minimal controls in places that will identify these changes.</p>	<p>The CSV file is printed at the point of transmission and matched to every Commbiz report that is produced for the EFT Batch payments.</p>	<p>Agree</p>	
<p>Authorised officer to review aged payables listing on a predetermined basis and investigate where appropriate.</p>	<p>The process surrounding the employee's reimbursements was reviewed and deemed appropriate.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>	
<p>Authorised officer to review aged payables listing on a predetermined basis and investigate where appropriate.</p>	<p>It was noted that the Aged Accounts Payable report is not formally reviewed on a regular basis.</p>	<p>Ensure that on a monthly basis the Aged Payables listing is formally reviewed and authorised by Senior Management within the Finance Department.</p>	<p>Agree</p>	

3. Liabilities	Control Activity	Findings	Recommended Action	Client Response
Statements received from suppliers are reconciled to the supplier accounts in the accounts payable sub-ledger regularly and differences are investigated.	It was discussed with the Accounts Payable Officer that all statements received from suppliers are reconciled to the supplier's sub-ledger accounts within the JDE corporate finance system and any discrepancies are investigated.	Once the statement has been reconciled to the supplier's sub-ledger account, the statement is discarded. This process is only undertaken on suppliers that provide statements and not on all suppliers engaged by the Council.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
Invoices received are authorised and accompanied by appropriate supporting documentation.	Testing revealed that all invoices were authorised by the appropriate authorising officer.	This process is only undertaken on suppliers that provide statements and not on all suppliers engaged by the Council.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
Payments (Cheques and EFT's) are endorsed by authorised officers separate to the preparer who ensure that they are paid to the specified payee.	A list of employees that have the ability to upload and release EFT payments revealed that no officer listed on that report had access to process Accounts Payable data and accordingly segregation of duties were found to be appropriate.	This process is only undertaken on suppliers that provide statements and not on all suppliers engaged by the Council.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
Recorded changes to the supplier master file are compared to authorised source documents to ensure that they were input accurately.	Accounts Payable master file amendment exception reports are not being produced.	This process is only undertaken on suppliers that provide statements and not on all suppliers engaged by the Council.	Recommend further investigation into the implementation of master file amendments exception reporting.	Agree
Separation of accounts payable and procurement duties.	There is a distinct separation of the Accounts Payable Department and the Procurement Department's duties/responsibilities within Council.	This process is only undertaken on suppliers that provide statements and not on all suppliers engaged by the Council.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree

3. Liabilities		Client Response
Control Activity	Findings	Recommended Action
<p>A loan register is maintained containing a copy of Council resolution approving the loan and a schedule of the loan liability and the loan repayment from the lender. This also includes details of any Cash Advanced Debenture.</p>	<p>Council does maintain a Loan Register. This register was obtained at the time of our audit and found to be up-to-date.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Agree</p>
4. Revenue		Client Response
Control Activity	Findings	Recommended Action
<p>Rates are automatically generated by the rate system, including the calculation of rate rebates, if applicable.</p>	<p>Rates are automatically generated by the corporate property database used to generate rates billing information.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Agree</p>
<p>Management regularly reviews the calculation methodology within the rate application system and for a sample of ratepayers to ensure correct calculation and methodology has been used.</p>	<p>Rebates and concessions are electronically uploaded from data received directly from SA Water and factored in the calculation of annual rates raised per assessment.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Agree</p>
<p>All discrepancies are investigated by the Rate Department staff.</p>	<p>It was discussed with the Team Leader Revenue that prior to rate generation, a sample of properties are selected for testing. Testing is performed via a spreadsheet that calculates to rates payable whilst including all the variable e.g. rebates, CWMS, concessions.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p> <p>Agree</p>

4. Revenue	Control Activity	Findings	Recommended Action	Client Response
<p>All software changes to rate modelling functionality fully tested and reviewed by qualified personnel.</p>	<p>It was discussed with the Team Leader Revenue that all system upgrades (excluding trivial upgrades) undergo a test period in which all employees that are to be affected by the upgrade are given time (approx. three weeks) to ensure they are aware of the system changes and determine if everything is operating effectively.</p>	<p>Prior to the annual generation of rates, a Pre-Roll report is produced by the Team Leader Revenue and all mismatches and discrepancies are investigated and resolved.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Annual valuation update is balanced prior to the generation of rates; all mismatches resolved prior to going live.</p>	<p>Prior to the annual generation of rates, a Pre-Roll report is produced by the Team Leader Revenue and all mismatches and discrepancies are investigated and resolved.</p>	<p>It was discussed with the Team Leader Revenue that the pensioner concessions are not reviewed or authorised, however there is a compensating control in place in which this information is received directly from SA Water and given this information is received from a third party, it can be relied upon.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Authorised officers verify all pensioner concession entitlement information provided annually by government departments.</p>	<p>All Council rebates are reviewed and adopted by Council via a Council meeting that is held every year, this includes both mandatory rebates and discretionary rebates. The Council minutes adopting this financial year's rebates were obtained and reviewed, no issues raised.</p>	<p>It was discussed with the Team Leader Revenue that all receiving of rates is performed by the Customer Service staff.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Council approves rate rebates to rate payers in accordance with Delegations of Authority and as per the legislation.</p>	<p>Rates Department staff do not have the ability to performed receipting of rates notices.</p>	<p>Employees responsible for processing rate notices cannot process payment of their own rates.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>

4. Revenue	Control Activity	Findings	Recommended Action	Client Response
	Regular review of exempt properties to ensure still valid, interest flag switched off and rate rebates.	The exempt property listing is reviewed annually by an employee segregated to the Rates Department. The exempt property listing is manually signed to evidence the review and this is independently reviewed by a senior Finance staff member independent of the Rates Department.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree
	Council has a clear policy on Grant funding detailing assessment process, recognition, treatment, claim collection, community expectations and funding period and, disclosure of any conflicts of interest.	It was found that a policy relating to Council grant funding is currently being developed.	Recommend that the policy currently being developed relating to Council grant funding is completed and adopted by Council as soon as possible.	Agree - Already being covered by Internal Control assessment and review process
	Fees and Charges register is made available to public.	Council's schedule of all Fees and Charges is available to the public via the Council website.	Control Activity to be further monitored by DNP Audit staff on an ongoing basis.	Agree

5. Expenses	Control Activity	Findings	Recommended Action	Client Response
<p>Access to the supplier master file is restricted to appropriately designated personnel.</p>	<p>It was discussed with the Senior Accountant (Compliance and Control) that there is currently no IT user access level report that can be produced by Council that displays the systems modules that are available to the individual employees.</p> <p>It was discussed with the Senior Accountant (Compliance and Control) that this reporting restriction is due to the limited JD Edwards system capabilities.</p>	<p>At the time of our Audit Council was in the process of implementing a JDE interrogation software package in which IT access levels could be verified.</p> <p>We request to be updated on any progress made in this regard in future Audit visits.</p> <p>Ensure a permanent control is in place in which at least every six months all access levels are formally reviewed and reported, in writing, to the Chief Executive Officer for authorisation.</p> <p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree - Interrogation software due for implementation April/May 2014 – six monthly reviews already in place.</p> <p>Progress will be communicated during future audit visits.</p>	
<p>The transfer of the bank file should be restricted to authorised officers who are not involved in the preparation of the pay run.</p>	<p>The list of authorised officers that can perform EFT releases was obtained. It was found that employees involved in the preparation of the batch information for payment do not have the ability to release funds via the CommBiz website.</p>	<p>Payroll master file amendment exception reports are not being produced by Council on a regular basis.</p>	<p>Recommend further investigation into the implementation of master file amendments over the monitoring and approval of payroll master file amendments.</p> <p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Disagree - This has been fully investigated during the last 3-4 months and further enhancement to current exception report format is not possible due to automation within the payroll process and the lack of variable parameters within the JDE payroll reporting module.</p> <p>Agree</p>
<p>Significant changes (supported by adequate audit trail) to the payroll master files approved by management.</p>	<p>All credit cards must be authorised by the Chief Executive Officer prior to the card being issued as per the documented Corporate Purchase Card Management Procedure.</p>	<p>Council, CEO or other authorised officer approves all issues of Credit Cards and limits, to employees prior to release.</p>		

5. Expenses	Control Activity	Findings	Recommended Action	Client Response
<p>Employees sign a declaration confirming compliance with Council policy and procedures prior to the Credit Card being released.</p>	<p>Receipt of a Council credit card is accompanied by a receipt of credit card form which must be signed and details the conditions in which the card is provided, including compliance with Council policies.</p>	<p>Access and maintenance of the Council credit card register is restricted to only the Procurement Department.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Access to the Credit Card Register and Credit Card documentation is restricted to designated person.</p>	<p>Access and maintenance of the Council credit card register is restricted to only the Procurement Department.</p>	<p>Cardholders are required to send in and sign (with manager's approval) a form detailing all their expenses and include all invoices to match the statement.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Council staff must check their statement to ensure all transactions are correct, and identify any transactions of a personal nature which must be reimbursed to Council and to contact bank as soon as possible to cancel any invalid transactions.</p>	<p>Cardholders are required to send in and sign (with manager's approval) a form detailing all their expenses and include all invoices to match the statement.</p>	<p>All personal expenses are reimbursed to Council through the cashiers downstairs and receipt for the funds is included in the declaration of expenses.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>It was noted that the practice of making purchases of a personal nature is strictly prohibited and this is clearly outlined on the Council credit card form that is manually signed by the cardholder prior to being provided the Council credit card.</p>	<p>It was noted that the practice of making purchases of a personal nature is strictly prohibited and this is clearly outlined on the Council credit card form that is manually signed by the cardholder prior to being provided the Council credit card.</p>	<p>It was noted that the practice of making purchases of a personal nature is strictly prohibited and this is clearly outlined on the Council credit card form that is manually signed by the cardholder prior to being provided the Council credit card.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>

5. Expenses		Client Response
Control Activity	Findings	Recommended Action
<p>All credit card limits are set in accordance with Delegations of Authority and reviewed by management for operational efficiency.</p>	<p>Testing performed during our December audit visit revealed that a there were a number of employees that were issued a Council credit card that either did not have a financial delegation or the credit card transaction limit exceeded the card holder's recorded financial delegation.</p> <p>These findings were discussed with the Council Administration and action was taken whereby all situations where Council credit cards transaction limits exceeding the cardholder's financial delegation were to be rectified.</p> <p>Testing performed during our April audit visit continued to reveal there were credit card transactions limits which exceeded the card holder's recorded financial delegation.</p>	<p>Recommend a regular review is implemented in which issued purchase card transaction limits are set within the financial delegation of authority that has been provided to the cardholder.</p>
		Agree
6. Contractual Services		Client Response
Control Activity	Findings	Recommended Action
<p>Council to maintain a contract register.</p>	<p>Council maintains a Contracts Register which we were able to obtain and review.</p>	<p>Control Activity to be further monitored by DNP audit staff on an ongoing basis.</p>
		Agree

6. Contractual Services	Findings	Recommended Action	Client Response
<p>Control Activity</p> <p>The Contracts, Tenders and Procurement Policy and Procedures should be reviewed regularly.</p>	<p>Council's Procurement Policy has not been reviewed since September 2010.</p> <p>Per the Policy, next review is due to be completed by May 2014 and accordingly, this Policy is still current.</p> <p>Administrative procedures relating to Purchase Orders and forms relating to procurement activities were found to be up-to-date and available on request.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>
<p>Commitments are not being made without funding being approved in the budget.</p>	<p>Before a Purchase Order is released to the nominated supplier, an independent check is not being done to ensure that there are sufficient funds per the budget to commit additional expenditure.</p> <p>Procurement is a centralised activity within Council and no check is done by Procurement staff to verify sufficient budget funds are available before they release Purchase Orders to suppliers.</p> <p>At present, the officer raising the Purchase Order only needs to state that sufficient budgeted funds are available however no check is done to verify this is accurate.</p>	<p>That it be a requirement that before any Purchase Order is released by the Procurement Department that a check is done to verify sufficient budget funds are available for expenditure to be committed.</p>	<p>Agree</p>

6. Contractual Services		Client Response
Control/Activity	Findings	Recommended Action
<p>Robust and transparent selection processes to ensure effective and qualified suppliers / contractors are selected by Council, including compliance with Code of Conduct, Conflict of Interest and procurement policies.</p>	<p>Council has an Administrative Procedure titled 'Tender Evaluation' which outlines what processes are to be undertaken by Council in evaluating tenders.</p> <p>Council only go out to tender when the value of goods/services being procured is in excess of \$100,000 (GST Excl.).</p> <p>Conflict of Interest only required to be disclosed on contracts over \$100,000 (i.e. tendered work).</p>	<p>Agree</p> <p>Recommend that it be a requirement that a Conflict of Interest declaration be required to be disclosed by Council staff when engaging any external contractor or supplier.</p>
<p>Suitably qualified/independent personnel to sit on Selection Panel to ensure that informed and objective decision is made when selecting suppliers / contractors.</p>	<p>The Tender Evaluation Administrative Policy outlines that a Tender Evaluation Group is required to be formed in assessing all Tenders and there is a minimum requirement for the members required to be on the evaluation panel which must have a minimum of three Council officers.</p> <p>The Administrative Procedure has not been formally adopted/endorsed within Council – this process is still to be undertaken however Council's Procurement Services team already abide by the processes and procedures set out in the document.</p>	<p>Agree</p> <p>Formal endorsement of the Administrative Procedure to be undertaken.</p>

6. Contractual Services	Control Activity	Findings	Recommended Action	Client Response
<p>Tender Documents are kept locked up when they are not being viewed for evaluation purposes.</p>	<p>Tender documents are now submitted electronically via the South Australian Government Tenders website.</p> <p>Access to submitted tenders is not permitted until one hour after the closure time of the tender closing date and time.</p> <p>Tenders are electronically downloaded and saved on Council's Electronic Contents Management (ECM) system (TechnologyOne software package) and marked 'Confidential Contract' to restrict access to the documents to authorised personnel only.</p> <p>Once the evaluation panel has been selected, the tender documents are made 'public' on ECM so that panel members can download/view documents.</p> <p>Council's IT Department are working on changing this setting so that only allocated personnel are able to be given access to the tender documents as it has been identified as a weakness in current processes.</p>	<p>Tender documents are now submitted electronically via the South Australian Government Tenders website.</p> <p>Access to submitted tenders is not permitted until one hour after the closure time of the tender closing date and time.</p> <p>Tenders are electronically downloaded and saved on Council's Electronic Contents Management (ECM) system (TechnologyOne software package) and marked 'Confidential Contract' to restrict access to the documents to authorised personnel only.</p> <p>Once the evaluation panel has been selected, the tender documents are made 'public' on ECM so that panel members can download/view documents.</p> <p>Council's IT Department are working on changing this setting so that only allocated personnel are able to be given access to the tender documents as it has been identified as a weakness in current processes.</p>	<p>Recommend that system upgrades to ECM be implemented where possible so that access to Tender documents are at all times restricted only to personnel who have been designated access.</p>	<p>Agree</p>
<p>Council does not release milestone payments to suppliers / contractors until they meet all their associated objectives.</p>	<p>All milestone payments and payments to contractors which have been through a Tender process are required to be authorised by Procurement Services staff before they are processed by Accounts Payable staff for payment.</p> <p>The process for authorising payment of invoices submitted is undertaken in accordance with accounts payable practices and requires that all invoices be authorised for payment by an officer with suitable delegated authority.</p>	<p>All milestone payments and payments to contractors which have been through a Tender process are required to be authorised by Procurement Services staff before they are processed by Accounts Payable staff for payment.</p> <p>The process for authorising payment of invoices submitted is undertaken in accordance with accounts payable practices and requires that all invoices be authorised for payment by an officer with suitable delegated authority.</p>	<p>Control Activity to be further monitored by DNP Audit staff on an ongoing basis.</p>	<p>Agree</p>

Attachment 2

Meetings and events attended by the Mayor April 18 – May 4 2014	
April 2014	
23	Meeting with residents and staff
	Meeting Moana and Seaford Community Association
24	Meeting of McLaren Vale and District War Memorial Hospital
	ANZAC Youth Vigil Morphett Vale
25	ANZAC service, McLaren Vale
	ANZAC service, Cherry Gardens
	ANZAC service, Kangarilla
26	Attend Centrals vs South Adelaide football match
28	Media interview
	Speak at Fleurieu Ladies Probus Club
	Meeting with residents group
29	Meeting of CEO Performance Management Committee
	Meeting with resident
	Meeting with CEO
	Meeting with Deputy Mayor
30	Southern United Netball ANZAC commemoration match
May 2014	
4	South Adelaide Football Club – chairman’s lunch/football match

6. Presentation

Nil.

7. Deputation

Nil.

8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 Chief Executive Officer Performance Management Committee minutes

This is a regular or standard report.

Director: Jacki Done, Manager Culture and People

Report Author: Sue Hammond, Governance Officer

Contact Number: 8384 0682

Attachments: 1. Chief Executive Officer Performance Management
Committee minutes of meeting held 29 April 2014 (3 pages)

A meeting of the Chief Executive Officer Performance Management Committee was held on 29 April 2014.

Item 5.1 of the minutes is a confidential item requiring resolutions of Council and will be considered at item 15.3 of this agenda.

The remaining business of the meeting is to be noted by Council and is included in the minutes of the meeting at attachment 1.

City of Onkaparinga
Minutes of the Chief Executive Officer
Performance Management Committee meeting
held on April 29, 2014

Venue: Meeting Room 1
Civic Centre, Ramsay Place, Noarlunga Centre

Meeting commenced: 11:06am

Present: Mayor L Rosenberg
Cr G Kilby
Cr H Merritt
Cr S Nash
Cr D Parslow

Apologies:

Leave of absence:

Absent:

In attendance: Jacki Done, Manager Culture and People

City of Onkaparinga
Minutes of the Chief Executive Officer Performance Management Committee meeting held on April 29, 2014.

1. Opening of meeting

Deputy Mayor Kilby officially declared the meeting open at 11:06am.

2. Confirmation of minutes of the Chief Executive Officer Performance Management Committee meetings held on Tuesday February 25, 2014 and Tuesday March 18, 2014.

Cr Nash **MOVED** that the Minutes of the proceedings of the Chief Executive Officer Performance Management Committee meetings held on Tuesday February 25, 2014 and Tuesday March 18, 2014 be received and confirmed as an accurate record of those proceedings.

Seconded by *Cr Merritt*.

CARRIED

3. Reports of officers

Nil.

4. Other business

4.1 Review annual process re Chief Executive Officer Performance Review

MOVED Cr Merritt.

That the Chief Executive Officer Performance Management Committee request a written evaluation and recommendations for future processes in relation to the Chief Executive Officer Performance Review from Andrew Reed at Hender Consulting.

Seconded by *Cr Parslow*.

CARRIED

4.2 Determine Chief Executive Officer Performance Management Committee activities for 2014/15

MOVED Cr Merritt.

That a work plan be prepared and tabled at future meetings that details activities and/or motions in relation to:

- *Chief Executive Officer Performance Reviews*
- *Chief Executive Officer Contract Negotiations*
- *Chief Executive Officer Strategic Performance Objectives*

Seconded by *Cr Parslow*.

CARRIED

City of Onkaparinga
Minutes of the Chief Executive Officer Performance Management Committee meeting held on April 29, 2014.

5. Confidential items

5.1 Chief Executive Officer Reappointment

MOVED Cr Parslow.

1. That:

a. under the provisions of section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider this item in confidence.

b. the Chief Executive Officer Performance Management Committee is satisfied that it is necessary that the public be excluded to enable the Committee to receive and consider the information/report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), in this instance being the employment of the Chief Executive Officer.

The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the employment performance of a person at the meeting would be inconsistent with accepted principles of professional human resource management.

c. on this basis, the principle that this meeting of the Chief Executive Officer Performance Management Committee should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.

Seconded by Cr Nash.

CARRIED

MOVED Cr Parslow.

6. That the matter of the Chief Executive Officer Reappointment having been considered in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Chief Executive Officer Reappointment and the minutes and the report of the Chief Executive Officer Performance Management Committee relating to discussion of the subject matter be kept confidential until April 30, 2015.

Seconded by Cr Nash.

CARRIED

6. Closure

Deputy Mayor Kilby officially declared the meeting closed at 12:34pm.

Certified CorrectChair

/ /2014

9. Reports of officers

9.1 The Quarter January-March 2014

This is a regular or standard report.

Director:	Steve Mathewson, Director Finance and Commercial
Report Author:	Lorraine Applebee, Team Leader Finance and Community Administration
Contact Number:	8384 0707
Attachments:	1. The Quarter (96 pages)

1. Purpose

This report presents the March 2014 edition of The Quarter.

2. Recommendation

That the March 2014 Quarter be received.

3. Background

The Quarter forms a key part of the City of Onkaparinga's Reporting Framework. It is generally presented to Council in May, August, December and February of each year. The March edition covers the period of January, February and March 2014.

The first section provides a graphical representation of all quarterly Key Performance Indicators (KPIs).

The second section provides supporting details for the KPIs and has been grouped under the Balanced Scorecard headings of Stakeholders, Finances, Employees and Processes. In addition, this section incorporates Key Result Areas (KRAs) which have influenced KPI outcomes.

The third section of The Quarter includes information grouped departmentally about progress on Key Result Areas (KRAs), service levels, major projects, service reviews, funding received, significant events and other related issues that occurred during the period in review. These departmental quarterly updates are current to March 2014.

4. Financial Implications

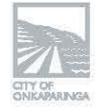
No financial implications have been identified.

5. Risk and Opportunity Management

No key risks have been identified.

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Introduction

The Quarter is the City of Onkaparinga's quarterly corporate report and a key instrument in the Council's reporting framework.

This edition contains information about the Council's performance for the three months ending March 31, 2014 and activities during the five months ending May 31, 2014.

For easy reference, The Quarter is presented in three sections, which are:

- a graphical representation of all quarterly Key Performance Indicators (KPIs)
- supporting details for the KPIs grouped under Balanced Scorecard headings of Stakeholders, Finances, Employees, Processes and Grants. This section also includes Key Result Areas (KRAs) which have influenced the KPI results
- information grouped departmentally about our City's progress on major organisational projects, significant events and other related issues that have occurred during the period in review.

I encourage feedback about The Quarter and trust that you find its content valuable and informative.

Mark Dowd

Chief Executive Officer

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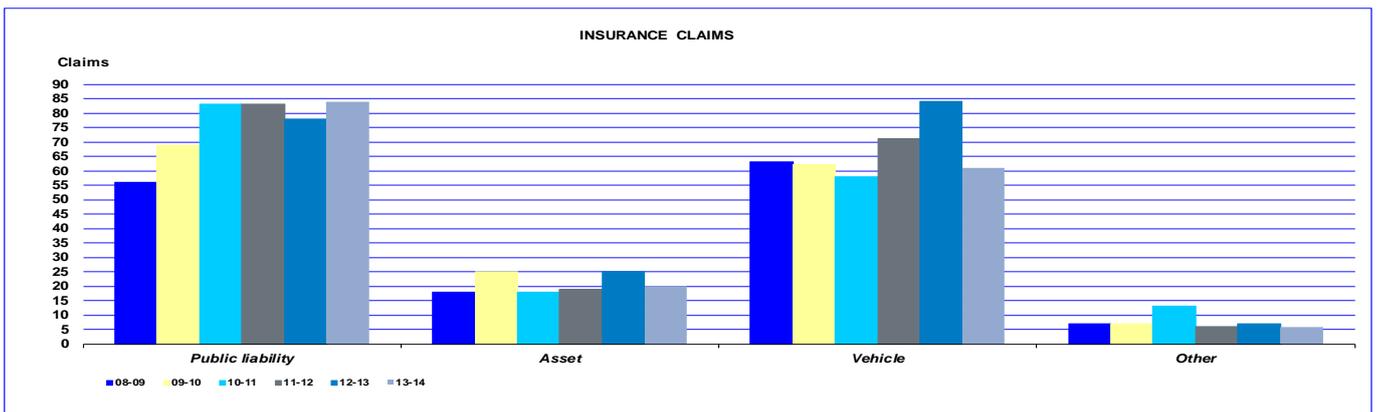
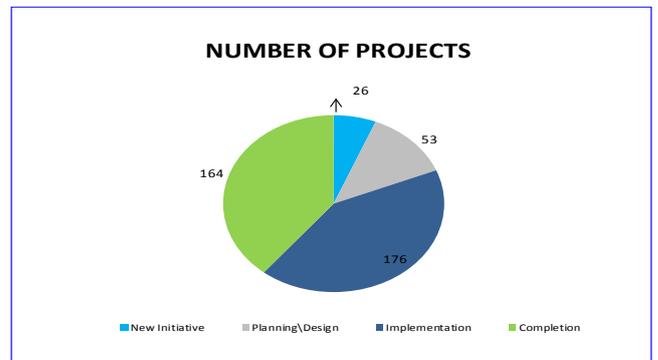
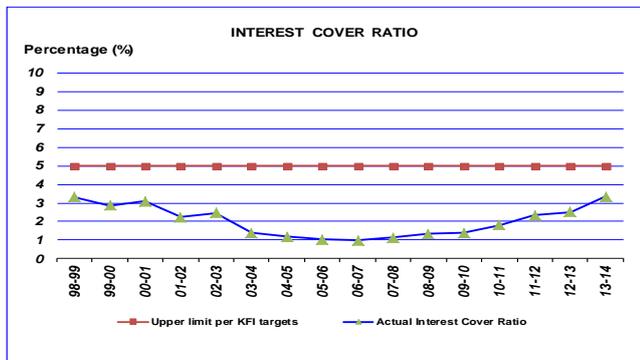
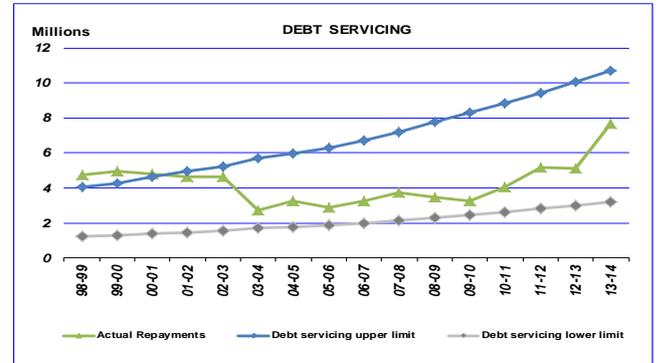
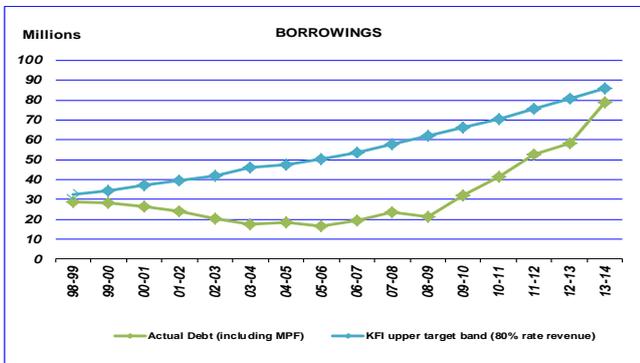
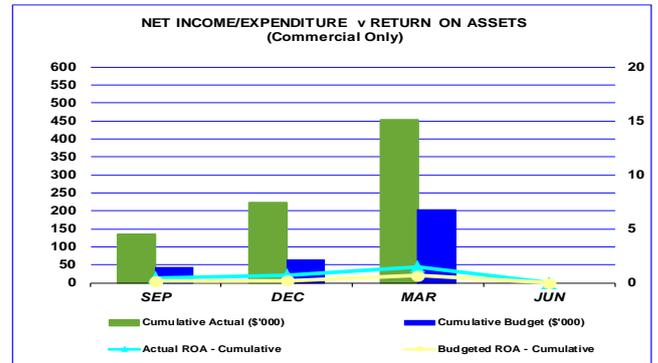
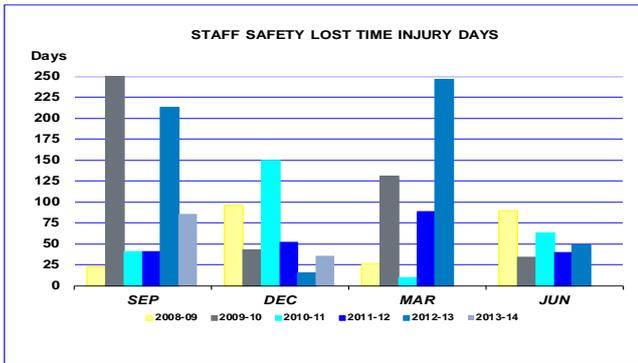
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Balanced Scorecard

Balanced Scorecard



QUARTERLY KPI's as at 31 March 2014



Balanced Scorecard

Financial

Net Income/Expenditure v Return on Assets (Commercial Only) (Refer to KPI summary) (Alison Hancock)

This graph shows the actual cumulative results in dollars versus those cumulatively budgeted as well as the cumulative Return on Assets (ROA) for Commercial Activities only.

As reflected on the graph the YTD actual return on assets from Commercial Activities is above budget. During the January - March quarter the tourist parks have operated favourably due to greater demand for the Christies Beach Tourist Park and the timing for the annual golf membership fees being due.

Borrowings (Refer to KPI summary) (Darren Styler)

This graph compares the level of borrowings (forecast to March 31, 2014) with the target range established for borrowings as part of the 2013-14 budget process.

An upper limit of borrowings at 100 per cent of rate revenue (excluding the NRM levy) has been established for this indicator with an upper target limit of 80 per cent of rate revenue (excluding the NRM levy).

The forecast for borrowings as at March 31, 2014 (before carry forwards and budget review 3) is currently \$80.7 million. This is below the upper target range of \$85.7 million (80 per cent of rate revenue excluding NRM levy). This illustrates our capacity to undertake the level of borrowings required to fund the Major Projects Fund works.

Actual debt is represented by a combination of fixed term loans and short term borrowings. Short term borrowings are utilised to fund periodic cash flow requirements and are re-paid during times of peak cash inflows such as rate instalments.

Debt servicing (Refer to KPI summary) (Darren Styler)

This graph compares the debt servicing expenditure forecast at March 31, 2014 (before carry forwards and budget review 3) with the upper and lower target limits established as part of the 2007-08 budget process. Debt servicing includes interest expenses and principal repayments.

An upper limit of 10 per cent and a lower limit of 3 per cent of rate revenue (excluding the NRM levy) have been established for this indicator.

The forecast for debt servicing as at March 31, 2014 is currently \$7.7 million. This remains well below the upper limit of \$10.7 million (10 per cent of rate revenue excluding NRM levy).

Interest cover (Refer to KPI summary) (Darren Styler)

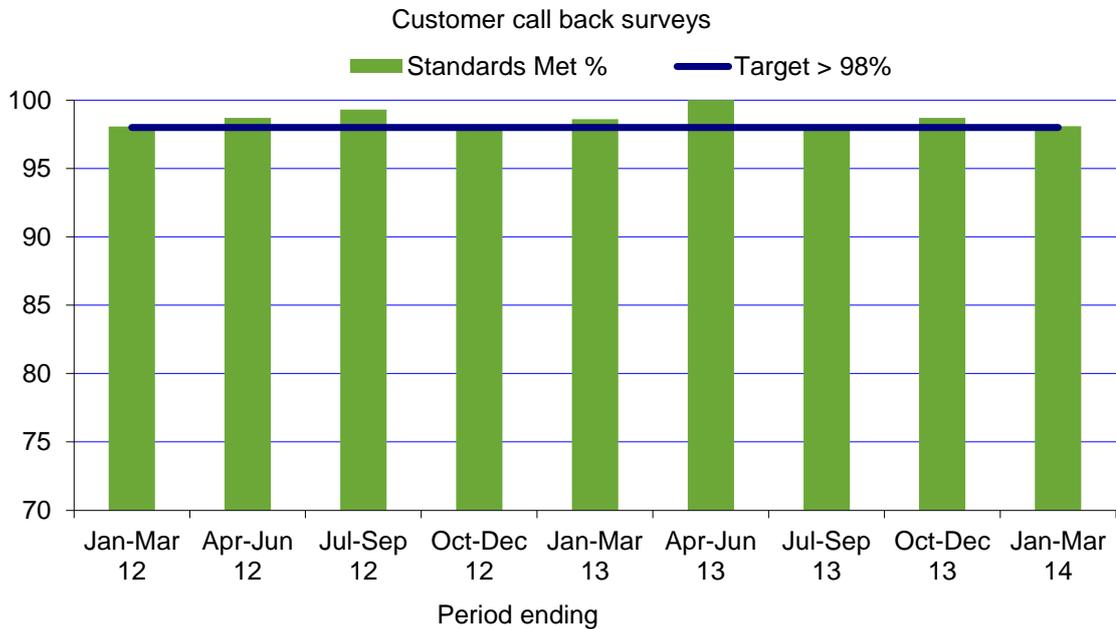
This graph compares net interest expenses as a percentage of operating revenue (excluding the NRM levy and investment income) with the upper target limit established as part of the 2009-10 budget process. An upper target limit of 5 per cent has been established for this indicator.

The forecast for the interest cover ratio for 2013-14 is currently 3.35 per cent. This indicates that 3.35 cents of every \$1 in operating revenue will go towards interest payments. This ratio remains well below the upper target limit of 5 per cent.

Balanced Scorecard

Stakeholders

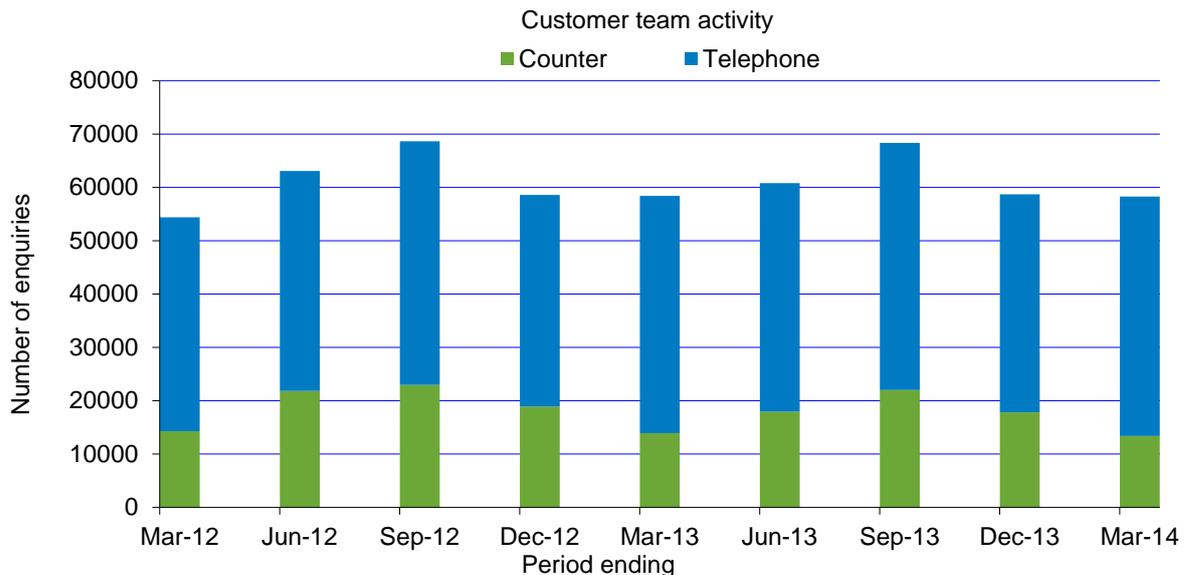
Customer call back surveys (Judi Cameron)



On a weekly basis, customers who have recently contacted our customer centre are surveyed. Each customer call back survey consists of eight questions/comments that measure a combination of customer service standards and internal procedural standards specifically related to the service provided by our customer service officers. Feedback and/or coaching is provided to each customer service officer based on the results of the surveys.

The customer team conducted 127 customer call back surveys during the period, representing 0.21 per cent of customers who have contacted us. We met the standards 98.1 per cent of the time.

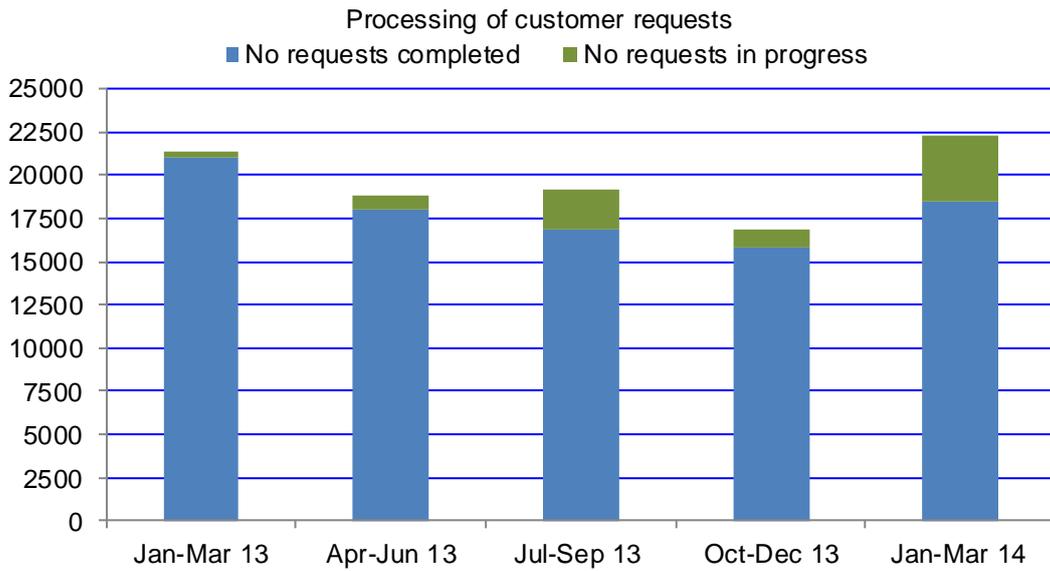
Customer team activity (KRA) (Judi Cameron)



During this quarter we received 58,267 enquiries. The number of enquiries is consistent with the same quarter last year.

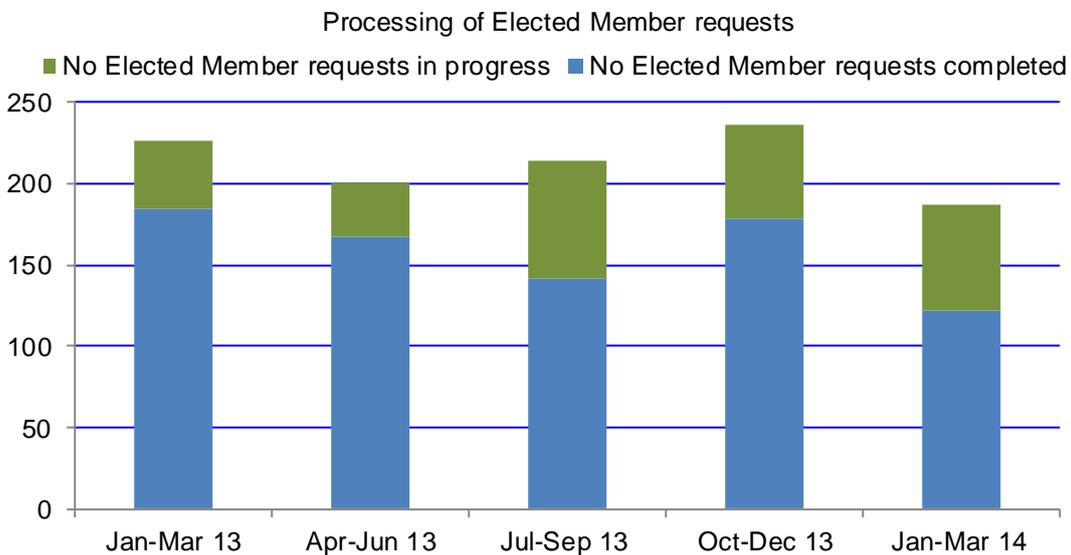
Balanced Scorecard

Customer request (Judi Cameron)



The Pathways customer request system is used to track customer requests. For the quarter a total of 25,750 requests were received, an 16.01 per cent increase in comparison to the March 2013 quarter. Of these 1381 requests were in progress as at March 31, 2014, which represents a completion rate of 93.79 per cent compared to 87.53 per cent in the March 2013 quarter. Employees and graffiti volunteers initiated 55.75 per cent of the total number of requests for the quarter.

Elected member request (Karen Ingram)



Elected member requests are also entered into the Pathways system. A total of 305 requests were received during the March 2014 quarter, an increase of 42.52 per cent in comparison to the March 2013 quarter. A total of 74 elected member requests were either ongoing or still in progress, which represents a completion rate of 75.74 per cent compared to 65.89 per cent in the March 2013 quarter.

Balanced Scorecard

Employees

Staff safety (refer to KPI summary) (Jacki Done)

This graph tracks employee Lost Time Injury (LTI) statistics over the quarters of previous years and enables comparison with current results. The data is provided from the Local Government Association Workers Compensation Scheme (the Scheme). This data is used by the Scheme to calculate the percentage of our salaries and wages payable as workers compensation insurance premium.

The LTI statistics are updated on a monthly basis but the currency/accuracy of data is dependent upon the status of a claim and the injured employee's return to work. This reporting approach is uniform across local government areas in South Australia and in no way has any adverse effect on our Health and Safety or Injury Management responsibilities or outcomes.

During the current quarter there shows a decline in the number of LTI's and duration rate.

Processes

Projects (refer to KPI summary) (Nicole Page)

At the end of the third quarter of the 2013-14 financial year there are 4 (1.0 per cent) PCW projects at stage one (new initiative, PCW projects that have not yet started). There are 257 (61.3 per cent) PCW projects in progress between stage two (assessment) through to stage five (evaluation). The number of PCW projects completed is 158 (37.7 per cent). The percentage of PCW projects completed on time and on budget is 95 per cent.

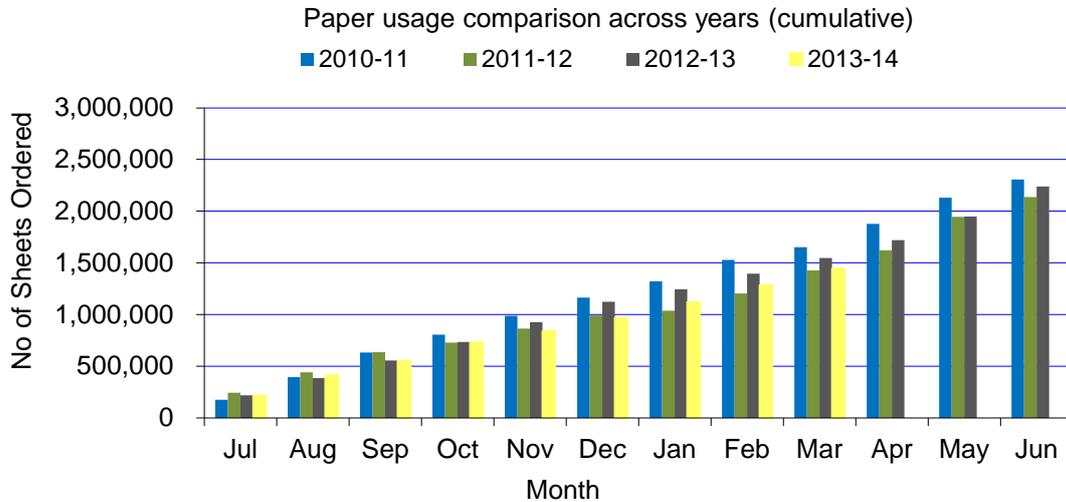
Risk management (refer to KPI summary) (Graham Cahill)

This graph provides a breakdown of insurance claims by category for the past six years. The categories are Public Liability, Vehicle, Asset and Other. The 'Other' category includes personal accident for elected members, volunteers and those special type liability claims such as at the Willunga golf course, volunteer personal accident and professional indemnity. 'Motor vehicle' and 'Public liability' claim numbers are trending slightly higher for the current year. The increase in public liability claims can be attributed to an increase in road related issues caused by weather conditions, damage caused by trees and claims from utilities for damage to their infrastructure. There were no apparent contributing factors for the increase in motor vehicle claims. 'Asset' and 'Other' claims are consistent with previous years.

Balanced Scorecard

Energy/water/paper management (KRA)

Paper usage (Allison Hancock)

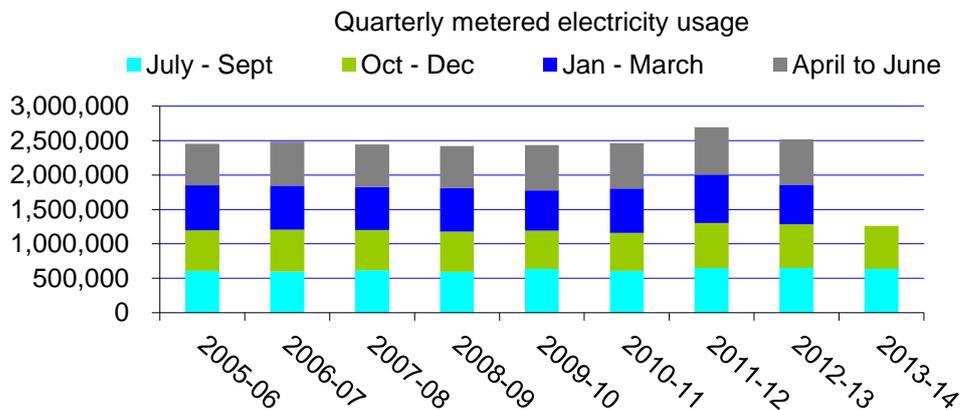


This graph reports cumulatively the number of sheets of A4 white copy paper purchased monthly. Paper usage in the libraries is not included due to the combination of staff, student and public use.

Paper purchased for the third quarter of 2013-14 was 475,000 sheets compared to the same quarter in 2012-13 of 426,000 sheets, an increase of 10.32 per cent.

Total year to date 2013-4 was 1,445,000 sheets compared to total year to date 2012-13 of 1,548,500 sheets, an overall decrease of 6.68 per cent.

Electricity usage (Allison Hancock)

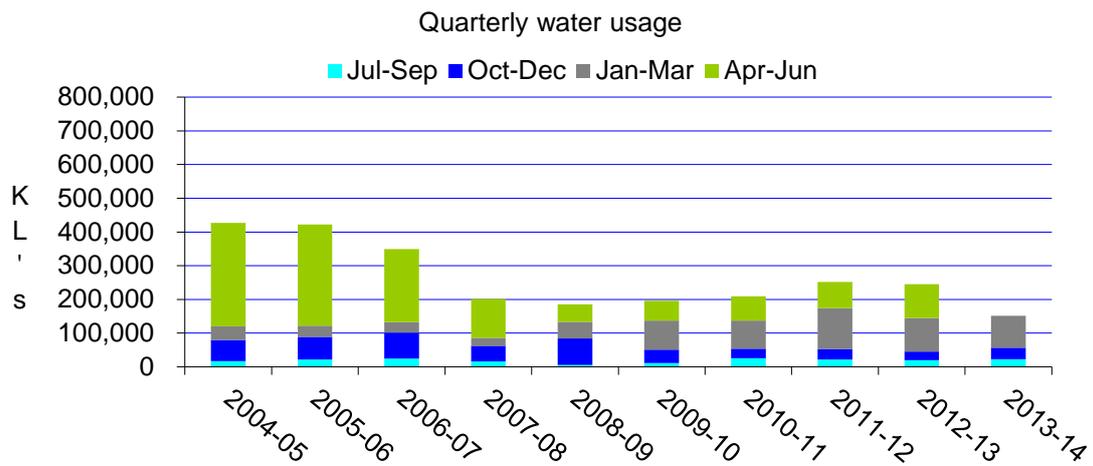


This graph provides a summary of metered electricity usage for the year to date (YTD) period December 2013. The usage for the quarter has decreased by 11,445 kWh's as compared to the same quarter last year. This decrease relates to a review by staff.

Water Proofing the South electricity usage has been removed from the report as this is a separate business unit and to ensure that these figures do not interfere with the trending figures.

Balanced Scorecard

Water usage (Alison Hancock)



This graph provides a summary of the quarterly metered water usage. The figures for water consumption for the period January to March 2014 was 94,575 kl's. When compared to the same period last year this shows a decrease of 4,691 kl's.

Departmental Reporting

Departmental Reporting

People, Governance and Regulatory Services

Director People Governance and Regulatory Services

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Key Result Area/Service Levels/Statistics

Development applications (Ben Victory)

Comparison of development application (DA) numbers lodged:

2013		2014	
January	266	January	290
February	318	February	362
March	313	March	342
Total	897	Total	994

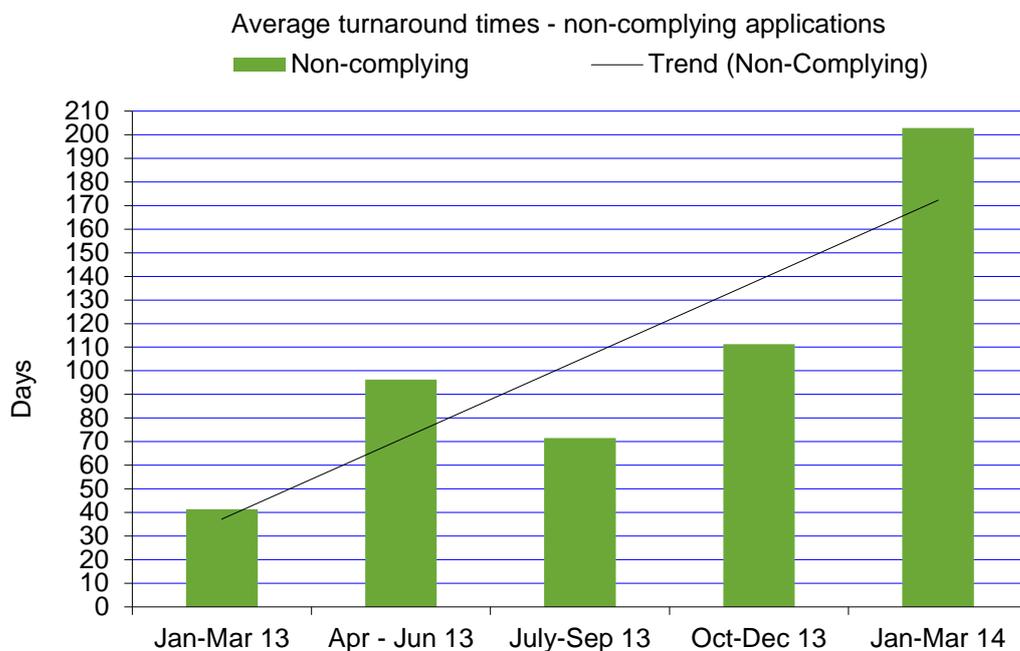
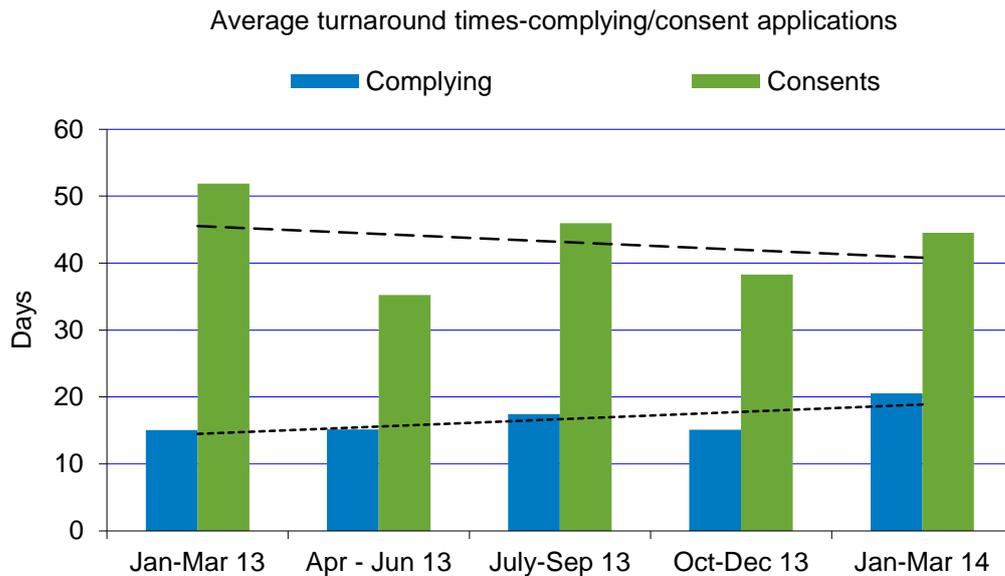
The third quarter figures for 2013-14 recorded a 10.8 per cent increase in the number of DAs lodged when compared with the same period for 2012-13. Although this is an 8 per cent decrease from the 1074 DAs lodged last quarter, the third quarter is traditionally a lower quarter due to the January holiday period.

DAs lodged in the last 12 months amount to 4168, an 8.6 per cent increase on the 3839 lodged for the 12 months prior. DA lodgement numbers shifted downwards substantially from the 2011-12 year where in previous years DA numbers were above 5000. They have gradually increased again since late 2012.

Turnaround times January-March 2014 for development applications (Ben Victory)

The average turnaround time for complying applications (including Building Rules Consent only DAs) was 20.6 business days, which compares with 15.1 days for both the corresponding 2013 quarter and the previous quarter. Residential Development Code complying applications took an average of 34.3 business days, compared with 50.3 days in January-March 2013 and 34.4 days in the previous quarter. Merit (consent) applications had an average turnaround time of 44.5 business days compared with 51.9 days in the corresponding 2013 quarter and 38.3 days in the previous quarter. The turnaround times included planning and/or building consent components.

Departmental Reporting



Three non-complying development applications were determined during the quarter, taking an average time of 202.8 days. Non-complying applications generally take longer to assess than merit applications due to their complexity and processing requirements and the very small number of non-complying applications can result in significant variations in average turnaround times.

Open space provision and contribution (Ben Victory)

One land division creating more than 20 allotments was approved in the quarter, being 35 allotments as stage 10 of the Seaford Meadows development. It includes the provision of a 1573sq m reserve (7.4 per cent of the 2.12ha stage 10 site). The Seaford Meadows master plan is for 10.44 per cent of the overall development site to be open space reserves, with monetary contributions being paid for the shortfall below 12.5 per cent.

Departmental Reporting

Development Assessment Panel (DAP) decisions (Ben Victory)

Five development applications were considered by the DAP in the quarter, with four being approved and one refused. DAP decisions are reported via inclusion of the Panel minutes in Weekly News.

Major developments (Ben Victory)

During the January-March 2014 quarter, 17 developments valued at more than \$1 million were approved:

- relocation of loading bay and new crossover to David Witton Drive at 160-168 Beach Road, Noarlunga Centre valued at \$1.08 million
- final development approval for 12 two-storey group dwellings at 25-27 Ramsgate Avenue, Christies Beach valued at \$1.512 million
- alterations and additions to land fill and waste recycling facility at 112 Bakewell Drive, McLaren Vale/Seaford Heights valued at \$2 million
- final development approval for vehicle showroom and service centre at 65-71 Main South Road, Reynella valued at \$2 million
- music teaching facility including performance space at Cardijn College, 5 Honeypot Road, Noarlunga Downs valued at \$2.15 million
- two-storey alterations and additions incorporating a fitness centre, indoor recreation centre and upper deck car park at Woodcroft Shopping Centre, corner Bains and Panalatinga Roads, Morphett Vale valued at \$2.5 million
- two residential flat buildings each containing nine two-storey dwellings at 1-9 League Street, Seaford Meadows valued at \$3.6 million
- shopping centre incorporating shops, supermarket, liquor store, medical health, undercroft level, mall, construction of a public road and main street with associated earthworks, carparking, landscaping, signage, and removal of a regulated tree at Flagstaff Road, Flagstaff Hill valued at \$25 million.

Regulated/significant tree applications (Ben Victory)

The [Development Plan](#) sets out the provisions for assessing development applications for removing or damaging regulated and significant trees and can be viewed via our [website](#). Refer in particular to the General Section provisions for Regulated Trees and Significant Trees.

The following data relates to DAs for this quarter involving regulated and significant trees:

Total number of development applications involving regulated trees	28
Total number of development applications involving significant trees	9
	Total 37
Number of regulated trees sought to be removed or pruned	30
Number of significant trees sought to be removed or pruned	10
	Total 40
Number of development applications for pruning of regulated trees	2
Number of development applications for pruning of significant trees	0
	Total 2

Departmental Reporting

Number of development applications for removal of regulated trees	26
Number of development applications for removal of significant trees	9
	Total 35
Number of regulated trees sought to be pruned	2
Number of significant trees sought to be pruned	0
	Total 2
Number of regulated trees sought to be removed	28
Number of significant trees sought to be removed	10
	Total 38
Number of native regulated trees sought to be pruned	2
Number of native significant trees sought to be pruned	0
	Total 2
Number of native regulated trees sought to be removed	25
Number of native significant trees sought to be removed	10
	Total 35
Number of non-native regulated trees sought to be pruned	0
Number of non-native significant trees sought to be pruned	0
	Total 0
Number of non-native regulated trees sought to be removed	3
Number of non-native significant trees sought to be removed	0
	Total 3
Number of regulated trees sought to be pruned where the species was not specified	0
Number of significant trees sought to be pruned where the species was not specified	0
	Total 0
Number of regulated trees sought to be removed where the species was not specified	0
Number of significant trees sought to be removed where the species was not specified	0
	Total 0
Reason for application for regulated trees:	
• to enable development	1
• dangerous	24
• ill-health of tree	3
	Total 28
Reason for application for significant trees:	
• to enable development	1
• dangerous	8
• ill-health of tree	0
	Total 9

Departmental Reporting

Number of regulated tree development applications with council as applicant	2
Number of significant tree development applications with council as applicant	0
	Total 2

Of the 26 private development applications lodged involving regulated trees:

Withdrawn	3
Decision pending	17
Refused	0
Approved	6

Of the nine development applications lodged involving significant trees:

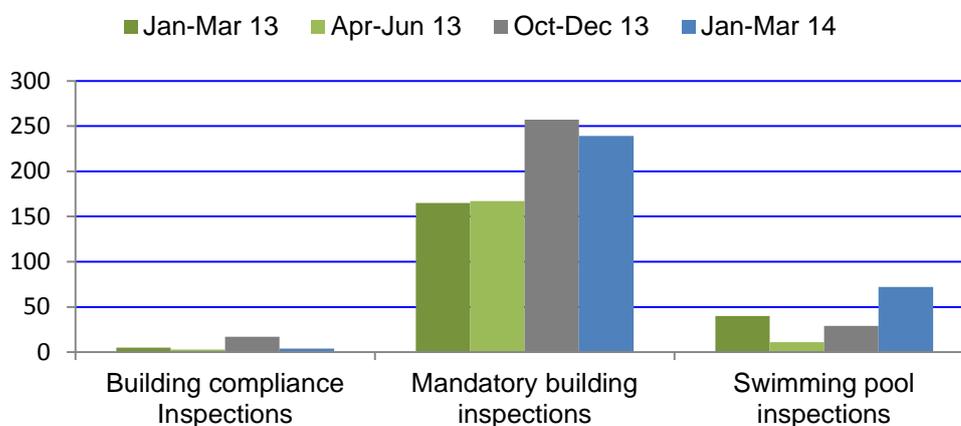
Withdrawn	0
Decision pending	6
Refused	0
Approved	3

Building Team - Inspections (Richard Kellett)

In addition to the assessment function, the Building Team has carried out inspections of building work, new pool inspections and building compliance inspections over the quarter. Inspections by the Building Team are reflected within the following table and bar chart.

Building compliance inspections	4
Mandatory building inspections	239
Swimming pool inspections	72
Total	315

Building inspections



Departmental Reporting

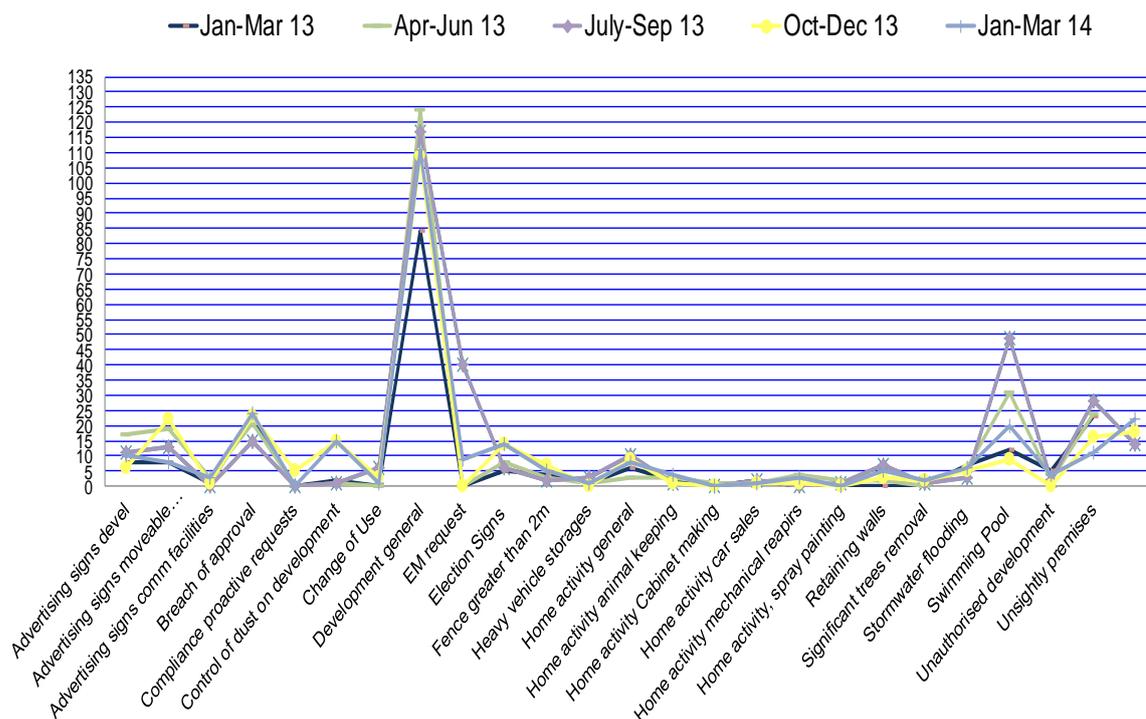
In many instances the inspection of building work or a swimming pool will reveal non-compliance with the Building Rules and as a result require further inspections and follow up with builders and/or owners, and in some cases the issuing of enforcement notices. However, this activity is not reflected in the above figures.

Development compliance (Richard Kellett)

The following table and chart reflect the number of development compliance related investigations undertaken as a result of customer enquiries for the quarter.

<i>Compliance Customer Service Request Type</i>	<i>No.</i>
Advertising signs - development	10
Advertising signs - moveable banners	8
Advertising Signs - community facilities	3
Breach of approval	24
Control of dust on development	15
Change of use	1
Development general/miscellaneous	111
Election Signs compliance	9
Elected member request	14
Fence general greater than 2m	5
Heavy vehicle storage	1
Home activity, animal keeping	4
Home activity, cabinet making	0
Home activity, car sales	1
Home activity, general	8
Home activity, mechanical repairs	3
Home activity, spray painting	0
Retaining walls general	5
Shipping containers (compliance)	2
Significant tree removal	6
Stormwater flooding private property	20
Swimming pool compliance (fence)	4
Unauthorised development	11
Unsightly premises	22
Total	287

Departmental Reporting



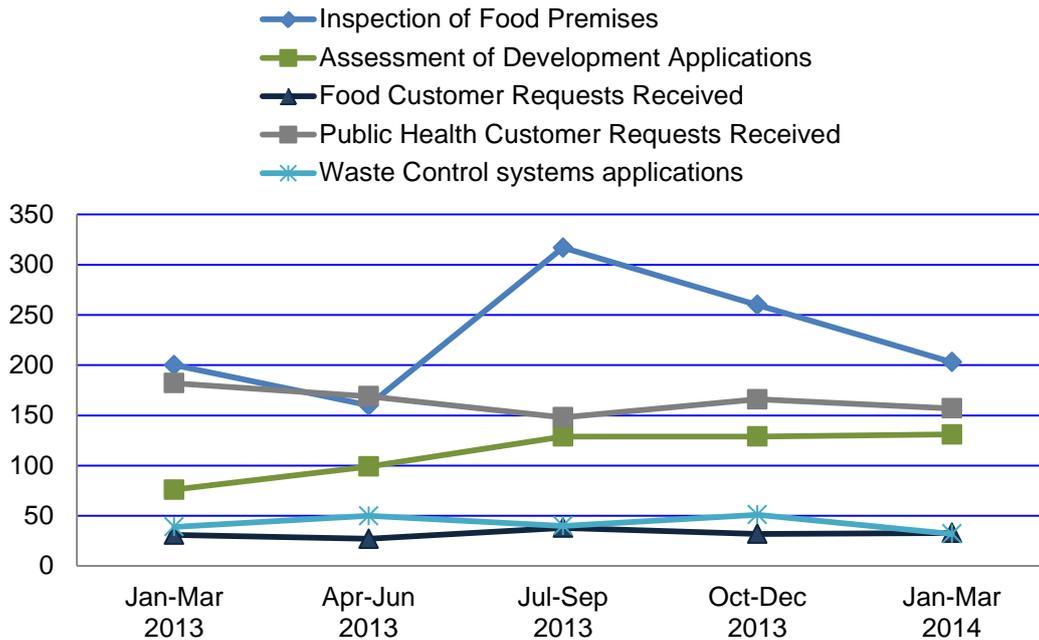
In many instances the investigation of enquiries and complaints may require a number of inspections, letters, possibly enforcement notices issued and court appearances made by staff; however, this is not reflected in the above figures.

Environmental health (Nicole Moore)

Key statistics for the quarter:

<i>Service Type</i>	<i>Jan-Mar 2013</i>	<i>Apr-Jun 2013</i>	<i>Jul-Sep 2013</i>	<i>Oct-Dec 2013</i>	<i>Jan-Mar 2014</i>
General enquiries	1206	1401	1186	1069	1277
Customer requests received	31	27	38	32	33
Food					
Food premises - inspections	200	160	317	260	203
Food audits	6	6	5	13	17
Public Health					
Customer requests received	182	169	148	166	157
Skin penetration inspections	0	2	5	4	1
Public swimming pool inspections	10	2	9	11	22
Other					
Assessment of Development Applications	76	99	129	129	131
Wastewater system applications	39	50	40	51	32

Departmental Reporting



The above graph shows:

- Food premises inspections have reduced slightly this quarter.
- The total number of waste control system applications this quarter has reduced slightly.
- The initial assessment of development applications has remained steady this quarter compared with last quarter.
- The amount of food related requests has remained steady.
- Public Health related requests have remained steady this quarter.

Other environmental health activities for the quarter included:

- Seventeen food safety audits at high risk premises were conducted, including childcare centres and aged care facilities. Due to the complexity of the audit process, each audit can take up to a day to complete.
- Three food education sessions were presented to community groups, residents and food handlers.
- Improvement Notices were issued to 17 food businesses for non-compliance with the *Food Act, 2001*.
- Three Compliance Notices were issued against properties with failing septic tanks under the new *South Australian Public Health Act, 2011*.
- No Expiation Notices were issued under the *South Australian Public Health Act 2011* or the *Food Act 2001*.

Immunisation (Petra Noble)

The City of Onkaparinga provides immunisation services to residents within our council as well as that of the Alexandrina Council.

City of Onkaparinga

- A total of 53 immunisation clinics were conducted over the quarter.
- Five schools were visited as part of the school immunisation program.

Departmental Reporting

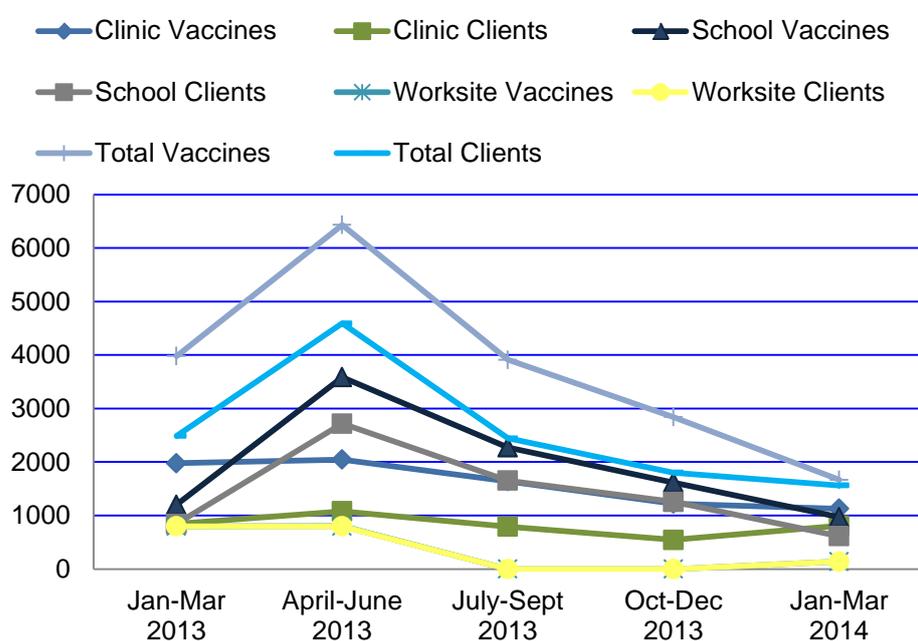
- Three worksites were visited this quarter to administer flu vaccines.

Alexandrina Council

- Four clinics were held in Alexandrina over the quarter, two in Goolwa and two in Strathalbyn, with no clinics held during the month of January 2014.

Following are the client and vaccine statistics for the City of Onkaparinga:

<i>Service Type</i>	<i>Jan-Mar 2013</i>	<i>Apr-Jun 2013</i>	<i>Jul-Sep 2013</i>	<i>Oct-Dec 2013</i>	<i>Jan-Mar 2014</i>
Clinic Vaccines	1978	2045	1640	1223	1126
Clinic Clients	845	1078	791	545	810
School Vaccines	1202	3586	2272	1617	969
School Clients	844	2717	1652	1255	614
Work Vaccines	799	802	0	0	139
Work Clients	799	797	0	0	139
Total vaccines	3979	6433	3912	2840	2324
Total clients (including multiple vaccinations)	2488	4592	2443	1800	1563



The above graph shows:

There has been a reduction in the total amount of clients and vaccines during this quarter. This is for a number of reasons, including:

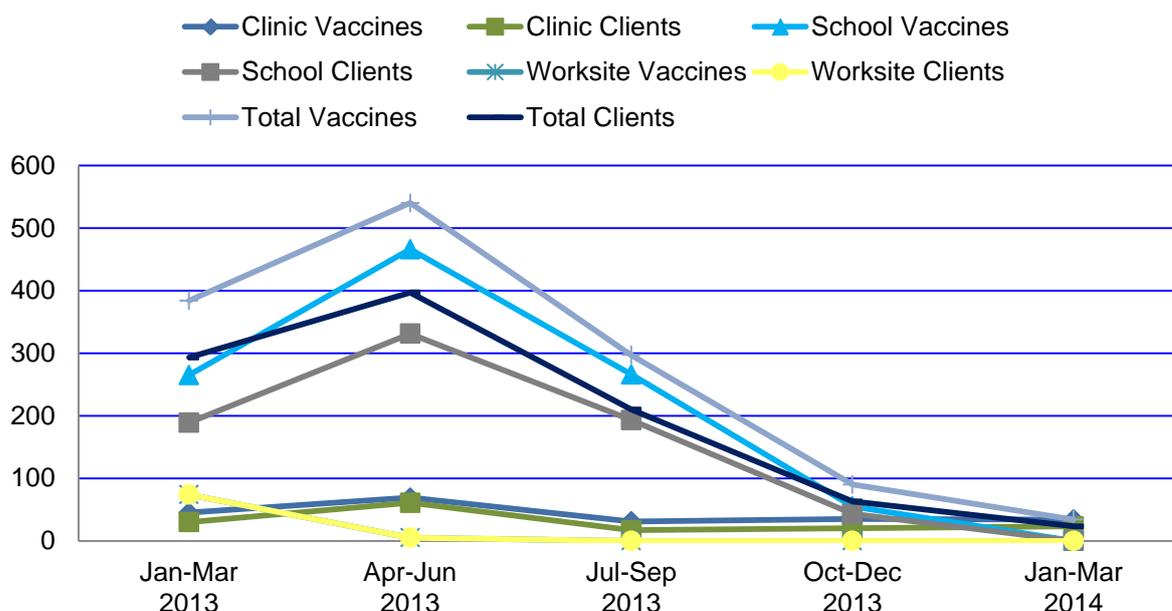
- clinics are closed during the Christmas school holidays
- the School Based Immunisation Program has commenced in the latter part of March however this program will be larger than last year based on the immunisation schedule to be delivered.

Departmental Reporting

- The influenza vaccine only became available in late March 2014 delaying the start of our workplace immunisation program.

Following are the client and vaccine statistics for the Alexandrina Council:

<i>Service Type</i>	<i>Jan-Mar 2013</i>	<i>Apr-Jun 2013</i>	<i>Jul-Sep 2013</i>	<i>Oct-Dec 2013</i>	<i>Jan-Mar 2014</i>
Clinic Vaccines	45	69	31	35	34
Clinic Clients	30	61	17	20	23
School Vaccines	265	466	266	55	0
School Clients	189	331	193	43	0
Work Vaccines	74	5	0	0	0
Work Clients	74	5	0	0	0
Total vaccines	384	540	297	90	34
Total clients (including multiple vaccinations)	293	397	210	63	23



The above graph shows:

There has been a reduction in the total amount of clients and vaccines during this quarter. This is due to:

- no clinics operating during the month of January
- no schools were visited during the month of February
- No worksite flu clinics have been conducted during this quarter due to the late availability of the vaccine.

Departmental Reporting

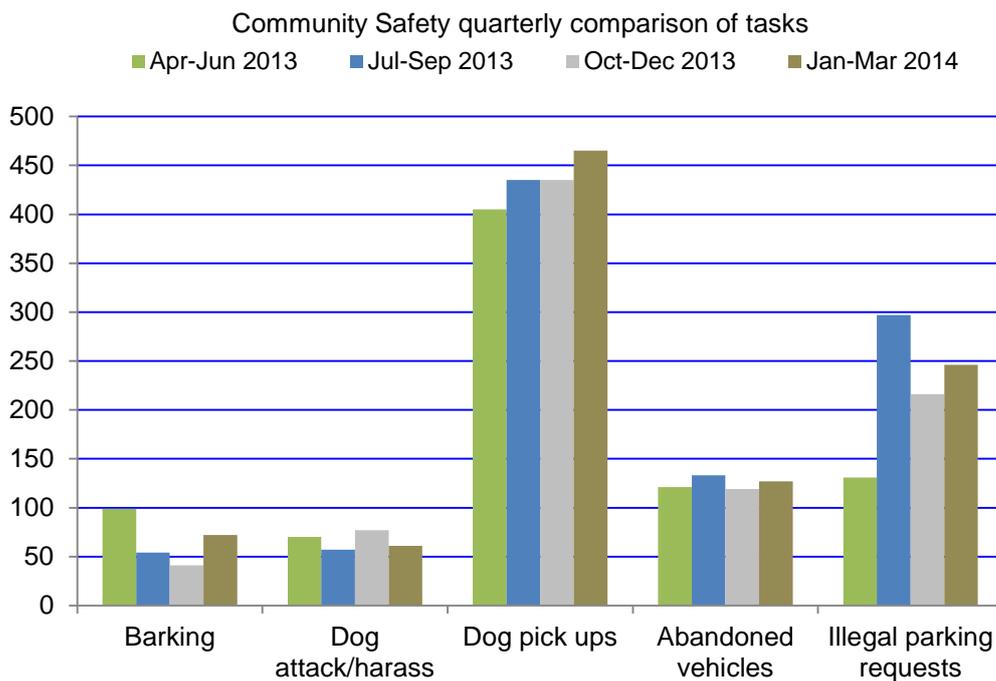
Community rangers (Peter Cookson)

Summary Statistics

	Jan-Mar 2013	Apr-Jun 2013	Jul-Sept 2013	Oct-Dec 2013	Jan-Mar 2014
Barking dog requests	67	99	54	41	72
Dog attack/harassment	61	70	57	77	61
Dog pick ups	501	405	435	435	465
Abandoned vehicles	152	121	133	119	127
Illegal parking requests	225	131	297	216	246

- The number of dog pick-up requests varied little between the last quarter and the corresponding quarter last year.
- Illegal parking requests increased 13 per cent on the last quarter but aligned with the January to March 2013 figure.

Reports of dog attack/harassment have decreased from the previous quarter by 20 per cent.



Departmental Reporting

Project Reporting

Emergency management (Laura Galdes)

The fire prevention inspection process for the 2013-14 fire danger season is drawing to an end and is being finalised through proactive inspections and engagement initiatives with the community.

Almost 1000 letters for the application of a burning permit, to allow agricultural burning on non-domestic premises, have been sent. Fire prevention officers are preparing for the commencement of the burning season by educating and encouraging residents to begin clearing their properties over the coming months so they are ready for the 2014-15 fire danger season.

Regional Public Health Plan (Nicole Moore)

Preparation of the Regional Public Health Plan continued this quarter. A desk top audit of the council's documented strategic aims and actions from the:

- Community Plan
- Strategies
- Strategic Management and Structure Plans
- Development Plan Amendments, and
- Relevant programs

that support public health and align with the state public health priorities was conducted, in conjunction with the Strategy and Sustainability team.

Corporate Reporting Framework (Nicole Page)

Over the previous quarter we have focussed on supporting leaders to improve planning, with a strong focus on collaborative and resource planning this has included building a process to ensure planning is integrated with strategic review, service review, budgeting, staff development and performance systems.

We have identified and provided an interim solution, using existing software, to collect, collate and capture organisation wide delivery plans. We continue to identify activities in our delivery plans and their linkages to the Community Plan, associated strategies, management plans and action plans. This collection process has included data cleansing of the current information as well as the inclusion of business as usual activities.

Some automated reporting to team leaders and managers has commenced and we are continuing to improve and develop these reports. Directors are currently determining their reporting requirements and reports are being developed for this purpose.

The next steps for this financial year include:

- Meeting with directors to develop regular director level reporting against strategies, action plans and delivery plans
- Engaging with elected members on reporting options available including presenting them with sample versions of quarterly reporting.

Departmental Reporting

Just Imagine! (Tim Levett)

An organisational staff survey was developed and facilitated late last year with the objective of measuring the outcomes of the *Just Imagine!* program thus far. Based on the organisations values and associated behaviours, this work is being led by the Organisational Development team, with the survey results being disseminated through the organisation and focus areas being established.

Action plans will incorporate activity at all levels of the organisation and look to further build improvement on our desired culture of high performance and optimal employee effectiveness.

The *Just Imagine!* program continues to build on our leadership capability. All team leaders have completed a leadership development program, led by Stillwell Management Consulting. This program was developed to provide our organisation with strong and inspired leadership.

The development of a leadership program for our coordinators, supervisors and leading workers has commenced which will be delivered in the 2014-2015 financial year.

Service Reviews and Process Reviews Update

Dog registrations (Peter Cookson)

The first stage of our dog registration non-renewal survey has been completed with some 1,500 owners contacted via telephone by the Ranger team. About 400 dogs have subsequently been re-registered or had their records updated. Stage two is an in-field survey and enforcement of remaining unregistered dog owners.

Pathway expiation and infringement process review (Laura Galdes)

With the introduction of a new Fines Enforcement Recovery Officer (FERO), replacing the Courts Administration Authority of South Australia changes were required to our Expiation of Offences procedures. This change required alterations to the form of expiation notices and administrative procedures for tracking them through to enforcement with the new FERO.

Community Safety are currently conducting a full review of the Pathway systems for generating expiation notices, addressing disputes, enforcement and reporting to comply with this new system.

Mobile technology (Nicole Moore)

Community safety is exploring technologies that could be utilised for in-field mobilisation of environmental health officers and community rangers who work largely out of the office. Investigation has revealed that the correct device will increase the efficiency and productivity of community safety staff and will significantly reduce double handling of information. The chosen device will allow officers to access customer requests and inspection modules, record keeping, emails, phone, camera, and calendars in the field. Following proof of concept and a review of opportunities and issues this approach may be extended to implementation of the technology to other sections within council.

Internal audit (Mike Gostlow)

Final reports in relation to the following internal audits were presented to the Audit, Risk, Value and Efficiency Committee at the meetings on December 16, 2013 and February 24, 2014:

Departmental Reporting

- tenders, contracts and contract management
- general ledger security and maintenance
- development application process
- information technology penetration testing and vulnerability analysis.

A number of actions aimed at addressing audit findings and recommendations have been developed and are being implemented. The Internal Auditor will monitor implementation of the actions and report progress to the committee on a quarterly basis.

Development of an Internal Audit Plan for the 2014-2016 period is well advanced and will be considered by the committee at its meeting on May 19, 2014. Planning for an audit of council's management of coastal issues has commenced.

Learning and Development (Michael O'Brien)

498 staff and volunteers attended 58 separate learning and development activities at a cost of \$112,309.

Significant programs included:

- team leader leadership development program
- report writing workshops
- procurement and contract management awareness training.

Legislated health and safety training including:

- work zone traffic management
- applying first aid
- fire warden
- manual handling
- safe mail handling.

Significant Events

Paws on the shore (Peter Cookson)

The Community Dog Walk was a fun event for the whole family, with our principal sponsor Hickinbotham Homes coming on board, as well as gold sponsors Pet Stock, Angel's Ashes, Aussie Home Loans Christies, Deep Blue Café and South Coast Animal Hospital. Approximately 400 dogs and 600 people attended making the event a tremendous success.

Activities on the day included the 2km walk along the beach, dog obedience demonstrations, food and information stalls and a Rally-O competition, the prize being a Hickinbotham Homes inspired dog house.

Over \$1,600 was raised for the Lonsdale RSPCA, through donations from community members on the day. The generosity and support received from local businesses and community groups was much appreciated and contributed greatly to the success of the event.

Departmental Reporting

Beach ramps (Peter Cookson)

Our Beach Ramp Attendants program ended on March 30 2014. With the weather being more suitable for beach goers this year, especially over the Australia Day long weekend, volunteers raised substantial funds for their local clubs and organisations.

Citizenship ceremonies (Karen Ferry)

The Department of Immigration and Border Protection have advised that applications have increased by 40 per cent for each of the past two years and are still increasing. The increase is due to an Immigration Program that was rolled out by the Department in 2007-08 calling for skilled workers, families, and applicants desiring citizenship for humanitarian reasons. The department had not anticipated such an overwhelming response.

We are receiving approximately 100 candidates per month for citizenship. In order to satisfy the increasing numbers, we have scheduled additional ceremonies. On average we hold five ceremonies a year; this is likely to double in 2014.

On Sunday January 26, 2014 a public citizenship ceremony was held in the South Adelaide Football Club, where 88 residents received their Australian citizenship.

Performer: City of Onkaparinga Concert Band

VIP Guest Speaker: Sargent Peter Schulze

TS Noarlunga Cadets assisted the Mayor in providing all new citizens with a native plant to mark the occasion and the children received an Australian made gift. The citizens came from 13 different countries spanning Europe, Asia and the United Kingdom.

On Monday February 10, 2014 a public citizenship ceremony was held in the Hopgood Theatre, where 157 residents received their Australian citizenship.

Performer: Gary Stillwell

VIP Guest Speaker: Peter Higgins, recipient of the 2014 City of Onkaparinga 2014 Australia Day Award for Citizen of the Year.

Cr Steve Webster and Cr John Gunn assisted the Mayor in providing all new citizens with a native plant to mark the occasion and the children received an Australian made gift. The citizens came from 25 different countries spanning Europe, Asia and the United Kingdom.

On Monday March 31, 2014 a public citizenship ceremony was held in the Hopgood Theatre, where 151 residents received their Australian citizenship.

Performer: Emma Thompson

VIP Guest Speaker: Graham Wilsen, recipient of the 2013 Mayor's Garden Competition for Open/General category.

TS Noarlunga Cadets assisted the Mayor in providing all new citizens with a native plant to mark the occasion and the children received an Australian made gift. The citizens came from 19 different countries spanning Europe, Asia and the United Kingdom.

Council and Committee Meetings (Sue Hammond/Matthew Lawrence)

The Governance section produced agendas and minutes for five Council meetings, eleven Committee meetings. Three elected member workshops were held in the January to March 2014 quarter.

Departmental Reporting

Other Issues

myPlan (Anna Jordan)

Leaders of staff covered by the MOA Agreement have met with their staff to finalise the 2013 year review and confirm objectives and development needs for the coming period. All MOA employees will have the benefit of progress conversations throughout the myPlan cycle with monitoring discussions commencing in April. Employees share responsibility with their leader for making sure that monitoring discussions occur and are open, honest and constructive conversations.

Work, health and safety (WHS Team)

There is continued progress in achieving outcomes against the agreed Action Plan for addressing non-conformances (areas for improvement) in consultation with the Local Government Association Workers Compensation Scheme.

We have completed reviewing and developing health and safety procedures to align with South Australia's new health and safety legislation. Priority now shifts to ensuring the reviewed procedures are implemented throughout the organisation.

Departmental Reporting

City Operations

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Britt Gowing, Manager Assets

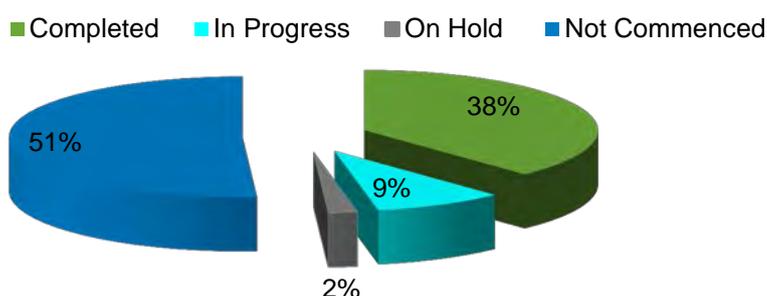
Phone 8384 0604, fax 8382 8744 or email brigow@onkaparinga.sa.gov.au

Key Result Areas / Service Levels / Statistics

Ron Ganzevoort (Construction)

<i>Projects</i>	<i>Total</i>	<i>%</i>
Completed	98	38
In Progress	25	9
On Hold	5	2
Not Commenced	132	51
Total	260	100%

Construction projects status at 31 March 2014



Construction Capital Works

The projects undertaken by the Construction team currently consists of 260 individual projects from the Project and Capital Works program categories including bridges, bus shelters, footpaths, reseals, car parks, road works, open space, water resources, street lighting, coastal and traffic management.

The number of projects completed and in progress (47 per cent) is slightly less than originally programmed for this time of year.

Departmental Reporting

The approval of external funding for the 46 bus shelter projects was delayed causing a delay in commencement of the on ground works. The bulk of the reseal program works will be undertaken in the last quarter of the year. These two categories make up over half of the overall program with the remaining projects programmed to be completed by the end of the financial year.

Key projects of 2013-2014 are:

- Christie Road, Lonsdale - full road reconstruction with a budget of \$1.38 million - scheduled to commence May 2014.
- Baudin Street, Woodcroft - full road reconstruction with a budget of \$1.01 million - project completed in March 2014 and within budget.
- Eric Road, Seaford Rise - drainage upgrade with a budget of \$391,000 - project completed late October 2013 and within budget.
- Quinliven Road, Aldinga Beach - full road reconstruction with a budget of \$1.78 million - completed in April 2014.

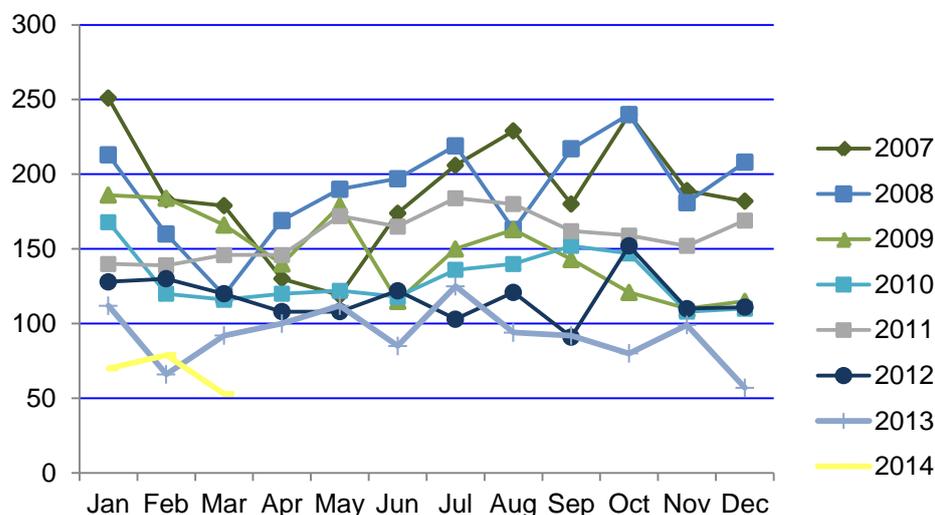
Graffiti (Rod Vincent)

The following graphs relating to the Graffiti Management Program demonstrate results achieved in key areas during this quarter. These statistics refer to graffiti removed from council assets and the assets of fee-for-service customers who are part of either our Corporate Customer Program or Graffiti Removal Partnering initiative with utilities. We remove graffiti from our own assets including buildings, reserves, playgrounds, bus shelters and signs and support local residents, businesses and government agencies to remove graffiti from their assets.

We are undertaking a number of initiatives to further develop a shared regional approach to graffiti control and prevention by strengthening our partnering relationships with, and commitment from SAPol, public and private agencies and utilities, local businesses and community groups.

These initiatives include a Graffiti Removal Partnering Program with SA Power Networks, Office of the Rail Commissioner and the Department for Planning, Transport and Infrastructure. Further initiatives include security and surveillance operations in conjunction with SAPol and positive engagement projects with persons involved in or at risk of being involved in graffiti vandalism.

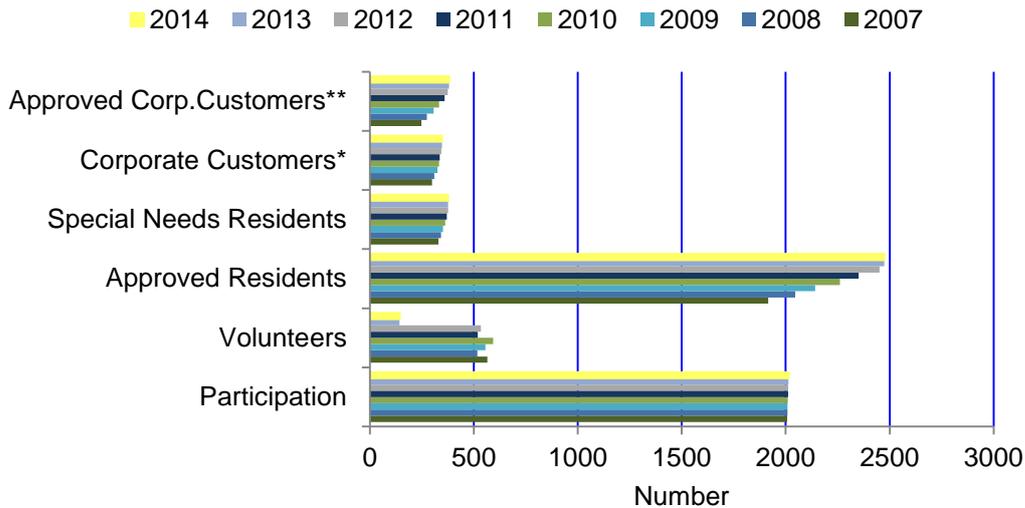
Graph 1 - Graffiti removals customer requests



Departmental Reporting

Graph 1 shows that we received 202 requests for graffiti removal during the March quarter. This is a decrease of 14.5 per cent when compared with the previous quarter and 25.2 per cent decrease when compared to the same period last year. These reductions can be attributed to both the success of our preventative initiatives and the rapid removal of graffiti before it is reported, as part of our Proactive Removal Program. The rapid removal of graffiti from a site can be an effective way to discourage further graffiti from being applied to that site. We will continue to promote the importance of community members reporting graffiti so that we can arrange for its removal as soon as possible.

Graph 2 - People participating in graffiti removal



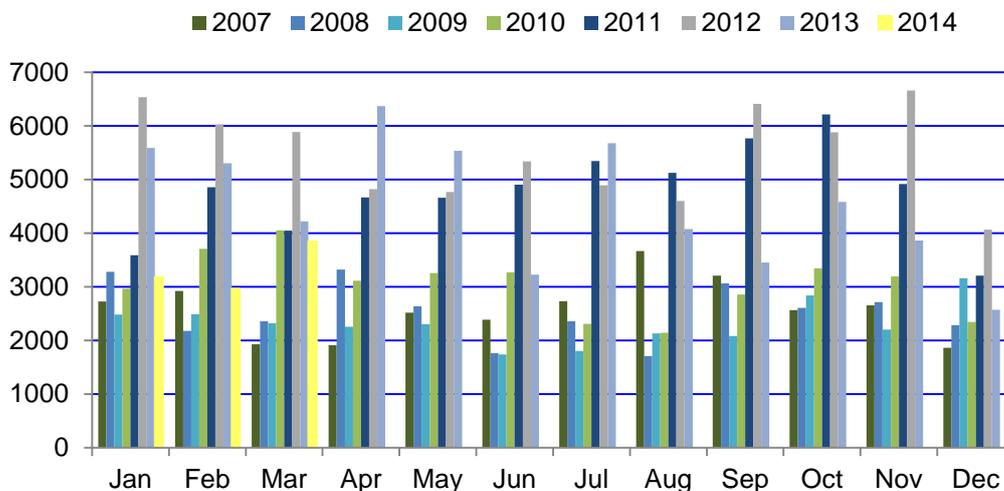
** Approved businesses request paint/materials from us to remove graffiti themselves

* Businesses pay us to remove graffiti from their property

Graph 2 shows that during the March quarter, one new graffiti removal volunteer registered with our Graffiti Removal Program.

This brings the total number of volunteers registered with our program to 143 and the total number of community members and businesses registered to 3720.

Graph 3 - Proactive removals

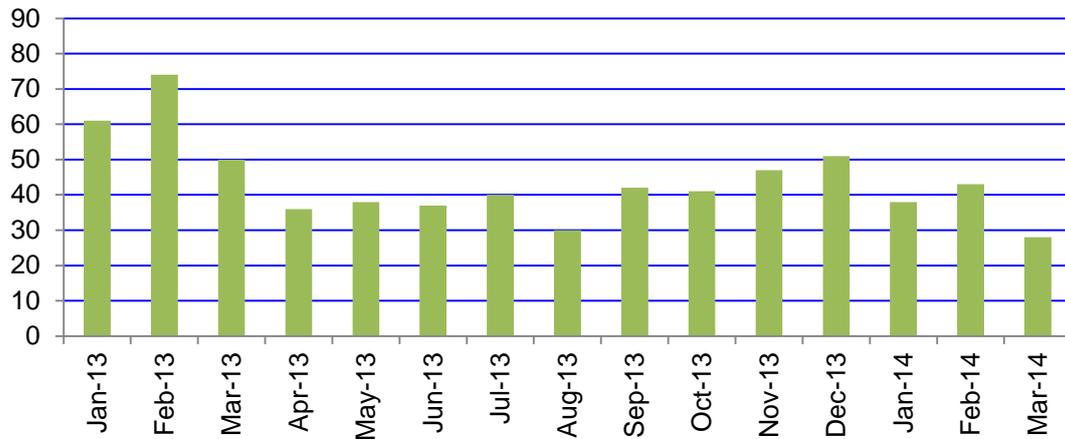


Proactive graffiti removals occur when staff, volunteers or contractors remove graffiti prior to it being reported.

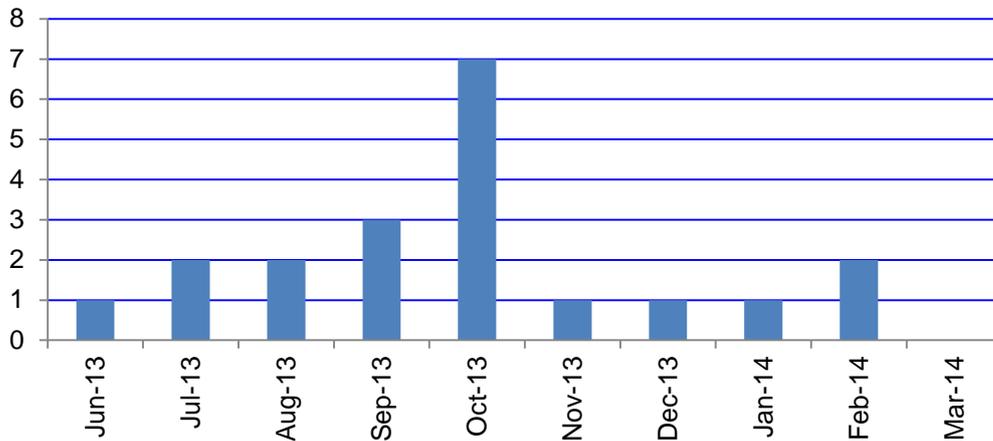
Departmental Reporting

Graph 3 shows that 9,995 pieces of graffiti were removed proactively during the March quarter. This figure is a decrease of 9.3 per cent when compared with number of proactive removals undertaken the previous quarter and a decrease of 34 per cent when compared with the same period last year. This result is consistent with the great feedback we are receiving from our volunteers, staff and residents that there has been less graffiti around for them to remove. The result can be attributed to the success of our Proactive Removal Program and the great work of our staff, contractors and volunteers, who continue to remove graffiti before it is reported. This has proven to be an effective way to discourage graffiti. In addition, our Graffiti Removal Partnering Contract with DTEI, SA Power Networks and the Office of the Rail Commissioner which also results in the rapid removal of graffiti from these utilities assets before it is reported, has also contributed to this result.

Graph 4 PIRs for South Coast and Sturt LSA



Graph 5 -Graffiti apprehensions for South Coast and Sturt LSA



Graphs 4 and 5 show the combined total number of graffiti related apprehensions and PIRs (Police Incident Reports) received within the City of Onkaparinga by SAPol's South Coast and Sturt Local Service Areas.

The information provided shows that a total of 3 graffiti apprehensions occurred within the City of Onkaparinga during the March quarter. The graph also indicates a combined total of 109 PIRs within the City.

Departmental Reporting

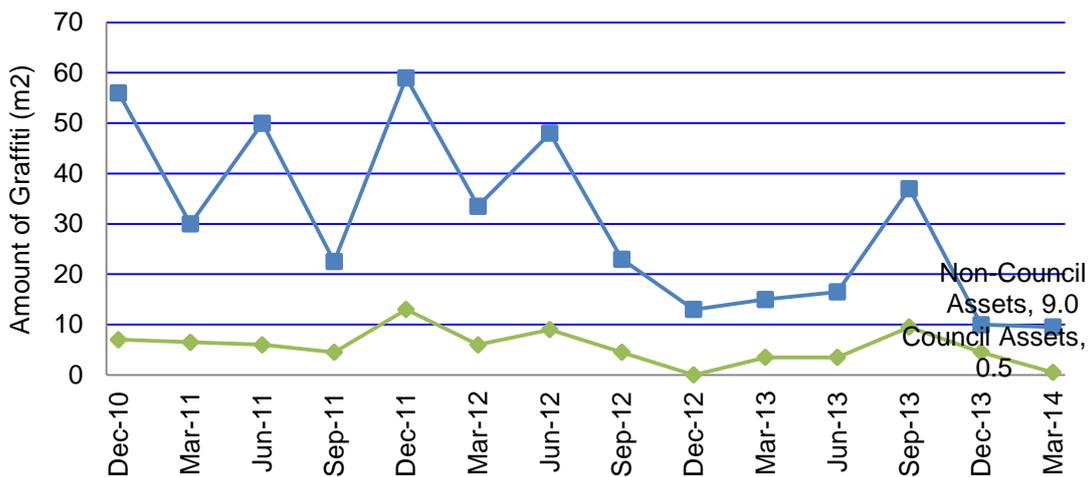
These results are partly due to the partnering relationship between council, South Coast and Sturt LSAs and the success of targeted projects and surveillance operations.

Although no joint surveillance operations occurred during the quarter, both council and the South Coast LSA are committed to reducing the negative impacts of graffiti and more operations will continue throughout the year in an effort to make graffiti vandals more accountable for their actions.

Data Source: SAPol

Note: As previously highlighted, since January 2010 the Graffiti Management Team have been undertaking graffiti audits in three additional audit areas (Aberfoyle Park, Woodcroft and Aldinga). The aim of these additional audits is to provide further statistics relating to when and where graffiti incidents are occurring so that resources can be allocated accordingly and so that a more accurate assessment of the success or otherwise of our programs and initiatives can be undertaken. Now that we have a two year history of audits in these additional audit areas, Graph 6 has been updated to include all six audit areas. We have also included an additional graph (Graph 7) that shows the total annual audit comparisons since the audits began in December 2002.

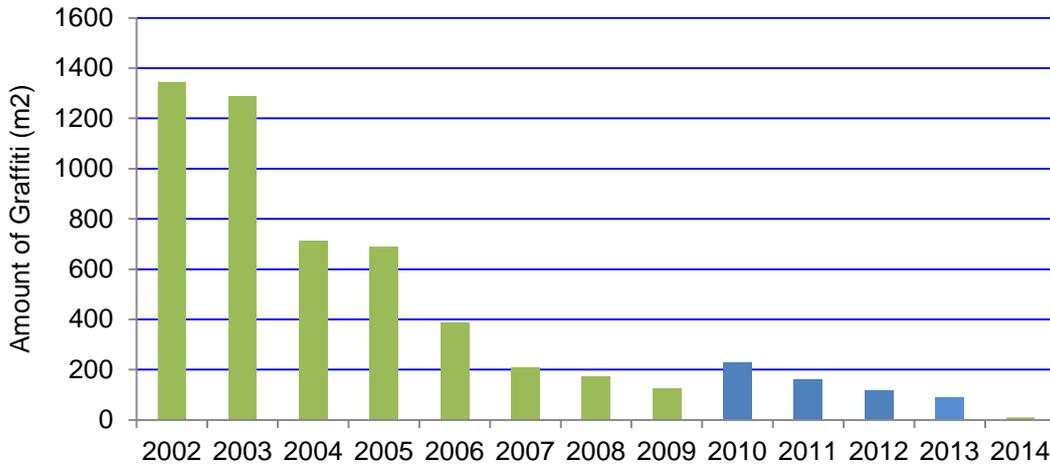
Graph 6 - Audit quarter comparison chart



Graph 6 indicates that there has been a 5 per cent decrease in the total square metres of graffiti on both council and non-council assets in the six audit areas (Flagstaff Hill, Morphett Vale, Seaford, Aberfoyle Park, Woodcroft and Aldinga) in the March quarter when compared to the previous quarter. The ongoing lower levels of graffiti being recorded are consistent with the feedback we are receiving from staff, volunteers and residents that graffiti vandalism appears to have reduced. This can be attributed to the success of our volunteer program, the rapid removal of reported graffiti and the success of our proactive/programmed approach to graffiti removal. The success of our partnering relationships and preventative initiatives including SAPol Operations, where 'hot spot' locations are identified and targeted has also contributed to the overall reduction of graffiti.

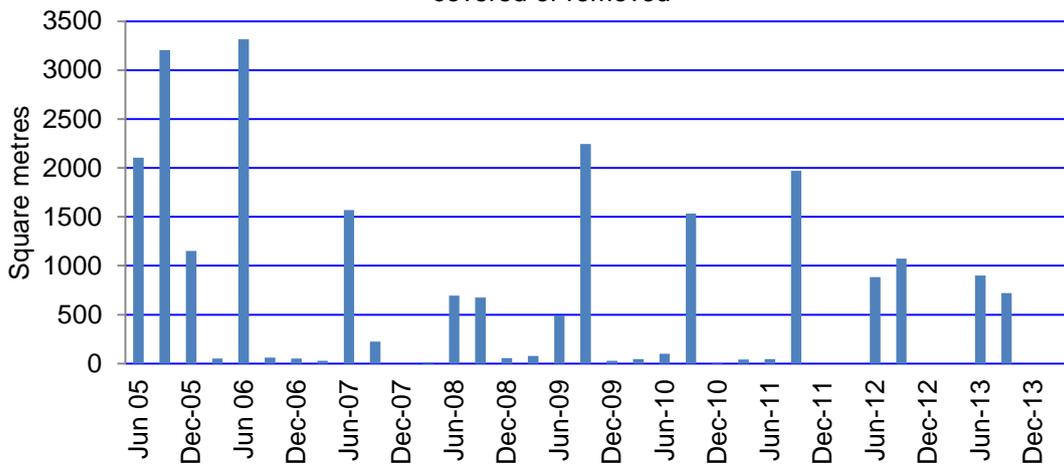
Departmental Reporting

Graph 7 - Total annual audit comparison chart



Graph 7 shows the total annual square meters of graffiti on both council and non-council assets in the audit areas. The green totals indicate the years when only three audit areas were measured (Flagstaff Hill, Morphett Vale and Seaford). The blue totals indicate when the additional three audit areas (Aberfoyle Park, Woodcroft and Aldinga) were included in the quarterly audits.

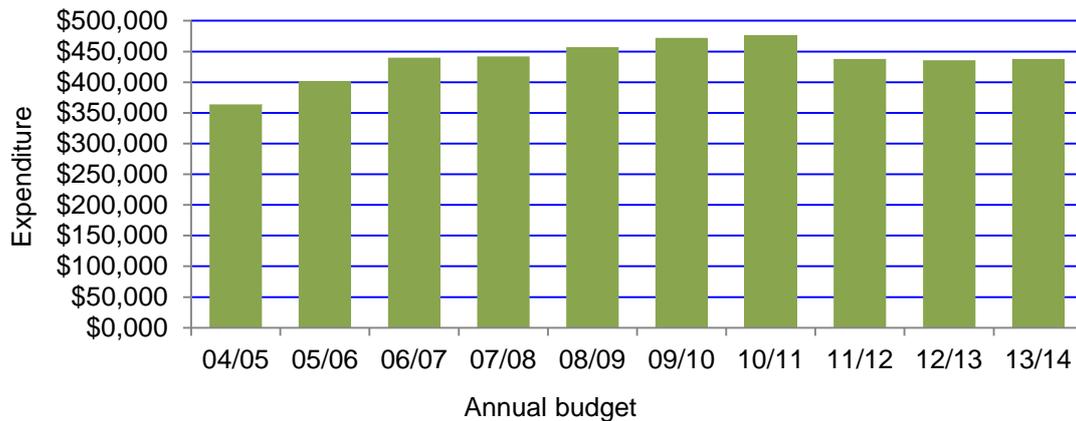
Graph 8 Square Metres of potential graffiti canvas covered or removed



Graph 8 shows the amount in square metres of potential graffiti canvas covered or removed through the application of CPTED (Crime Prevention through Environmental Design) principles to aid in preventing access to graffiti vandals. These CPTED initiatives include the planting of screening trees and shrubs along 'at risk' fence lines, the application of murals to at-risk surfaces (e.g. the Wall of Respect opposite the Memorial Gardens on Main South Road) and the removal of unnecessary signs. Since the June 2005 quarter, a total of 23,495 square metres of potential graffiti canvas has been either covered or removed. During the September 2013 quarter 135 square metres of potential graffiti canvas was covered through the application of aerosol murals to at risk surfaces situated in the Robertson Road reserve, Reynella.

Departmental Reporting

Graph 9 Graffiti removal costs



Graph 9 shows the annual budget spent on the removal of graffiti situated on council and non-council assets. These costs include staff wages, contractor expenses and removal materials and equipment for staff and persons and or businesses registered with our Graffiti Management Program as Volunteers, Approved Residents, Special Needs Residents, Corporate Customers and Approved Corporate Customers.

The increases in budget from 04-05 to 06-07 were largely due to increased funding from the Office for the Southern Suburbs and due to increased contributions from the Department for Transport Energy and Infrastructure, SA Power Networks and Office of the Rail Commissioner as part of our Rapid Removal Graffiti Partnering Contract. CPI and wage increases have also contributed to these increases. The minimal increase from 09-10 to 10-11 is also due to CPI and wage increases, increases in contributions from Utilities and to cover maintenance costs of contributed assets.

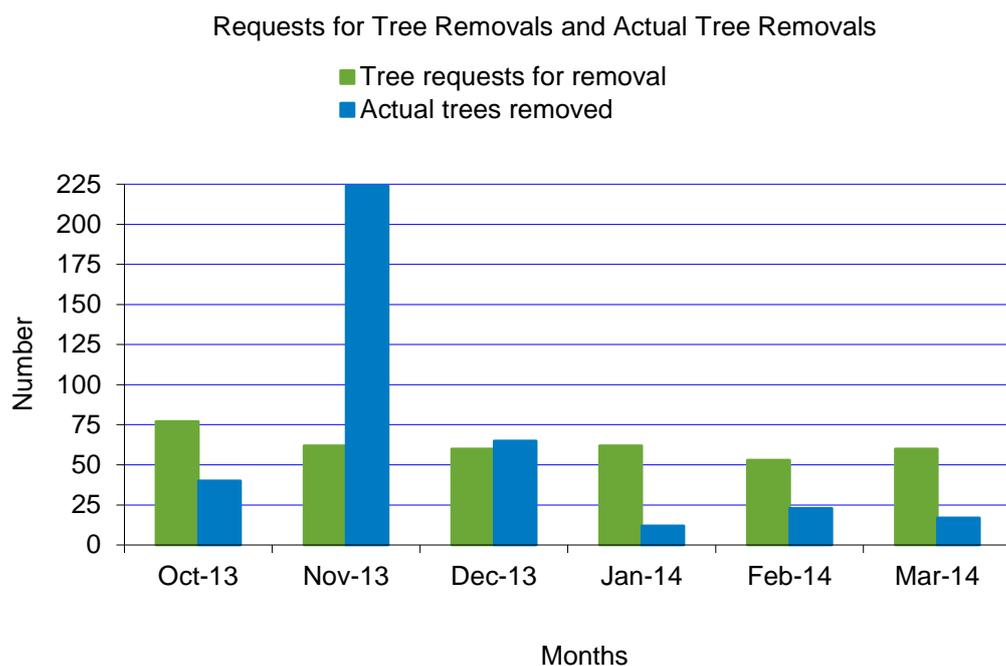
The reduction in 11-12 is due to efficiency gains made in reducing the costs of graffiti removal. These gains can be attributed to the refinement of our proactive programs, removal team structures, success of our preventative initiatives and the increase in volunteers who give their time to remove graffiti across the City.

Tree management (Chris Janssan)

The total number of requests for tree assessment was 199 and the total number of actual tree removals was 329. The majority of these trees were removed due to being dead/dying, structural and safety issues and some for infrastructure damage where no other options were available.

This quarter the number of tree removal has continued to increase. The rise is contributed to the ongoing clean up and increased community concern arising around tree management from the storm events earlier in the year. We have seen a dramatic increase in the number of tree related requests and our staff are currently working to clear the backlog of work through our Program Maintenance Cycle. The removal number now also includes woody weeds and dead tree removal in our reserves which may not have been included in previous reporting. The main species of trees removed were: Melaleuca's, Chinese Elms, Tasmanian Blue Gum, Pines, Flat Topped Yates, Olives, and Ash.

Departmental Reporting



Significant tree facts:

This quarter we assessed 31 significant tree requests on our property with 22 pruned and 14 are currently under Development Assessment for permission to be removed.

Tree monitoring facts:

There are 70 trees on our monitoring list with 14 trees being monitored at the following locations for the March Quarter:

- 1 tree Williams Street Morphett Vale
- 2 Trees 8 Ilex Ct Morphett Vale
- 7 Trees 79 Seaview Drive (Reserve) Happy Valley
- 32 Tokay Crescent Morphett Vale
- 6 Atkinson Drive Willunga

All trees have had updated risk assessments completed and recorded into Arbortrack. All trees are in moderate to good health with minor maintenance pruning and dead wooding required managing their ongoing health.

Syringe collection - (Chris Janssan)

	<i>Apr-Jun 2013</i>	<i>Jul-Sep 2013</i>	<i>Oct-Dec 2013</i>	<i>Jan-Mar 2014</i>
Total	5	4	6	4

Waste and recycling (Norm Bergman)

	<i>Jan-Mar 2013</i>	<i>Jan-Mar 2014</i>
<i>Waste and Recycling</i>		
New services	204	221

Departmental Reporting

<i>Residual Waste</i>		
Tonnes to landfill	9315	9210
<i>Recycling</i>		
Resident participation rate	82%	84%
Tonnes recovered	3070	3066
<i>Green Organics</i>		
Resident participation rate	62%	68%
Tonnes recovered	2,05	3223
<i>Green Organics Drop off Service</i>		
Trailers presented	2411	3065
Tonnes recovered	343	365
<i>Hard Waste</i>		
Number of services	3,450	3,375
Tonnes to landfill	323	356
Tonnes recovered scrap metal	120	113
Tonnes recovered Resource Co	20	56
Tonnes recovered roadside litter	**	13***
Mattresses collected	722#	1445
Total Tonnes Recovered	6358	6836

* Previously not recorded

** Roadside litter undertaken by Waste and Recycling department from 1 July 2014

*** estimate volume

19 Feb 2013 onwards

Waste and recycling education (Lynda Wedding)

	Jan-Mar 2013	Jan-Mar 2014
<i>Presentations this quarter</i>		
School	5	14
Community	13	11
Worm farming / Composting	0	1
Other (eg. Information Stands)	1	4
Total presentations year to date	137	119
Business	0	0
<i>Recycling</i>		
Contamination audit - houses audited	453	n/a

Departmental Reporting

Number of bins pulled back per cent	9.1%	n/a
<i>Green Organics</i>		
Contamination audit - houses audited	507	n/a
Number of bins pulled back per cent	1.6%	n/a
<i>Residual Waste</i>		
Participation audit - houses audited	960	n/a

Kerbside bin audits

No audits were carried out this quarter. We are currently undertaking a detailed waste audit of 1000 bins (900 domestic and 100 businesses).

Promotion and advertising

- Year to date - 119 presentations/community events, connecting with 4,250 people
- Support for media launch regarding new recycling contract
- Organised new Southern Waste Educators group focussing on council waste education and information
- In process - development of promotional materials for illegal dumping and the increased recycling options.

Waste Nott recycling store

- 234 volunteer hours (6 volunteers) input for the Waste Nott store.
- Two new volunteers commenced at the Waste Nott store.

Project Reporting

Asset Management Information System (AMIS) Project (Jane Cremers)

This project, the purchase and implementation of an asset management system for the organisation, is underway and with an expectation of finalising the select tender in April and commence the implementation phase of the project late May follow completion of contract documentation.

Road reseal program planning (Murray Conahan)

The Roadworks category received an additional \$1.5 million for the 2013-14 financial year in line with Council's funding strategy to gradually increase roads funding to match modelling requirement for sustainable management of our road network. This strategy will be reviewed in 2014-15 following a further condition audit in 2014.

The 2013-14 \$5 million reseal program (total length 25.4 km) is currently under construction with, \$1.6 million of kerb reconstruction works nearing completion ahead of the reseal works.

The 2013-14 road reconstruction program (\$4.1 million) is currently underway. Significant projects under this program include:

Departmental Reporting

- Blewit Springs Road, Blewitt Springs - continuation of reconstruction between Douglas Gully Road and Whitings Road.
- Christie Road, Lonsdale - reconstruct whole length. Majority funded by SA Water following completion of the DESAL works. Design being finalised. Construction anticipated commencing April 2014 with completion in June.
- Baudin Street and Tobin Crescent (part), Woodcroft. Construction has been completed.
- Dover Street, Aldinga Beach - reconstruct from Aldinga Beach Road to Pengilly Road. Construction anticipated commencing May 2014 with completion in June.
- Shetland Street, Woodcroft - reconstruct whole length. Construction anticipated commencing February 2014 with completion in May.

Planning for the 2014-15 reseal program has been finalised with an additional \$1.5 million added to the program (total \$6.5 million - length 34.8km). The reseal program is supported by \$2.2 million of kerb reconstruction work to be completed ahead of the reseal works.

Planning for the 2014-15 road reconstruction program (total \$4.9 million - length 2.73km) including Wine Roads major projects and anticipated Special Local Roads grants funding) is currently underway. Significant reconstruction projects include:

- Blewit Springs Road, Blewitt Springs - continuation of reconstruction between Douglas Gully Road and Whitings Road (570m).
- Plains Road, Aldinga - reconstruct Aldinga Road to Colville Road (880m).
- Education Road, Happy Valley - reconstruct and upgrade between Woodswallow Drive and McHarg Creek (255m).
- Zabica Avenue and Taladira Way, Woodcroft (380m).

Spanning Road Bridges Condition Assessment and Valuation (Paul Kirkham)

The Spanning Road Bridges Condition Assessment and Valuation Project will provide information on the condition of all current spanning road bridges owned and controlled by the City of Onkaparinga and provide a current valuation of these bridges. This information will be integrated into our current data set and will help inform City of Onkaparinga's class Asset Management Plan for bridges. Further, this project will assist with the implementation of endorsed service levels and help inform future replacement and repair programs.

The key objectives of this project are to:

- provide an updated condition assessment for City of Onkaparinga's spanning road bridges and a recommended asset renewal/rehabilitation program
- update the written down value of all spanning road bridges within the City of Onkaparinga in order to attain a current replacement value for each bridge
- provide a recommended maintenance inspection program for City of Onkaparinga's spanning road bridges.

A specialist engineering consultant has been appointed and it is envisioned that this data collection and valuation project will be completed by the end of June 2014.

Departmental Reporting

Reseal program (Ron Ganzevoort)

The 2013-14 reseal program consists of 106 separate projects valued at \$5 million funded through the project and capital works roadworks-reseal category. We have currently completed 48 streets with 20 streets in progress, which is in line with programmed outcomes for the quarter. The remaining roads are scheduled to be completed by June 2014.

Capital funding was received in the 2013-2014 financial year for the completion of kerb repairs prior to the asphalt or spray sealed surface being applied as part of the reseal program. We have now completed the kerb works prior to reseals for all of the 106 streets and have commenced preparatory work for the 2014-15 kerb repair prior to reseal program.

Other pre works carried out as part of the reseal program include heavy patching to repair large failures to improve drainage and drive ability, along with tree pruning or removal as required, which are funded via operational budgets. On completion of works the line marking is replaced where necessary and all hydrants re-marked to SA Water standards.

Footpath program (Ron Ganzevoort)

The 2013-14 footpath program consists of 18 separate projects valued at \$1.3 million funded via the project and capital works footpath category. We have currently completed 13 streets with three streets in progress, which is in line with anticipated outcomes for the quarter. The remaining five footpaths are scheduled to be completed by June 2014.

The majority of the footpaths are new and form links within suburbs as per the footpath network strategy. All footpaths are installed to meet current Disability Discrimination Act (DDA) requirements and include the construction of bin pads.

Bus shelter program (Ron Ganzevoort)

The bus shelter program consists of 46 separate installations of DDA compliant bus shelters and pads. External funding was approved in December 2013 for the bus shelter program and as such we have only completed 15 bus shelters to date, with 16 in progress. The remaining 31 footpaths are all scheduled to be completed by June 2014.

Trail survey results (Andrew Queisser)

This 'Super Sunday' recreation participation survey was undertaken on Sunday November 10, 2013 between 9:00am and 1:00pm. The survey provided a snap-shot of usage of recreation trails within the City.

Overall, 2,191 movements were recorded with bike riders and walkers represented 40 per cent and runners comprising 4 per cent of movements across the survey area. Coast Park recorded the most movements followed by the Coast to Vines recording 957 (44 per cent) and 810 (37 per cent) movements respectively.

On-road cycling was also recorded at Willunga and Clarendon. On-road cycling recorded 242 (11 per cent) movements at these two locations.

The above provides a glimpse into participation. This along with other participation data will be analysed as part of the Recreational Trails Network Strategy review.

Departmental Reporting

Hackham Tennis Club update (Kevin Wall)

Designs for the new tennis clubroom at Hackham have now been completed in consultation with the tennis club and are awaiting development approval. It is expected that works may commence on site in June 2014

Nashwalk Anchor (Simon Jones)

An update has been made to the project status board on the Onkaparinga website to inform the community of council's decision on the preferred location of the Nashwauk Anchor and following result of a Community survey.

Concept plans showing the anchor location and surround have been distributed to internal staff, Department of Environment and Natural Resources and Moana Hall Management Committee for comment. Dependent on any minor changes required it is intended to have the anchor in place by the end of July 2014.

BMX engagement results (Andrew Queisser)

On site community engagements regarding the following BMX facilities were held on Saturday 15 and Sunday March 16, 2014:

- Yangarra Reserve, O'Sullivan Beach
- Quarry Park, Seaford
- Forsyth Reserve, Hackham
- Tangari Regional Park.

The engagement processes elicited great discussion with over 100 surveys completed across all sites. The proposed BMX development at Yangarra Reserve, O'Sullivan Beach produced passionate discussion from both those for and against the proposal. Analysis of the results indicated that 47 per cent of those surveyed supported the proposal with the remainder (53 per cent) against. As a result further investigation regarding an alternative site for BMX within O'Sullivan Beach will be undertaken.

In relation to the other sites, preliminary designs reflecting the feedback will now be developed and presented to the Southern Riders Committee for further comment on April 28, 2014. Completed designs will follow with construction to commence shortly thereafter.

Bayswood Reserve update (Andrew Smith)

Contractors are on site and the works are well underway. Irrigation has been installed, significant earthworks are underway, and path surfaces are being prepared as are the garden beds. Playground equipment has been ordered and delivery on site will occur in the next few weeks. The expectation is that the project will be near completion in late June.

Clarendon Master Plan update (Larissa Jennings)

In 2013 consultants Planning Futures were engaged to develop the Master Plan to guide future use and integration of the site. The Master Plan will be used as an operational guide by the City of Onkaparinga with the sporting clubs located at the ground and the broader community. It is anticipated that this plan will also determine land use to improve functionality and guide the development of future recreation and sporting infrastructure.

Departmental Reporting

On Tuesday evening March 11, 2014 the draft Master Plan for the Clarendon Recreation Ground was presented to the stakeholder group for feedback.

The stakeholder group is made up of representatives from the Clarendon Bowling, netball, tennis and 50s plus clubs in addition to the community association, historic hall, primary school and several residents.

Feedback demonstrated strong community interest and support for the Clarendon Recreation Ground including the recreational, sporting, aesthetic and nature value it provides. Opportunities presented received good support however highlighted the need to further investigate the demand and supply for sport and recreation. Stakeholder feedback and findings from the investigations will be considered prior to any amendments to the draft Master Plan.

Departmental Reporting

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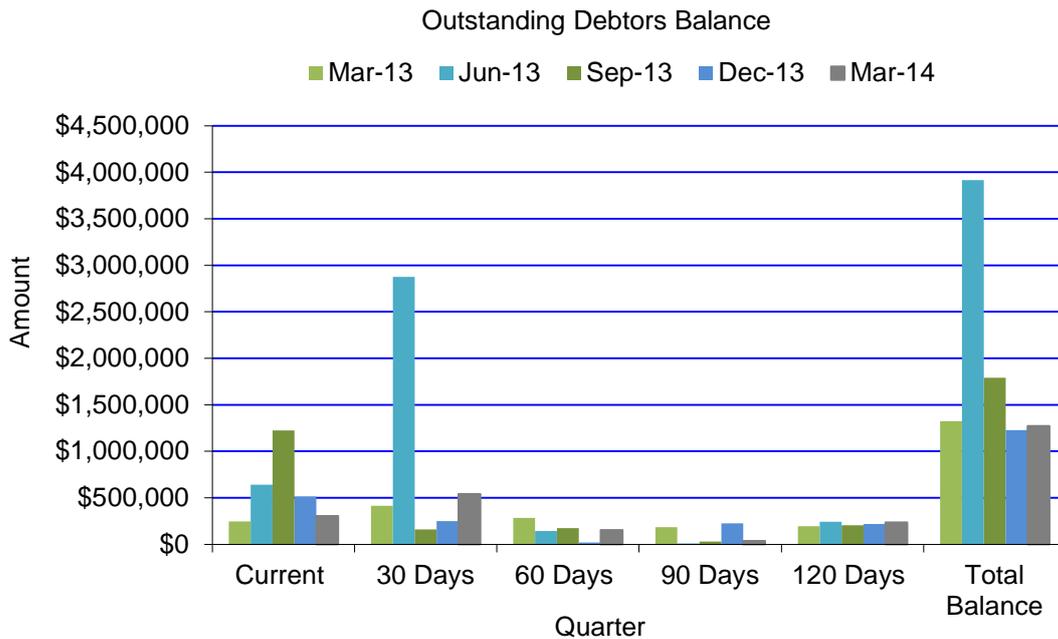
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Key Result Areas/Service Levels/Statistics

Debtors outstanding (Diane Eckermann)

The Sundry debtors graph below indicates both the level and age of outstanding debts for the five quarters ending 31 March 2014.

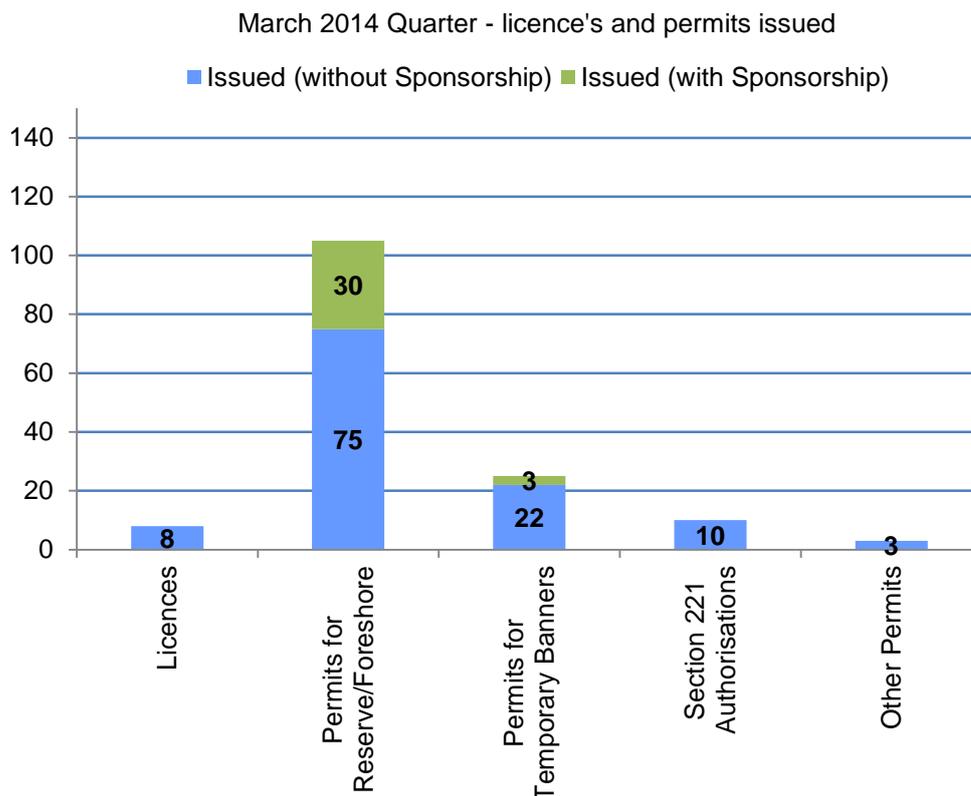


Key points:

- Total outstanding debtors have increased by approximately \$45k this quarter to \$1,270,865 as at March 31, 2014.
- This increase is predominantly related to minor fluctuations in debtors over the quarter. There has been a slight increase in 60 and 120 day debtors. While the balance of debtors raised has decreased to match.

Departmental Reporting

Licences and permits (Angela Cahill/Nicole Roberts)



The graph reflects the licences and permits issued for the March 2014 Quarter and details the number of permits where the fee was revoked by the delegate (sponsored by Council).

The categories of permissions granted are represented below:

Licences - issued for the use of Community Land for more than three days. Examples include use of recreational ovals for seasonal sports, seasonal surfing lessons on beaches, trading on council land including the foreshore and encroachments of infrastructure or long term use of council land.

Permits for reserve/foreshore - issued for short term temporary use of Community Land for up to three days. Examples include family and friend barbeques, community events where more than 30 people attend, all weddings (irrespective of number of people attending), and filming on reserves or foreshore.

Permits for temporary banners - issued for for a maximum of two weeks per application, for the promotion of community events open to the general public to attend. Examples include educational open days, sporting clubs recruitment open days, carols by candlelight evenings and other sporting and community events.

Section 221 Authorisations- issued for any alteration to a public road. Examples include requests for a second driveway invert/crossover to facilitate access to a property, requests for underground electrical installations and indirect water supply requests to a property.

Other permits- issued to grant approval for less frequent requests such as temporary mini skips on council road verge and encroachments over council easements.

Departmental Reporting

Procurement services (Les Tulloch)

<i>Purchase orders</i>		
<i>Quarter ending March 2014</i>	<i>Number</i>	<i>Value</i>
Purchase orders raised	1506	\$7,615,371.68
<i>Year to date</i>		
Purchase orders raised	4942	\$19,686,434.66

Contracts and tenders (Les Tulloch)

<i>Tenders issued</i>		
<i>Quarter ending March 2014</i>	<i>Number</i>	<i>Value</i>
Tenders issued	23	\$4,682,934.00
Contracts that could be awarded from tenders	30	
Contracts awarded to date from tenders initiated	8	
Value of contracts awarded to date from tenders		\$1,553,953.00
<i>Year to date</i>		
Tenders issued	64	\$13,255,122.00
Contracts that could be awarded from tenders	70	
Contracts awarded to date from tenders initiated	32	
Value of contracts awarded to date from tenders		\$3,607,961.00

Notes:

- The value of tenders are based on estimates only as some tender processes are yet to be completed.
- Some tender values are not known such as those resulting in panel contracts as they are dependent on quantity of work to be performed.
- Some tenders resulted in multiple contracts such as panel contracts.
- The number of contracts that could be awarded include an estimate multiple contracts for each panel contract tendered.

Departmental Reporting

Land issues (Fiona Dallimore)

We regularly deal with a wide range of land matters. The processes required are lengthy as they involve a number of stages including significant engagement.

The following table has been included for member's information and to assist with keeping track of the status of any particular land matter that has been before Council.

Departmental Reporting

DESCRIPTION	REVOCATION					ROADS				DISPOSAL			ACQUISITION			EASEMENT			LEASES			CONSENTS & Otr			
	1	2	3	4	5	1	2	3	4	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	
Road Closures																									
Road Closure - Burgoyne Drive Old Reynella						X	X	X	X																
Road Closure - Mentone Parade O'Sullivan Beach						X	X	X	X																
Road Closure - Stanley Street Morphett Vale						X	X	X	X																
Road Closure - Martins Road McLaren Vale						X	X	X	X																
Road Closure - St Patricks Street Willunga						X	X	X	X																
Revocations																									
Revocation drainage reserve - Christies Beach					X						X	X													
Revocation of reserves at Flagstaff Hill Transfer to DEH					X																				
Revocation of White Court Aldinga Beach	X	X	X	X	X						X	X													
Revocation of Stanley Street reserve Morphett Vale	X	X	X	X	X						X	X	X												
Revocation of drainage reserve Glenburn Close	X	X	X	X	X																				
Revocation of Pine Drive reserve Aberfoyle Park	X	X	X	X	X																				
Revocation of declare road Port Noarlunga South	X	X	X	X	X																				
Revocation drainage reserve Archerfield Christies Beach	X	X	X	X	X																				
Revocation reserve to Moana Kindergarten	X	X	X	X	X																				
Revocation of reserve Fairbrother Drive Aberfoyle Park	X	X	X	X	X																				
Revocation of reserve Bond Street Happy Valley	X	X	X	X	X																				
Revocation Seaford Adj Day and Night	X																								
Easements																									
Grant of Easement Crossing Road Aberfoyle Park																									
Grant of Easement to SA Water for the SURP																									
Grant of Easement to SA Water Sandow Crescent																									
Grant of Easement 'B' on FX 57798 Christie Downs																									
Grant of Easement 'C' on FX 57778 Flagstaff Hill																									
Grant of Easements 'A' & 'B' on FX 57360 Aberfoyle Park																									
Right of Way to Leasecorp McLaren Vale																									
Vary Right of Way Prescott South School																									
Acquisitions and Disposals																									
Blewitt Springs Road Widening (3)														X	X										
2A Ratcliffe Road - Aldinga Beach											X	X													
Baron Street, Old Noarlunga											X	X													
Leases																									
Bassett Boys School Lease to National Trust SA																				X	X				
Hackham West Kindergarten																				X	X				
Brentwood Drive Kindergarten																				X	X				
Former John Morphett Kindergarten																				X	X				
Consents and Other																									

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Multi-functional devices (MFDs) - photocopiers (Tony Bezuidenhout)

Since awarding the MFD tender to Ricoh, I am very pleased to report that we are proceeding according to plan with the roll out of the 25 MFDs including the training sessions.

Moana Sands DPA (Marianne Hocking)

A request has been received from Adelaide Development Company (ADC) on December 10, 2013 for Council to consider a developer funded Development Plan Amendment (DPA) over the land owned by ADC which is located to the east of the Moana Sands Conservation Park. The land is currently zoned Deferred Urban which designates the land for future residential urban development.

ADC has provided a Statement of Justification which outlines the policy outcome which is being sought and provides justification for bringing the DPA forward in the program based on advantages to the social, economic and environmental aspects of community life. A report, along with the Statement of Justification was considered by the Strategic Directions Committee at the February 11, 2014 meeting. SDC resolved to defer the decision to approve an externally funded DPA to a date post an elected member briefing on the flooding issues and risk mitigation strategies for the area north of Nashwauk Crescent. The briefing was scheduled for the April 15, 2014 SDC meeting and the report requesting to undertake an externally funded DPA is scheduled to be re-presented to SDC at the May 27, 2014 meeting.

Placemaking Strategy (Marianne Hocking)

A Placemaking Strategy is one of the 10 strategies which have been identified in the Community Plan 2035 and aims to achieve the objective of 'Active and Diverse Destinations'. The strategy, along with four other strategies, is scheduled for elected member input and approval in August 2014.

Southern Corridor Structure Plan (Marianne Hocking)

We have met with DPTI and provided comments regarding the updated structure plans for Noarlunga/Christie Downs/Christies Beach South Primary Renewal Area, Aldinga primary Growth Area and Lonsdale/Port Stanvac primary Renewal Area and have been advised by DPTI that there will be further opportunities to provide input to the structure plans. DPTI are currently undertaking a Dwelling Yield Analysis to determine how many additional dwellings we could expect to see in these three areas based on the information/parameters we have provided to them.

Housing SA - transfer of management of housing stock (Craig Jones)

State Government has begun the transfer of the management of a number of its public housing properties across the state to community housing providers (CHP). A maximum 5,000 public housing properties are anticipated to be transferred, scheduled to begin in January 2015 with 1,000 properties located in the Cities of Playford and Marion (500 each).

In the City of Onkaparinga, there are 3,609 public housing properties. At this time, the state government has not committed to a maximum number of properties for transfer in any one local government area. Should all public housing properties be transferred in our city, this would generate significant impacts on our rates revenue.

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In turn, this would create pressure to increase rates by an amount not otherwise anticipated, or to cut services, or a combination of the two.

The University of Adelaide's Centre for Housing, Urban and Regional Planning (CHURP) is undertaking a study, which will investigate the potential social and economic impacts of the transfer program. This research will enable local government perspectives on the impact of the legislation and regulations on councils' fiscal, social and development potential.

Onkaparinga together with Salisbury, Playford, Marion, Port Adelaide Enfield and Charles Sturt are providing funding (\$5,000 each) to CHURP. This study is also supported by the Local Government Association's Local Government Research and Development Scheme.

CHURP has completed the initial phase of this project recently issuing their Literature Review research paper. The Literature Review focuses on published and web-based sources, of interstate (New South Wales and Victoria) and overseas (United Kingdom and The Netherlands) experiences of public housing stock transfers and:

- identifies issues and constraints in programs, including social housing clustering, fragmentation of control and ability of suburb regeneration
- identifies and assesses transfer programs that could be tailored to local needs
- provides a best practice transfer model.

The project will now move into the next phase involving interviews, analysis and case studies with the final phase being the preparation of the draft report to the LGA.

McLaren Vale Character Preservation Amendment (Craig Jones)

February this year we received confirmation that the Character Preservation Amendment (the Amendment) to the South Australia Planning Strategy: the 30-Year Plan for Greater Adelaide was approved by state government and subsequently gazetted on February 13, 2014.

The Amendment (required by the Character Preservation Acts for Barossa Valley and McLaren Vale, gazetted January 18, 2013) recognises and protects the special character of the two districts, and aims to support primary production while further restricting land division for housing and preventing other inappropriate development.

Now that the Amendment has been approved, under the character preservation legislation we are required within the next six months to review our Development Plan. The review is to determine the extent and scope of policy changes required to ensure consistency with the amended Planning Strategy. This is to ensure Development Plan policies support the continuation of an agricultural economy and related activities (including suitable tourism development and other value adding activities). The review will not itself change the Development Plan rather its purpose is to inform the scope of a future DPA.

Hackham South East Development Plan Amendment (Craig Jones)

Council's Strategic Directions Committee (meeting date January 21, 2014) agreed to approve the DPA but on the condition to withhold formally submitting the DPA to the Minister for final approval until either:

- a) an Infrastructure Agreement and Land Management Agreements have been entered into and the Land Management Agreements noted against the title, and/or

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- b) rates and/or charges have been imposed on the land in the subject area for the provision of local infrastructure, and/or
- c) that the subject area is declared a Precinct under to the Urban Renewal Act (yet to come into operation).

We are working on finalising the contribution per square metre rate through detailed engineering investigations and design. Around August 2014, we expect these investigations to be completed. We will then provide this information to all landowners, and if required, we will hold a community information session.

Council's position is for all landowners to enter into the Infrastructure Agreement (IA) and we acknowledge the challenges to achieving this (please note the IA must be secured to the title of the land through a Land Management Agreement).

When the IA (or similar) has been entered into and to Council's satisfaction, the DPA will then be formally submitted to the Minister for Planning for approval. If not all landowners agree to enter into the IA, then Council will need to re-consider its position and decide whether it continues to progress the rezoning of the land.

Mount Lofty Ranges Agrarian Landscape World Heritage listing bid (Divya Bali Dogra)

The Adelaide Hills, Mount Barker, Barossa and Onkaparinga councils are collaborating with the University of Adelaide and Regional Development Australia Barossa to pursue Stage 1 commitment to National Heritage listing of the Mount Lofty Ranges region. Following successful National Heritage listing, the councils will consider lobbying the Australian federal government to lodge a World Heritage Site (WHS) bid with the United Nations Educational, Scientific and Cultural Organisation (UNESCO). The World Heritage list seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world considered to be of outstanding value to humanity.

The region is believed to be worthy of listing for its working agricultural landscapes and historic settlements on the basis of history and continuing culture and practice.

The following is an update on a number of initiatives associated with the project.

State government support

A letter from Minister Gago dated December 23, 2013 stated that the state government is unable to support the project financially at this stage. A report will be presented to Strategic Directions Committee on 29 April 2014 seeking decision on council's financial support for the project in 2013-14 and 2014-15 as City of Onkaparinga's financial support for the project was contingent upon funding from the state government.

Invitation to other councils

A letter of invitation to join the project was sent to the Mayors of Clare and Gilbert Valleys Council, Alexandrina Council, Light Regional Council and the District Council of Yankalilla on September 10, 2013. Following the letter of invitation, Alexandrina Council has agreed to join the project as a partner and provide financial and in-kind support for the project of \$10,000 over three years. The District Council of Yankalilla has agreed to offer its in-kind support to the project.

A report will be presented to Strategic Directions Committee on 29 April 2014 to update the Memorandum of Understanding (MoU) and Terms of Reference (ToR) of Project Steering Group (PSG) and Project Management Group (PMG) to include Alexandrina Council as 'full' partner and District Council of Yankalilla as 'associate' partner.

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Engagement

Project Management Group has developed an engagement strategy with input from council's Community Engagement Officer (Natalie Stalenberg). The engagement strategy identifies key stakeholders and community groups and method of engagement with each group. The stakeholders have been broadly categorised into advisory groups, focus groups and high profile champion. Following a call for expression of interest to participate in the advisory groups, six advisory groups will be established as follows:

- Economic Advisory Group
- Heritage Advisory Group
- Aboriginal Advisory Group
- Community Advisory Group
- Landscape Advisory Group
- Management Advisory Group

An advisory group workshop was held on April 2, 2014.

Project Steering Group (PSG) Meeting Agenda and Minutes

Agenda and minutes from the February 27, 2014 PSG meeting are available upon request from Divya Bali Dogra. Next PSG meeting is scheduled for August 7, 2014.

Events

The consortium councils in association with Hawke Centre organised an event 'Benefit beyond Borders' on April 2, 2014. The lecture was presented by Professor Amareswar Galla.

Another event is proposed on June 11, 2014 at the Hawke Centre. The lecture 'Economic impacts of World Heritage Listing' would be presented by James Rebank, Rebanks Consulting.

A discussion will be held on 'Utopia, Food and Wine: the case for UNESCO World Heritage listing of the Mount Lofty Ranges' as part of the Tasting Australia, Town Square Forum.

Heritage grants through Local Heritage Incentive Scheme (LHIS) (Divya Bali-Dogra)

The LHIS provides funding assistance to owners/lessees of local heritage listed places/contributory items. A report on the outcomes of the trial of increased funding was presented to the Arts, Culture, Community Capacity, Events and Heritage Committee on February 13, 2014. The committee has approved to continue increased funding subsidy of 30 per cent of cost of works with a maximum of \$5000 for works between \$1,000-\$20,000 and 25 per cent of cost of works with a maximum of \$7500 for works above \$20,000. The committee also approved to continue assessment of applications seeking funding under \$5,000 by the heritage panel.

The budget for the heritage grants through the LHIS has been exhausted for 2013-2014. The applications are being assessed for funding through 2014-2015 budget for heritage grants. The budget for 2014-2015 for heritage grants is yet to be finalised. The heritage property owners are made aware of this prior to lodgement of the heritage grants.

The heritage panel has approved grant application for works at the following properties:

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- 3 St Peters Terrace, Willunga
- 1/5 Kell Street, Willunga
- 185 States Road, Morphett vale
- 11 Anderson Avenue, Port Noarlunga.

Seaford District Centre 20 Year Structure Plan (Chantal Milton) and Development Plan Amendment (DPA) (Elizabeth Sanders)

The Seaford District Centre Project continues to advance to more detailed precinct investigation studies specifically into the stormwater detention capacity of the wetland basin, streetscape design for Main Street and the "3 Parks Reserve" plan over the open spaces across the centre. These studies will be used to inform the final drafting of the Seaford District Centre Structure Plan to be presented to Council in 2014.

Running in parallel, the Seaford District Centre DPA was presented to SDC on February 11, 2014 and approved by Council. The DPA Approval Package was forwarded to the Department of Planning, Transport and Infrastructure on February 17, 2014 and Council has since received feedback to make minor changes to the DPA.

Council has also been conditionally advised that once these minor changes are made to the DPA, this will enable DPTI to forward the DPA on for the Minister for Planning's consideration.

Noarlunga regional centre revitalisation (Chantal Milton)

Health and Education Precinct Master plan

Final concepts for the Health and Education Precinct Masterplan and concept plan for Alexander Kelly Drive by Aspect Consulting are due for completion by June, for presentation to Council.

Engagement with the Department of Planning, Transport & Infrastructure, SA Health and key landowners has occurred. Future scenario planning for Beach Road duplication, including an interim landscape solution will form a component of this precinct masterplan, with early feedback received from DPTI onto potential timing and likely cross section.

Station & Western Precinct

A funding submission seeking \$100,000 was submitted to the State Government Local Government Stimulus Program as a contribution towards the potential delivery of footpath and street tree planting to Seaman Road and David Witton Drive. Unfortunately we were unsuccessful in securing this streetscape funding.

Kangarilla landfill site closure (Brian Fitzpatrick)

The Kangarilla Landfill Closure and Post Closure Management Plan was submitted to the Environment Protection Authority for its assessment as resolved by Council at its meeting on November 5, 2013. On March 19, 2014 the Environment Protection Authority granted its approval of the Closure and Post Closure Management Plan as documented.

A report presented to Council at its meeting on January 28, 2014 confirmed that the state government does not currently provide funding nor has any specific grant programmes available for landfill closure activities.

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The need for a state funding mechanism for the remediation of former landfill sites including Kangarilla landfill was included in Council's State Election 2014 document as resolved by Council at the above meeting.

Currently no additional funding has been secured to reduce Council's overall funding contribution. If no additional funding is sourced by May 2014 site closure works including further community engagement and procurement of an environmental consultant and appropriate civil contractor will commence in accordance with Council's resolution. It is envisaged that site works will commence in late 2014 pending the outcomes of the community engagement and procurement process.

Aldinga District Centre - Main Street and Town Square (Brian Fitzpatrick)

The Aldinga District Centre Master Plan provided for the creation of a new Main Street and Town Square connecting McRae Street with Pridham Boulevard, between the Aldinga Shopping Centre and Aldinga Recreation Centre. Extensive community consultation on the master plan was undertaken and a draft concept was subsequently endorsed by the Strategic Directions Committee in October 2012.

A detailed concept plan is being finalised to enable main street construction plans to be progressed. Preparation of preliminary town square concept designs are being developed to allow community engagement to be conducted in mid-2014. This work will continue to inform and be informed by broader planning for the Aldinga District Centre.

A Places for People funding grant application successfully secured \$190,000 representing shared project costs for the town square.

Council resolved to seek external funding to reduce our financial contribution however, the project is not dependent on this funding with Major Project funds allocated to complete this project.

Happy Valley Sports Park (Danielle Gevers)

The Happy Valley Sports Park has been revitalised over the past three years, to meet changing community and sporting group needs. The redevelopment has been guided by the Happy Valley Sports Park Master Plan which was developed in 2006 and has involved considerable club and community engagement.

We are progressing with stage 3 of the Happy Valley Sports Park redevelopment which includes:

- two new additional tennis courts on the western side of the sports complex
- new car park between the Happy Valley BMX Club and Carrickalinga Boulevard
- relocated access road to Carrickalinga Boulevard (to be gated and locked, for use during major events only)
- additional landscape works
- additional fencing behind the northern soccer goals.

We have recently completed an open tender process, which closed on February 24, 2014. A contract award report will be considered by Council at the next Council meeting on April 29, 2014. If Council approve the award of the contract, construction is anticipated to commence by the end of May with a completion date of October 2014. A budget of \$554,198 has been identified for Stage 3 works.

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Sturt River (Coromandel Valley) Linear Park - Stage 3 Danielle Gevers/Victoria Masterman

The Sturt River Linear Park aims to create a continuous public open space link from the Patawalonga Basin in Glenelg North to Frank Smith Park in Coromandel Valley with links to the Belair National Park. The Sturt River Linear Park is a key component of Adelaide's Metropolitan Open Space System (MOSS) providing a strategic link in the open space network from the Adelaide Hills to the coast.

Stage 1 has been completed. Minor works to finalise stage 2 are being progressed with the installation of bridges at Winns Road and Main Road Coromandel Valley.

The tender for the installation of the two new pedestrian bridges to replace the existing bridges at Winns Road and Main Road Coromandel Valley has been awarded with construction due to commence mid-April with an anticipated completion date of September 2014. The project is funded through joint contributions from both the City of Onkaparinga and City of Mitcham, each contributing \$100,000, in addition to \$47,000 Open Space Grant Funding from the Department of Planning, Transport and Infrastructure.

Design for stage 3 of the Sturt River Linear Park is also in progress. This stage continues along the river between the Institute Building and Horners Bridge, Coromandel Valley. Concept and detailed design for stage 3 is being funded through a three way funding arrangement between the City of Onkaparinga, City of Mitcham and the state government.

The concept design is currently being finalised and we anticipate that community engagement will take place during May 2014. A number of land access issues require resolution prior to implementing any on ground works. We are currently working towards resolving these matters.

Foreshore Access Plan Stage 5 (Port Willunga car park to Aldinga Beach boat ramp) (Victoria Masterman)

Stage 5 of the Foreshore Access Plan (FAP 5) addresses the Snapper segment from Port Willunga to the Aldinga Beach boat ramp. Detailed design drawings and documentation is now complete, including a new shared use path, upgrade of existing furniture and facilities (eg shelters, seating), new playground and exercise equipment, fencing and landscaping.

An open tender process for the construction of FAP5 has commenced with tenders closing early May 2014. A construction budget of \$3.5 million has been confirmed for the project, including \$1.675 million in grants secured from the State Government through the Coast Park initiative. Construction of FAP is anticipated to commence in August 2014

A targeted community engagement for the FAP5 project and the two new toilets at Snapper Point and Aldinga Beach Boat ramp commenced in April 2014. An open tender process for the delivery of the two toilet facilities commenced in mid-April, and will include a copy of the current toilet designs, site plans and design specification. It is anticipated construction of the toilets will be complete by late 2014, subject to any unforeseen outcomes from the above community engagement and tender process.

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Willunga Township Project (Victoria Masterman)

In March 2014, a Community Reference Group meeting was held with Mayor Rosenberg and four Ward Councillors in attendance along with representatives from key stakeholder groups including Willunga Business and Tourism Association, Willunga Recreation Park, Willunga branch of the National Trust and the Friends of the Willunga Basin.

Outcomes from the meeting included, to seek feedback through an expression of interest (or similar approach) from local businesses to gauge interest in the parklet proposal. Prepare a single concept design based on the new project extents informed by the CRG and include the design elements presented at the meeting.

An Elected Member briefing is scheduled for April 15, 2014, and it is anticipated following the briefing, the single concept design can be progressed and presented to the Community Reference Group in June 2014.

Further engagement with the Rec Park and the Willunga Business and Tourism Association separate to the CRG, continues to inform the concept design.

O'Sullivan Beach Sports Park additions (Alex Derewlany)

Works on the O'Sullivan Beach Sports Park extension to provide dedicated female change-rooms has been completed save for the players race and attention to identified (minor) defects. Latent conditions and extreme weather events delayed building progress. It is anticipated that a Certificate of Occupancy will be issued prior to April 17, 2014. The total project budget was \$316,000 with council's contribution being \$203,000.

McLaren Vale Main Road Streetscape upgrade (Alex Derewlany)

The Main Road streetscape upgrade has been occurring in stages over a number of years. The final stage (7) extends from Hewitt Drive to the Victor Harbor Road overpass.

Design documentation has been referred to the Department of Planning, Transport and Infrastructure for review. Construction costs are estimated to be in the order of \$2.45 million. Works are planned to be undertaken in 2014-2015-2016, subject to budget determinations.

Grant funding will be sought from the Places for People program administered by the Department of Planning, Transport and Infrastructure in support of the streetscape improvements on finalisation of the detailed design.

The undergrounding of the power lines by SA Power Networks within this section of Main Road is underway. Costs are in the order of \$2.2 million with council's share totalling \$734,017 plus 'in-kind' contributions assessed at \$60,000. Due to the proliferation of existing and proposed underground services and requirements to maintain prescribed separation standards, the stormwater trunk main within a defined section of Main Road is also be placed in a common trench with the power lines. These works are anticipated to be completed by June 2014.

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Port Noarlunga - Wearing Street aquatics precinct (Alex Derewlany)

Planning is being progressed for the next stage of the Port Noarlunga coastal upgrade with a focus on the Wearing Street aquatics precinct. This area is highly visible when entering Port Noarlunga from the south but is extremely tired and dominated by a toilet block and rusting storage sheds housing canoes and other craft. Opportunity exists to redevelop the area into a vibrant and attractive node and a landmark gateway for the benefit of both residents of and visitors to this popular metropolitan seaside destination.

The aquatics precinct comprises a public car park and reserve adjoining the Onkaparinga River immediately south of the Saltfleet Street bridge, Sauerbier House and environs and facilities utilised by the Southport Surf Life Saving Club, the Onkaparinga Canoe Club, the Department of Education and Child Development Aquatics Program and public amenities. The development is predicated on the use of land held by the Crown. The state has advised its in-principle support for the redevelopment of the area.

The planning has been influenced by the state heritage listed Sauerbier Homestead and its proposed use as a community arts facility (gallery and studios) and reception centre in conjunction with the Port Noarlunga Arts Centre. Development approval has been granted for significant restorative/conservation works and additions (funded 2013-14 at \$505,000) to make this dominant built element fit for its intended purpose.

The concept plan review 2013 has been briefed to elected members for direction with respect to the scale of the development and project timing. A budget of \$80,000 has been allocated to progress the detailed planning for the Wearing Street precinct.

Aldinga township streetscape upgrade (Alex Derewlany)

A streetscape concept plan for the main streets and gateway entrances into Aldinga township was endorsed by Council on November 13, 2012. A budget of \$53k has been approved in 2013-14 to advance the detailed design for the streetscape upgrade.

The planning proposes streetscape improvements to the township in the central area to promote the vitality of the township's main streets and local businesses; to enhance the amenity, safety and convenience of the immediate precinct, and to respect and enhance the historic character of the township.

There are a number of broader planning issues and infrastructure projects that have an impact on the staging of the streetscape upgrade, namely the undergrounding of power lines within sections of Old Coach Road and Port Road (under the State Government's PLEC scheme with funding support anticipated in 2014-15); the future release of urban land south of the township owned by Renewal SA; and a reticulated waste water scheme by SA Water within the township (currently underway).

The Aldinga Township Streetscape Upgrade project is estimated to cost in the order of \$3.6 million with \$3.1 million identified in the Major Project Fund for implementation 2014-15-16 financial years (subject to budget approval).

Suburb Improvement Program (SIP) (Debbie Rich)

The Suburb Improvement Program (SIP) identifies and prioritises established suburbs for works to beautify the local streetscape and renew infrastructure elements. SIP works are being undertaken in Christies Beach and Morphett Vale as stage one priorities. A budget of \$563,932 has been allocated for the program in 2013-14.

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Preliminary investigations into a review of the SIP were undertaken in response to a Notice of Motion presented to the Strategic Directions Committee (SDC) on September 17, 2013. In particular, differing expectations of medium density and non-medium density areas were considered.

An Elected Member (EM) workshop was subsequently held on March 25 presenting the outcomes of these investigations and the results of a SIP survey conducted with elected members in early January.

A further report with recommendations regarding a future SIP review will be presented to the SDC on April 15, 2014.

Clarendon Streetscape upgrade (Debbie Rich)

A concept plan for the Clarendon township streetscape was approved by Council on September 16, 2008. It included elements such as pedestrian safety, traffic management, landscaping, street furniture, gateways and powerline undergrounding, with a project cost of \$3.2 million.

Stage one of the project comprises works between Turners Gully Road and 60 Grants Gully Road (50m east of the church) and in the vicinity of the Potter Road intersection.

The retaining, kerbing and footpath works are being progressed. The Department of Planning, Transport and Infrastructure has completed their roadworks along Grants Gully Road.

Frank Hilton Reserve (Debbie Rich)

Frank Hilton Reserve at Maslin Beach is located on a former public landfill site that operated from the late 1960s to the early 1980s. Following its closure, an unengineered soil cap was installed on the site.

Preliminary concepts for a risk based remediation system were approved by Council for detailed design in April 2012. The concepts comprise landfill capping and stormwater management systems. Ongoing monitoring and contingency planning is also recommended as part of the long term management of the reserve. The estimated cost of construction is \$3.5 million.

Implementation of the capping and drainage works commenced in February 2014 with works still in progress.

A tender process is currently underway for the landscape component.

Christie Downs Renewal 20 Year Suburb Master Plan (Susan Manchip)

Jensen Planning & Design consultants have been appointed to prepare the master plan and the first stage of community and stakeholder engagement has been completed. This has involved:

- Community (whole of suburb) newsletter providing background information about the project and opportunities for input into the master plan process.
- Expansion of the existing Community Reference Group (CRG).
- City of Onkaparinga website and Facebook updates.
- Community Conversations Open House Events on April 9 and 10, 2014.
- Meetings with relevant government stakeholders.

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In respect to dot point two above, we advertised for expressions of interest to join the CRG by specifically targeting promotion through stakeholder groups, people who have attended previous engagement events, the local shops, council website and Facebook, council Noarlunga office, Christie Downs Community House and Elizabeth House. Applications were received from seven people which brings the total to 11 members (four existing members). To date the CRG have met on two occasions.

The next steps will involve:

- The draft master and action plan will be presented to elected members either through a workshop or report to Strategic Directions Committee.
- Community newsletter and open house event to obtain comments on the draft master plan.
- Final plan presented to Council for endorsement by September 2014.

Water Services (Water Business Unit) (Benjamin Hall)

The Water Services unit are responsible for managing council's investment in water reuse infrastructure through its Water Proofing the South initiative alongside our Community Wastewater Management Scheme(s) (CWMS).

Recent key milestones/work effort includes:

- Continuing to engage with ESCOSA through each stage of the roll-out of regulation that underpins the *Water Industry Act*.
- We are continuing to secure contracts with water users to support the commerciality of the scheme including those demands that were identified as part of the network extension project(s) considered and approved by Council at its April 23, 2013 meeting.
- We are working on the planning of school connections with DECD regarding the supply of water to public schools and are anticipating a progressive roll out of school connections over the year.
- Facilitating the CWMS valuation process, which seeks Expressions of Interest from the private sector for the ownership, management and operation of the CWMS in whole or in part with a view towards understanding its commercial value.

Commercial Property Management (Benjamin Hall)

Commercial Property Management involves the management of Council's commercial property portfolio to achieve a self-sustainable financial position and underpin the ongoing management of these assets.

Recent key milestones/work effort includes:

- Developing and finalising lease arrangements for private sector access to the Beach Road telecommunications tower - an asset that has historically only been used by council.
- Working with our Community Services team to develop a 'prospectus' for discussion with our recreational centre managers with a view towards stimulating ideas for consideration that aim to increase community participation in recreation centres within the City of Onkaparinga.

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- Progressive review of our supporting services contracts for our commercial facilities with a view towards ensuring best value for money. Most recently we have entered into new contractual arrangements for the provision of linen services at our Tourist Parks - reducing the operating cost in this area in the order of 50 per cent.

Green Buildings (Stephen Kennedy)

The Green Buildings Initiative provides a funding mechanism to achieve energy efficient outcomes for our sporting and community groups.

Recent key milestones/work effort includes:

- Continued to raise awareness amongst sporting and community groups regarding the management of facilities to support energy reduction targets (by end of 2014).
- Developing project management and market documentation for the roll out of the remainder of the GBI program in the next 12 months which will see a further 15 sites receive either upgrades to existing systems or new systems.
- Having been successful in our application for funding under the Australian Government's Local Government Energy Efficiency Program we have sought tenders and are about to commence work on the installation of high efficiency solar hot water systems at the Christies Beach Tourist Park, the McLaren Vale Visitor Information Centre and the Aldinga Surf Life Saving Club.

Economic Development:

Aboriginal Employment Strategy (Glenn Hickling/Chris Martin)

Australian School Based Apprenticeships provide local Aboriginal high school students with a part-time traineeship in Council counting towards their Year 11-12 SACE completions at school. In conjunction with Maxima Group training we are currently liaising with our customer service team at Noarlunga and our Visitor Information Centre team at McLaren Vale to explore two opportunities to commence mid-2014.

In partnership with Community Capacity team, we are currently assembling a project scope to explore placing an Aboriginal Traineeship Cert 3 in screen media - hopefully with a focus on film and new media. Some thoughts are for the trainee to capture some local stories and events - both pertaining to Aboriginal communities and broader. This will probably require them to spend some time in the marketing, media, engagement and arts teams.

Business Association support (Phillip Tanner)

The Economic Development Forum (EDF) representing the 15 local Business and Tourism Associations has now been in operation for just over twelve months. The first meeting for 2014 was held February 10, 2014.

The EDF offered all the associations the opportunity to attend the MainstreetSA State conference held in Gawler this year. Gawler is also celebrating its 175th year of settlement and the Town of Gawler hosted the 2014 conference. This year's conference was attended by representatives of the following associations: McLaren Vale Grape Wine and Tourism, Port Noarlunga Business and Tourism, Christies Beach Business and Tourism, McLaren Vale Business Association and the Willunga Business and Tourism associations with the manager of Property and Commercial, two staff and Councillors S Brown and H Merritt. The conference theme was 'Creating an identity'.

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The conference had two international speakers Dan Gilmartin, Executive Director and CEO Michigan Municipal League and Richard Guiney, CEO Dublin City Business Improvement District talking about Business Improvement Districts (BIDS) This is where council, land owners and tenants get together to look at improving small sections of main streets, generally facilitated and part funded by council but led by traders groups. A full report will be presented to the May EDF meeting.

Digital Enterprise Program (Glenn Hickling/Baker Marketing)

This Australian Government funded Department of Communications (DC) program invites local small-to-medium enterprises (SMEs), not-for-profit organisations (NFPs) and local community groups (LCIs) to attend an introductory four hour workshop which then entitles them to four hours of one-on-one mentoring with an experienced online marketing consultant (at no cost to participants), representing \$920 worth of value to each local participant.

Program objectives:

- For SMEs to improve online presence, offer new products and services, expand markets, improve competitiveness, and increase the means for communicating with customers, suppliers and partners.
- For NFPs to engage online by using the NBN to extend their reach into the community, expand their donor pools to potentially include the entire world and explore more innovative ways of creating awareness for their causes.
- For LCIs to enhance their standing as community-based centres and reach a wider audience, while helping foster an environment of shared knowledge and understanding.

To date the program is ahead of its 250 participant target, with almost 300 registrations after its two years of operation (with three months to go to June 2014). DC has approved for us to exceed the 250 participant numbers via extra graduated workshops (the 1:1 mentoring component expired at the 250 target).

Employment land demand and industry needs analysis (Glenn Hickling/Adam Mrotek)

As part of assessing employment land supply for the next 20 years an analysis of demand for employment land is required. This has three aspects:

- aggregate demand
- demand by sector (aligning to growth sector identified)
- the special, infrastructure and service needs of industry.

A project scope was developed in June 2013 for consultation across the organisation, leading into the final development of a project brief in August 2013 that was put out to tender. Five consultants applied in October 2013 and a tender selection panel short-listed to three in November 2013.

A new tender panel is being assembled to advance this project in mid-2014.

Departmental Reporting

GM Holden closure in 2017 (Glenn Hickling/Janis Turner)

Following Ford's announcement in May 2013, after a few years of uncertainty GM Holden finally announced in December 2013 it was also ceasing manufacturing in Australia from 2017 (or earlier). Toyota has since made a similar announcement. We await the federal and state government detailed response in mid-2014 for the \$100 million structural adjustment package announced December 18, 2013 with elements to accelerate new jobs in Adelaide and Melbourne, investment attraction, supply chain diversity, along with direct retraining and supporting of workers.

In the interim the Economic Development team have been liaising with state government agency Department of Further Education Employment Science and Technology to develop a one-stop-shop service to be put in place in Onkaparinga and Marion to assist the redundant workers across Southern Adelaide with appropriate referrals to career development, Centrelink/Human Services benefits, Legal Aid, Relationships Australia and re-skill training etc (similar to the successful 2008 Mitsubishi Tonsley early intervention).

Innovation Projects Seed Funding (Glenn Hickling)

A number of entrepreneurship and higher education aspirational related projects have traditionally been funded under the previous Employment Strategy Seed Funding program. Projects funded recently include:

- Flinders University - New Venture Institute - Venture Dorm \$2,500 scholarship to an Onkaparinga resident, James Stewart to develop to market his innovative new mobile app that is designed to help cigarette smokers track and understand their smoking habit then through education, peer support and professional advice/partnerships online will take people through a quit attempt.
- Flinders University - City of Onkaparinga 2013 student prize for Faculty Education Committee of Social and Behavioural Sciences being awarded to Ellen Trueman, who gained the highest overall mark in the topic BUSN2019 International Business Context.
- In-Business 1625 - foundation partnership \$12,500 with Flinders University to establish a new website portal to connect local young entrepreneurs with an Adelaide business leaders network to commercialise innovative new ideas and inventions. The 1625 portal was launched March 2014. Also included in the 1625 program deal was a negotiated new Southern Focus chapter in each edition of In-Business magazine, promoting good news local business stories.

Investment attraction Strategic Management Plan 2013-18 (Glenn Hickling/Paul Tulloch)

The Southern Adelaide Economic Development Board created a 'Think South - A new Economic Future' economic development plan for the region launched in 2007 and updated in 2011. The current Southern Adelaide Economic Development Plan (SAEDP) 2011-2021 provides the strategic directions for our activities in economic development for the Cities of Marion and Onkaparinga. The previous Community Plan 2028 effectively adopted SAEDP as its economic development plan.

Our new Community Plan 2035 has as one of its five key goals, Goal 3 - A Prosperous Economy, Objective 3.2 - The South as a Destination, setting an economic development agenda similar to the SAEDP but with greater emphasis on investment attraction for the purposes of creating jobs for local residents building on our business investment advantages.

Departmental Reporting

Under our associated Corporate Strategic Framework one of the chapters under the Onkaparinga Economic Development Strategy (to be developed in 2014) is for an Investment Attraction Strategic Management Plan 2013-18. During 2013 the Economic Development team undertook desktop research and business consultation looking nationwide at best practice plans and investment attraction prospectus ideas. Building on investment attraction interactions with local, interstate and international investors in Onkaparinga for the past five years, we are developing a sound platform of intelligence to base this work on. On October 1, 2013 an elected member workshop explored a SWOT strengths/weaknesses/opportunities/threats analysis for the region moving forward.

Our former Economic Development Advisor (Brian Hales) then completed the draft for discussion Investment Attraction Strategic Management Plan 2013-18 document, which closed for public consultation February 28, 2014.

[Draft Investment Attraction Strategic Management Plan](#)

Local industry and employment participation (Glenn Hickling)

Local small business information sessions will continue to be delivered in 2014 around the economic potential of major Southern Adelaide infrastructure projects such as the National Broadband Network 2010-14, Southern Expressway Duplication 2012-14, and Adelaide Refinery Remediation 2014-15 which have associated participation plans to engage 50 per cent local jobs and procurement. We will also continue to run 'Doing Business with Council' sessions to prepare local small businesses in tendering for Council work packages, panel contracts and local business directory.

Project status updates:

- Onkaparinga National Broadband Network - rollouts for Aldinga, Seaford and McLaren Vale areas commenced mid-2012, for completion early to mid-2014 (depending on location). The Economic Development team is liaising with the SA head contractor (SA Power Networks) and its local subcontractors to deliver local job and supply opportunities for our small businesses and job seekers.
- Southern Expressway Taskforce - was established by the state government in partnership with the Cities of Marion and Onkaparinga to maximise local employment and industry on this significant major project. This project has already exceeded the 15 per cent disadvantaged job seeker and 50 per cent local employment targets via the early intervention strategies of the taskforce working with the design and construct consortium Boulderstone Abigroup Joint Venture.
- Port Stanvac Refinery - by early 2014 most structures have been demolished. The Economic Development team will continue to liaise with the ExxonMobil site remediation contractors to maximise local job and supply opportunities for local small businesses, and support the holding of quarterly community information session updates.
- Seaford Meadows Shopping Centre opened mid-March 2014. The Economic Development team liaised with the builder and Woolworths to maximise local employment at this new shopping centre. In late 2013 the Realistic Employment and Career Help (REACH) retail and hospitality work-ready employment project funded under our State Government Skills for Jobs in Regions funding assisted some local residents to link to jobs at this site.

Departmental Reporting

- Doing Business with Council - small business workshop was delivered October 17, 2013 focussing on upcoming professional and design services panel contracts. Further workshops will be delivered in 2014. Based on identified need, referrals have been made to Work Health Safety workshops available for local businesses.
- ALDI supermarkets - rollout in SA of 40 metro and 10 regional stores. Currently working with their property team during 2013 and 2014 to identify 4-6 locations in Onkaparinga, then in 2015 with their new Workforce team to ensure local industry and workforce participation.

Onkaparinga Visitor Guide (Phillip Tanner)

The distribution of the McLaren Vale 'Hills, Valleys and Beaches' Onkaparinga visitor guide has now been in operation for seven months.

More than 45,000 guides have been distributed through Templar Marketing and Tourism Brochure Exchange who distribute through all the high volume locations in Adelaide CBD and all Visitor Information Centres in South Australia and Western Victoria, Great Ocean Road and Mildura. A selected range of accommodation operators, cafes, transport hubs in Adelaide and surrounding suburbs are also on the distribution list.

Additionally, we have arranged distribution in just over 100 holiday homes along the Esplanade from Sellicks Beach to Christies Beach. Stocks of the guide can be collected anytime from the McLaren Vale and Fleurieu Visitor Information Centre.

At current rates of distribution, copies may possibly run out at the end of May 2014 (a reprint may be needed soon). The online version is currently being developed.

Port Stanvac Jetty (Glenn Hickling)

On December 20, 2013 the State Government commenced public consultation regarding the future of the Port Stanvac Jetty (eg wharf, groyne, caissons and dolphin) based upon a RenewalSA - Port Stanvac Marine Facilities Assessment report prepared by Arup April 4, 2013, including a range of criteria including:

- potential future use of the site including potential recreational and economic activities
- ownership of the site including construction and maintenance
- public safety and public liability issues
- infrastructure needed to support the use of, and access to, the Port Stanvac Jetty
- and side access to the Jetty.

The report canvasses possible future commercial, recreational and environmental uses for the jetty, but does not identify any sustainable future uses to date.

Before a final decision is made on the future of the Port Stanvac Jetty, the state government sought the views of all interested parties. The City of Onkaparinga made its submission February 28, 2014, along with a couple of resident feedback emails.

Southern Adelaide Economic Development Board (Glenn Hickling)

The Southern Adelaide Economic Development Board (SAEDB) meets bi-monthly to explore big regional issues and develop appropriate responses for initiatives and lobbying to state and federal governments.

Departmental Reporting

During this reporting period the SAEDB received presentations and considered issues on the state government - Building a Stronger SA response to the automotive sector decline. Subject to federal government funding contribution, a number of economic transformation projects will evolve, some benefiting Southern Adelaide.

Southern Success Business Enterprise Centre review (Glenn Hickling)

In September 2013 the Strategic Directions Committee (SDC) noted the Southern Success Business Enterprise Centre (SSBEC) '2012-13 Annual Report' presentation. The SSBEC is currently funded by council for the two year period 2012-13 and 2013-14 (as per the resolution of Council meeting May 29, 2012, Item 8.3). As part of the previous Small Business Support Review, this resolution asked for 'a subsequent review to be undertaken of the service prior to further commitment'.

At the SDC meeting September 17, 2013 it was indicated to elected members this 'subsequent review' report would be provided to SDC by the end of 2013. The SSBEC Review is currently in progress and a report presenting the outcomes has been scheduled for the SDC meeting, now May 2014.

This SSBEC Review report will validate the recent client survey and provide a summary of other metropolitan small business advisory service models for consideration by SDC on the effectiveness of the SSBEC, with a view towards recommending whether or not a Council funding commitment continues past the 2013-14 financial year.

Tourism attraction signs (Phillip Tanner/Dean Watkins)

In conjunction with our sign shop, the Economic Development team through the 2013-14 (Placemaking funding by Council), has costed four tourism attraction signs to be installed on the Southern Expressway on the north and south exits for Christies Beach and Old Reynella.

These signs have been designed, costed and have final DPTI approval for their contractor to install them in mid-2014. Council's sign shop will manufacture these and deliver them on-site when DPTI receive control of the Southern Expressway when the contractors hand over.

Southern Adelaide Workforce Development Taskforce (Glenn Hickling)

A Workforce Development Taskforce established by the Southern Adelaide Economic Development Board includes inputs from Cities of Marion and Onkaparinga, Office for the Southern Suburbs, TAFE SA, Flinders University, private sector Regional Training Organisations and local high school business partnership brokers.

The Workforce Development Taskforce has now established a Southern Adelaide - Industry Leaders Group identifying regional skill shortage areas requiring attention. This group held its first three meetings with state government in September and November 2013, and February 2014. The next meeting is early May 2014.

This advisory group represents six target industry sectors of advanced manufacturing, construction, retail/hospitality, environmental services, health services and food/wine/tourism. Membership includes Anthony Kittel (Redarc), Paul Williams (Comace), Louis Berglez (ProBuild), Greg Digance (McDonalds), Jim Fairweather (ResourceCo), Ines Patriitti (Patriitti Wines), Christian Hamilton (ASC).

Departmental Reporting

Skills for Jobs in Regions program - previously South Australia Works - (Glenn Hickling and Janis Turner)

Council is contracted as grantee to manage \$1,265,495* of state government funding for 2013-14 projects, the final (3rd year) for our Department of Further Education Employment Science and Technology (DFEEST) *Skills for Jobs in Regions* program delivering employment and training projects.

*Note - due to exceeding the 2011-12 and 2012-13 participant numbers, we were able to negotiate significant additional funding for 2013-14 in Southern Adelaide.

This program involves developing and delivering accredited and non-accredited skills, employment pathways, connecting families to work, industry leadership group, networking projects, and a career service across the Southern Adelaide region for the Cities of Holdfast Bay, Marion, Mitcham and Onkaparinga.

In 2013-14 the old *South Australia Works* program was repositioned to the new *Skills for Jobs in Regions* program with a greater emphasis on generating real job pathways for the most disadvantaged job seekers, increasing workforce participation.

Economic development staff continued to liaise with DFEEST in early 2014 to explore the future of this program for 2014-15 and beyond following the Premier's announcement in October 2013 to expand the regional program significantly (to deal with SA's rising unemployment and low participation rates).

Trend data for the *Skills for Jobs in Regions - South Australia Works* program over the past three years is below:

<i>Funding Year</i>	<i>Funding Deeds</i>		<i>Actual Clients serviced</i>	
	<i>Deed \$</i>	<i>Deed Clients</i>	<i>Participants</i>	<i>Outcomes</i>
2011-12	\$577,689	1154	1233	327
2012-13	\$577,689	1154	1470	297
2013-14	\$1,265,495	1563 nb -start Nov 2013	TBA	TBA

For information - unemployment statistics for City of Onkaparinga (Glenn Hickling)

The following table compares the current number of People Unemployed/per cent Unemployment Rate to the previous year's data via the latest available (December 2013) quarterly report by the Department of Employment - Small Area Labour Markets data collected for the Onkaparinga statistical regions (see map for area definitions):

<i>Onkaparinga Statistical Region</i>	<i>Number of People Unemployed/and Unemployment Rate</i>	
	<i>Dec 2012 data</i>	<i>Dec 2013 data</i>
Hackham	789/10.4%t	805/10.7%
Hills	241/3.4%	234/3.3%
Morphett Vale	879/6.5%	916/6.8%
North Coast	1119/12.9%	1187/13.9%

Departmental Reporting

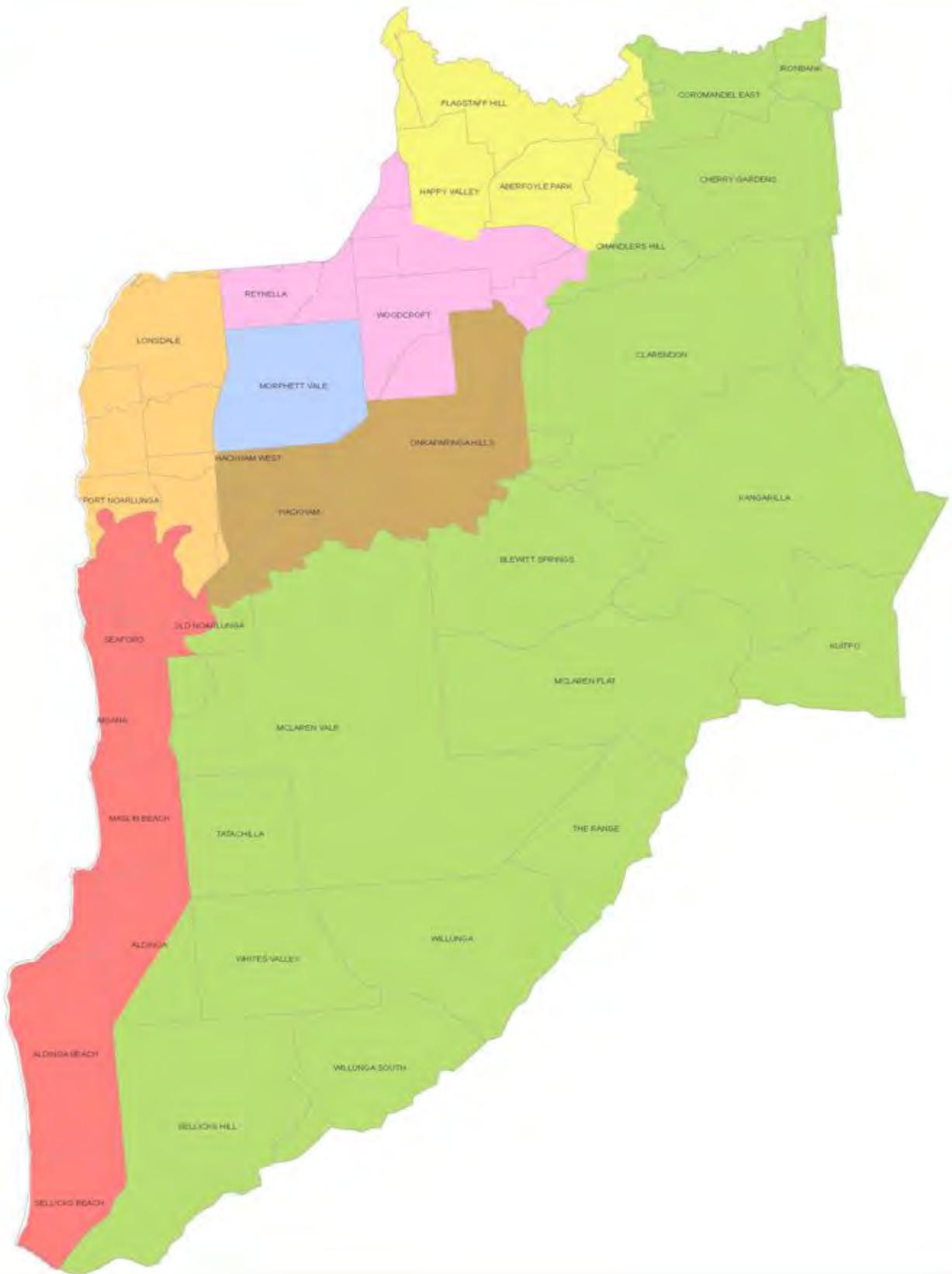
Reservoir	497/2.9%	510/3.0%
South Coast	1426/9.8%	1549/10.8%
Woodcroft	1067/4.8%	1113/5.0%
South Australia	47,300/5.5%	54,500/6.3%
Australia	636,000/5.2%	696,900/5.7%

Notes:

- Our City contains a vast spread of high and low levels of unemployment across our key areas identified in the City of Onkaparinga Statistical Local Area (SLA) map.
- The South Coast area is emerging as our greatest area for unemployment intervention (Seaford and Aldinga areas contain the greatest number of unemployed residents).
- Technically 3 per cent is deemed 'full employment' and with a national average around 5.7 per cent anything over 8 per cent is deemed 'high unemployment'.
- Overall, all Onkaparinga statistical local areas have experienced a December 2013 increase in unemployment over the past year. Changes are likely due to the completion of many major projects (half Southern Expressway workers finished prior to Christmas, with other half in May 2014), an increase in job insecurity for many sectors, more people now in study and training, as well as some baby boomers who have reached retirement age.
- It can be noted there is a direct correlation between levels of school education/higher education and levels of employment (eg highest unemployment is in areas of lowest education attainment).

Departmental Reporting

Statistical Local Areas



ONKAPARINGA

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Legend

SLA - Hackham	SLA - North Coast	SLA - Woodcroft	Other:
SLA - Hills	SLA - Reservoir	SLA - Morphet	Suburb Boundary
SLA - South Coast			

Departmental Reporting

Service Reviews & Process Reviews Update

Business Performance Improvement (BPI)

Reviewing our services, programs and processes is an important element of our approach to continuous improvement and is a key objective in achieving our goal of being a 'Council of Excellence'.

We are using a number of frameworks to achieve this goal including:

- capturing and acting on improvement opportunities through systematic service reviews (external and internal)
- formalised staff feedback through the ideas register
- customer feedback analysis.

Progress to date

Delivery and Implementation

Business Partners are continuing to work closely with the business to:

- ensure the processes and data are in place to enable understanding of performance
- assist in identification of review and improvement ideas
- help identify and generate business cases
- support teams in the delivery of improvement ideas
- increase skills and knowledge of process improvement tools, techniques and methods through learning circles and events.

Our services register has been reviewed and updated to reflect the current costs and income associated with the service (reconciled back to the 2013-14 operating budget as adjusted for permanent differences at BR1) and the service alignment scores for all external services have been revised (detailing the level of alignment with council strategic goals, core business and the needs and expectations of the community). This information has been provided to elected members for review and discussion in the recent operating budget briefings.

We now have over 240 staff ideas in the ideas register. Forty nine have progressed to project status with 18 completed. In the last quarter, six cross functional ideas were approved as projects with 23 projects identified and conducted through functional areas. More detailed information on these projects can be found in the attachments 1 and 2, Service Reviews, Innovation and Improvement Summary and Value and Efficiency Update.

Learning and Development

To ensure Business Performance Improvement methods and tools become embedded in our organisation we initiated a process learning and development plan.

In the past three months we have run one training workshop while also continuing to support the review of council services.

Fifteen champions have been identified and six organisational learning projects have been launched as teaching projects. We are now in our second quarter of training, with a number of projects now finalising the define stage and moving forward into measure phase.

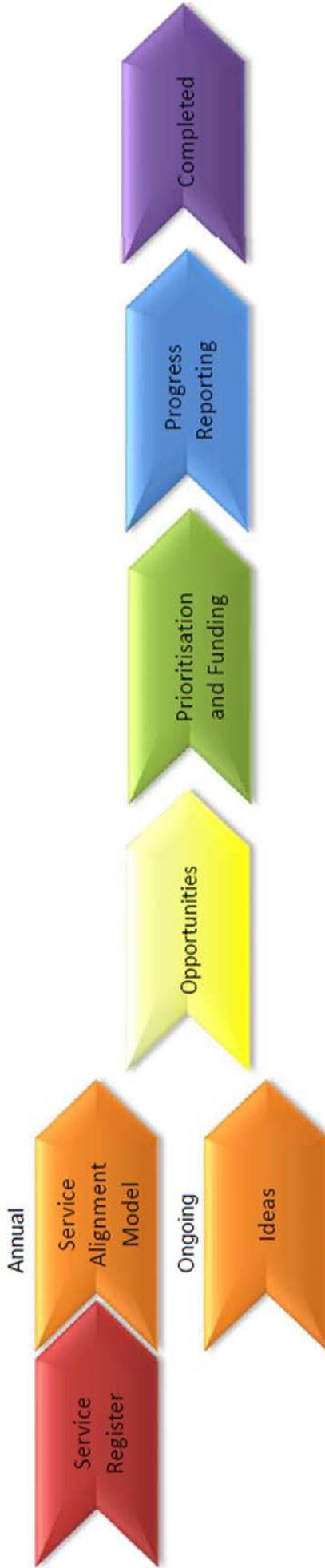
Status of all process learning circle projects are reported through the BPI scorecard. Further learning projects will be developed as our champions become more familiar with the process improvement tools, techniques and methodology.

Departmental Reporting

Service Reviews, Innovation and Improvement Summary



Report generated on Tuesday, 15 April 2014 4:13:09 PM



Number of Opportunities	
Savings Identified	\$'000
Costs Avoided *	\$'000
Capacity Increased	
Investment (IIF)	\$'000
Investment (other)	\$'000
Total Investment	\$'000

Opportunities	
252	
\$5,678	
\$365	
200%	
\$124	
\$918	
\$1,041	

Prioritisation/Funding	
49	
\$5,633	
\$365	
200%	
\$124	
\$914	
\$1,037	

Progress Reporting	
28	
\$4,268	
\$215	
175%	
\$67	
\$547	
\$613	

Completed	
18	
\$1,306	
\$150	
15%	
\$42	
\$306	
\$348	

* Relates to individual efficiency gains

Departmental Reporting

Value and Efficiency Update

Prioritisation and Funding



Name	Category	Total investment	Costs avoided	Capacity increased	Once off saving	Annual saving	FY 1	FY 2	FY 3	Status	Status
35 - Kerbside Domestic Waste, Recycling and Green Waste	Commercial	300				1200		1200	1200	completed	completed
10 - Robotic Land Survey Technology (previously Total Station)	V&E software	42				46		46	46	completed	completed
71 - Property Section Permits - Pathway (2013/14- 32)	V&E software									completed	completed
70 - In-situ Pathway Email Authorisation Function (pending purchase approval) (2013/14-25)	V&E software									completed	completed
63 - Onkanet JDE to sharepoint AD integration (2013/14 -16)	V&E software									completed	completed
109 - Staff directory using sharepoint	V&E software									completed	completed
67 - My Profile/My Site - AD analysis, testing and deployment (2013/14-26)	V&E software									completed	completed
14 - Red Cross Medical Transport service	Service									completed	completed
51 - Recreation centres x 3	Commercial	6				60	60	60	60	completed	completed
56 - Issuing section 7 statements	V&E									completed	completed
57 - School based immunisation program	Service									completed	completed
64 - Just Imagine values roll out	V&E		150							completed	completed
139 - Contract Negotiation	Commercial									completed	completed
142 - Onkanet - Onkaparinga Active community network	V&E									completed	completed
134 - Request for Purchase order details required for FOC	V&E									completed	completed
193 - Council Building Energy and Water Management	V&E									completed	completed
200 - Photos on profiles	V&E software									completed	completed
229 - Ranger requests , customer request creation as 1st point of contact	V&E			15%						completed	completed
33 - Asset management system (cross functional)	V&E software	170		10%		150			150	in progress	in progress
179 - Water Business IT support System (investigation Phase)	V&E software	60								in progress	in progress
143 - New phone system Pilot	V&E software	33								in progress	in progress
2 - Zone Maintenance - scheduling, emergency, scheduled & customer requests	V&E	5	50			40	40	40	40	in progress	in progress
6 - Activity code, labour allocation and job costing	V&E	29	5							in progress	in progress
9 - Motor Vehicle FBT review re operating cost ruling	V&E	20			10	55	55	55	55	in progress	in progress
11 - Plant Utilisation/Sharing Review	V&E	17				200	200	200	200	in progress	in progress
16 - Building inspections (Reg 74 notification only)	V&E	27		33%						in progress	in progress
17 - Building compliance (Essential Safety Provisions, Statements of Compliance & Certificates of Occupancy only)	V&E	5		23%						in progress	in progress
24 - Willunga Golf Course	Commercial	20			2000	250	75	250	250	in progress	in progress
25 - Tourist parks (Moana & Christies)	Commercial	20								in progress	in progress
26 - Review of Commercial lease arrangements	Commercial	10								in progress	in progress
28 - Community land management - management options	Commercial	20			500	75	500	2000	75	in progress	in progress
30 - Library Services Review	Service	52								in progress	in progress
31 - Mobile Library Review	Service	6			85	35	35	35	35	in progress	in progress
32 - Community Information Services (CIS) Review	Service	6								in progress	in progress
36 - Review of Revenue Collection Processes (Previously named Organisational approach to debt collection)	V&E	4				120	20	20	120	in progress	in progress
94 - Expiration of Offences Act procedure review	V&E software	5		77%		50	13	50	50	in progress	in progress
98 - Utilities Review	V&E	4								in progress	in progress
160 - Estimation of cost and time of maintenance work	V&E	4								in progress	in progress
165 - Learning circles process improvement	V&E	14								in progress	in progress
166 - Project review for civil construction	V&E	25								in progress	in progress
168 - Improve budgeting spreadsheet for construction projects	V&E	17								in progress	in progress
215 - Review of Permits & Licensing section on Onkaparingacity.com and integration of the ability for automated bookings from the website.	Commercial	22		1%		3			3	in progress	in progress
242 - GRNI review	V&E		160	1%						in progress	in progress
243 - Tancarp process review and reconciliation	V&E	3			150	25	25	25	25	in progress	in progress
112 - Full cost attribution model for business units actual and budget costs	V&E	17								Scheduled	Scheduled
13 - Community Bus	Service	53		10%		10			50	Scheduled	Scheduled
141 - Onkaparinga Youth Services Management Model Review	Service	6				50				Scheduled	Scheduled
92 - BPI Reporting for CEO and directors online	V&E software	10		10%						Not yet started	Not yet started
19 - Working with Business Partner to streamline and improve development of marketing material and event support including graphic design	V&E	6		20%						Not yet scheduled	Not yet scheduled
Total		\$1,037	\$365	200%	\$2,745	\$2,888	\$358	\$4,576	\$2,973		

Departmental Reporting

Significant Events

Tenders (Tony Bezuidenhout)

We have awarded three of the five remaining tenders, the remaining two are in progress (negotiation phase) and are due to be completed shortly.

Awarded:

1. Supply and Install of ICT Infrastructure - awarded to Datacom.
2. Replacement of Firewalls - awarded to NewEra (formerly known as Editutre).
3. Network equipment refresh for Main office - awarded to Datacom.

The purchase orders have been raised and we are now waiting for the goods to be shipped over the course of the next month or two.

In Progress:

4. Telephony - fixed voice, mobile and data.
5. Wide Area Network (WAN) - ICT Infrastructure connections to 23 council locations.

Other Issues

Enterprise Resource Planning (ERP) (Tony Bezuidenhout)

A project group has been established to determine the best method of implementing and ERP system. A business case will be produced and presented to the Directors Group for consideration - decision gate 1.

Departmental Reporting

Community Relations

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Phone 8384 0569, fax 8382 8744 or email phitay@onkaparinga.sa.gov.au*

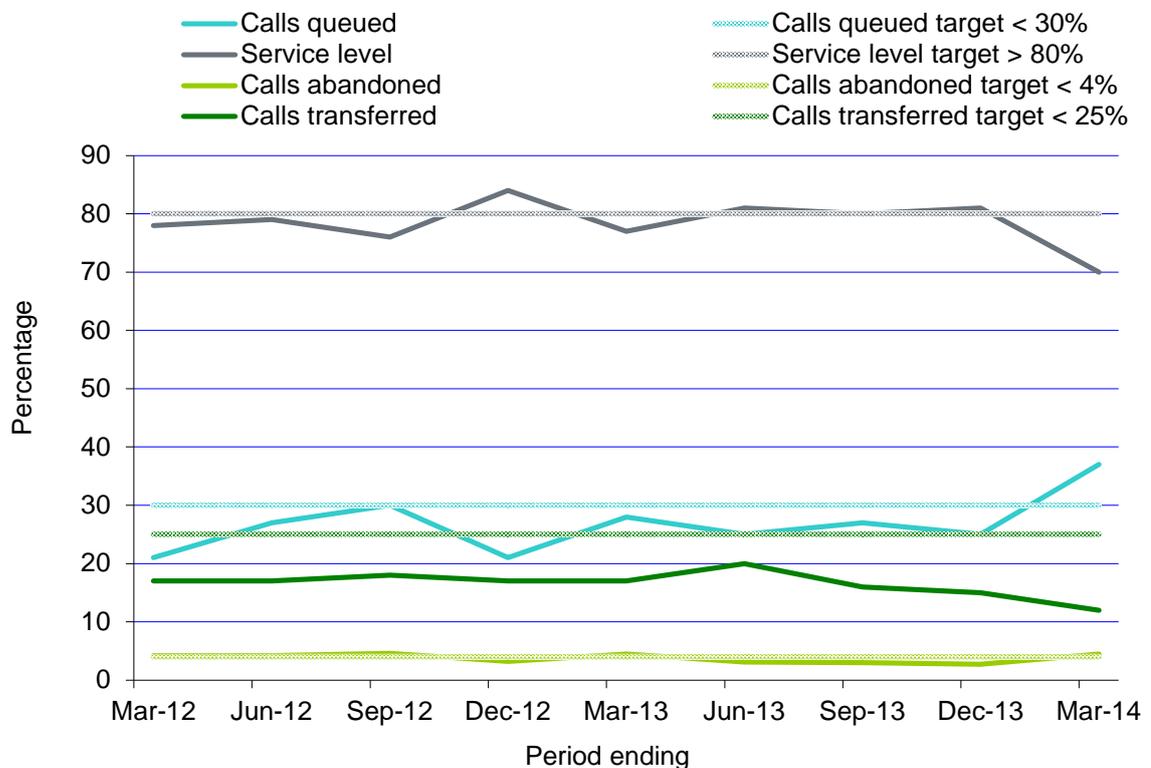
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Key Result Areas / Service Levels / Statistics

Customer Team Performance (Judi Cameron)



The performance of the customer team is monitored through a number of measures provided in the above graph. This service level relates to the number of telephone calls answered within a determined standard. We aim for greater than 80 per cent of all calls answered within 20 seconds, a standard adopted from the Australian Teleservices Association.

The service level for Customer Relations in this quarter is 70 per cent. This is a decrease against our target of 80 per cent.

The decrease is primarily attributable to two significant weather incidents and a number of systems failures, all of which effected the handle time of calls and hence the call wait time for customers.

Departmental Reporting

The call handling time was an average of 4 minutes and 43 seconds. The percentage of telephone calls transferred is 12 per cent this quarter which meets the target of less than 25 per cent.

The percentage of calls abandoned was at 4.5 per cent. During this quarter we received 44,906 calls.

Grants (Dale Sutton)

Table 1 details the \$24,000 in grants we have been successful in attracting this last quarter. Table 2 identifies the \$122,137 our community and neighbourhood centres have attracted over the last three months. The figures in Table 2 are not recorded in our income and expenditure statements but are accounted for in community and neighbourhood centres accounts and annual reports.

Table 1 City of Onkaparinga

<i>Source of grant</i>	<i>Program(s) funded</i>	<i>Amount \$</i>
<i>Federal grants</i>		
N/A	N/A	N/A
<i>State grants</i>		
Office for Youth	National Youth Week Grants	\$4000
Department of Further Education, Employment, Science and Technology (DFEEST)	Career service support for 39 participants	\$20,000
Total		\$24,000

Table 2 Community Centres

<i>Centre</i>	<i>Source of grant</i>	<i>Program funded</i>	<i>Amount \$</i>
Aberfoyle	Skills for all	Digital Literacy	\$25,000
	Department of Further Education, Employment, Science and Technology (DFEEST)	Adult Community Education (ACE) non accredited program	\$25,000
Aldinga	Community Benefits SA	Children's program	\$6270
Christie Downs	DFEEST	(ACE) non accredited program	\$25,000
	Community Benefits SA	Children's Program	\$6300
Hackham West	Communities for Children	BB and GG children's program	\$5175
	Communities for Children	Family Express	\$4392

Departmental Reporting

Reynella	DFEEST	ACE non accredited program	\$25,000
Total			\$122,137

Council to the Community Program (Dale Sutton)

<i>Activity</i>	<i>No. of Activities</i>	<i>No. of participants</i>
Community engagements	7	213
Community forums	3	60
Civic Salad	1	16
E Digest	2	484
Total	13	773

Statistics for web access www.onkapingacity.com (Kym Harvey)

<i>Overview</i>	
Total visits	160,136
Total page views	423,865
<i>Top 10 visited pages</i>	<i>Page views</i>
Home	54,139
Libraries	45,802
Employment opportunities	19,858
Waste collection search	11,697
Waste and recycling	9827
Contact us	9215
About council/contact us	8697
Planning & development	7220
Living here	6339
Australia Day Celebrations	5938
<i>Referring sites - top 10</i>	<i>Visits</i>
Dcw.onkapingacity.com (unity site)	2821
M.facebook.com (mobile site)	1883
Seek.com.au	1623
Onkapinga.opinio.net	1478
Facebook.com	1192
Fleurieupeninsula.com.au	475

Departmental Reporting

Tourdownunder.com.au	335
Weekendnotes.com	323
SACommunity.org	278
Host5.evanced.info	267
<i>Users top 5 countries</i>	
Australia	157,293
United States	718
United Kingdom	277
India	247
Philippines	138

Social media statistics (Kym Harvey)

<i>Facebook</i>	
Total likes	3089 (+45per cent)
New likes	969
<i>Twitter</i>	
Total followers	1080 (+14per cent)
New followers	139
<i>YouTube</i>	
Lifetime views	5402
New views	2182
Likes	28
Comments	2
Shares	30
Lifetime subscribers	10
<i>Top five videos</i>	
Ministry of Food	724
Guinness World Record - surfboards (new link)	531
2014 Love Velo seaside advertisement	337
Guinness World Record - surfboards (old link)	101
Visitor Guide promo	79

Departmental Reporting

Arts Centre Port Noarlunga (Jason Haskett)

<i>Events</i>	<i>Attendance</i>
Out Of the Square (OOTS) Me N' Me Mates	116
OOTS ABBA tribute show	160
OOTS Duo at the Piano	124
OOTS The Borderers tribute show	105
OOTS The Curious Case of Benjamin Hutton (children's show)	41
Regional Surfing Reserve (community meeting)	80
Micro Grom's Presentation night (children's surfing)	150
Art of Rhyme (Youth Arts performance)	90
Break Battle (Youth Arts performance)	50
Exhibition opening Surf (390), Love Struck (620)	1010
Little Fish Theatre Company <i>Romeo & Juliet</i>	65
Library Summer Reading Club Auction	245
State Election Polling Booth	1801
Onkaparinga City Concert Band concert	103
Tatachilla Lutheran College concert	70
Bearded Gypsy Band (live music Program, Rosemount Estate)	150
Slingshot Dragster (Live Music program, Aldinga SLSC)	140
Willunga High School (arts showcase dance, drama, music)	105
Amanda Rishworth (kindy arts show)	250
Total	4,855

Departmental Reporting

Ongoing user groups at the Arts Centre Port Noarlunga (Jason Haskett)

<i>User group</i>	<i>Participants</i>
Noarlunga Theatre Company	120
Quilting (Gallery Quilters)	204
Southern Portrait Group	70
Adult dance - contemporary, jazz ballet and tap	240
Camera Club	960
Gotta Dance for Children	6480
Square Dancing	420
Yoga with Annie Bargery	240
Riverside Artists	120
Emu Tree (music program)	144
SYTE (board) & Little Fish (production company)	204
Therapeutic Sound Bath workshops	300
Expressway Arts	69
Dianne Vaccine (adult art class)	60
Total	9,631

McLaren Vale & Fleurieu Visitor Information Centre (David Mayne)

Visitors	26,957
Counter enquiries	8065
Conference/function bookings	9
Visitor guides distributed	4440
Volunteer hours	2305
Theatre bookings	21
Accommodation bookings/\$value	108/\$32,815

Departmental Reporting

Community Capacity (Terra Lea Ranson)

<i>Activities</i>	<i>No of Activities</i>	<i>No of Participants</i>
Community events	5	2176
Community Development Programs	24	721
Youth Development programs and committees	9	350
Youth events	3	3565
Recreation and Healthy Lifestyles	57	2868
Total	98	9680

<i>Centres</i>	<i>No of Attendances</i>	<i>Hours of usage</i>
Youth	4242	3020
Community	45,923	10,808
Positive Ageing	5596	6776
Total	55,761	20,604

<i>Volunteers</i>	<i>No of volunteers</i>	<i>No of hours</i>
Centres	572	14,731

<i>Services</i>	<i>No of services</i>
Community transport journeys	6171
Number of meals served	9942
Hours of service provided for the ageing	17,157
Hours of services provided for people with disabilities	1709
Hours of service provided for carers	3432

Departmental Reporting

Library statistics (Judi Cameron)

<i>Library activities</i>	<i>Number of activities</i>	<i>Number of participants</i>
Library events	31	599
Babytime/storytime/toddler time	126	2389
Bookgroups	21	149
Outreach events	6	74
Digital literacy training	232	346
Total	416	3,557

Project Reporting

HALO - Healthy Cooking Program for Aboriginal Families in Aldinga (Dan Cowley)

Twenty one local Aboriginal residents attended a HALO five week nutrition and healthy cooking program during February - March 2014. Using the Aldinga Primary School's kitchen facilities, the program was delivered by Sprout Cooking and was created in collaboration with our HALO Program, the Community Development team, as well as Community Foodies and the Aldinga Children's Centre. Dietician and Personal Trainer Themis Chryssidis and Masterchef All Stars winner Callum Hann make up the Sprout Cooking team and the pair had a fun and engaging approach, which ensured the program, was enjoyed by all participants.

Basic nutrition, kitchen skills and healthy cooking were all covered over the five week period. Parents and older children observed cooking demonstrations each evening before cooking from the recipes themselves. At the same time, younger children were worked with a local Community Foodie to participate in some fun nutrition and food related activities. Once all meals were prepared by participants, all families enjoyed the meals together. The program was a huge success, with enthusiastic and consistent attendance every week.

OPAL (Sonya Stanley)

OPAL participated in the City of Onkaparinga's Twilight Earth Fair with a 'Taste and Grow your own Vegies' stall. The activities involved children taste testing a veggie platter then drawing or writing on a river stone to create a 'vegie marker' with their favourite veggie. Each child received an OPAL show bag with a mini packet of vegetable seeds and instructions to take home. A year three Reynella Primary School class worked with the OPAL team and Woodcroft Foodland to promote the 'Make it a fresh snack' initiative. The class undertook curriculum activities on fresh snacks then visited Woodcroft Foodland with the OPAL team and a small group of parents to install the 'Make it a fresh snack' shelf wobblers on the student's favourite fresh snacks.

Transition packs for the Healthy Brekky theme were distributed to local primary schools for Reception and Year 1 students.

Departmental Reporting

The OPAL transition packs included a brekky ideas magnet, parent brochure, water bottle and/or toast stamp. Mayor Lorraine Rosenberg officially launched a new OPAL drinking water fountain at the three Campus Schools (Thiele, Pilgrim and Nativity) to encourage children to drink more water at school. The launch event coincided with the Campus School Sports Day. The OPAL team hosted a free workshop on fundamental movement skills for early childhood educators in the OPAL region.

OPAL staff visited a year 12 Health class at Reynella East College to give an informal presentation on how governments are addressing healthy weight in Australia through public health programs such as OPAL. Dr Rodney Tolley visited the City of Onkaparinga to officially launch the inaugural Making Walking Count with Deputy Mayor Gail Kilby. The OPAL and HALO teams supported implementation of the Making Walking Count international benchmarking survey in Morphett Vale.

Dr Tolley also visited Woodcroft Primary School to pilot a walk to school day and worked with students from Morphett Vale Primary School for the first trial of the Onkaparinga Walkability Tool. These activities build on previous initiatives to create walkable communities in Onkaparinga. Staff from OPAL Central Coordination Unit and the Onkaparinga team coordinated a workshop for staff on Nature Play and children's connections with the natural environment, led by the internationally renowned 'father of nature play', Richard Louv.

Southern Riders Committee (Tyson Brown)

The Southern Riders Committee (SRC) have had a busy start to the year kicking off with supporting Onkaparinga Youth Service with two school holiday activities for BMX, Scooter and Skateboard enthusiasts. The SRC also supported the Australian Scooter Association scooter competition at Seaford Skate Park. This event saw 25 participants from across South Australia compete and display their skills and talents to over 150 spectators.

Whilst assisting with events and programs the SRC have been working alongside the Community Assets team to ensure local BMX track upgrades are significantly influenced by local riders. The SRC attended four sites on March 15, and 16, 2014 and supported approximately 50 young people and their families to contribute to the design and upgrade of the respective BMX tracks and to engage with residents at O'Sullivan's Beach for a proposed new track at Yangarra reserve.

Seaford Family Fun Day (Jolyn Phillipps)

This free event was held at the Seaford library on Thursday January 16, 2014 and was implemented and facilitated by the Seaford Network. It incorporated breakdance workshops, indoor games, online gaming, face painting, story time and children's activities. Seventy six people of all ages enjoyed the variety of activities and the network received a lot of positive.

Art of Rhyme Music Events (Jolyn Phillipps)

This event was a stand out in regards to young people representing hip hop in the south, their own talents and the community. This Art of Rhyme event gave two new performers who had never been on stage, the opportunity to perform in front of their family and friends, which included 63 audience members.

Departmental Reporting

Art of Rhyme Hip Hop/Break Battle Saturday (Jolyn Phillipps)

Thirty three spectators attended an outstanding display of 16 of Adelaide's premier breakers and was further enhanced through the incorporation of different categories known as '7 to Smoke' and '2 on 2 Weapon of Choice'. The judges included Yayo, a nationally recognised break dancer who travelled from Melbourne for the event.

Onkaparinga Youth Committee (OYC) (Alison Hilton)

The OYC have re-launched the One Minute Wonders film competition and have modified and disseminated promotional material to maximise community take up. Three of the previous OYC members were successful in gaining career advancement opportunities and two have commenced internships in Canberra with the Australian Government. Two new members attended the March meeting and an additional five young people expressed an interest in learning more about what OYC does.

Participate and Learn Skills (PALS) Forum (Natasha Moroney)

The annual PALS forum was held on March 5 at the McLaren Vale Fleurieu Visitors Centre with 10 staff attending from Aldinga Community Centre, Hackham West Community Centre and Christie Downs Community House. Topics covered on the day included a reflection on transitioning children to the broader community and targeting what each centre does with the people that need it most, as well as training ideas for staff. A very creative clay making session was led by Hackham West Community Centre, and Christie Downs Community House provided a very informative session on how they evaluate and reflect on their program. The forum completed the day with a Drumbeat workshop.

Southern Sounds (Natasha Moroney)

We were successful in securing a \$4,000 grant from the Office for Youth to deliver mentoring sessions and a live music event during National Youth Week. The Southern Sounds live music event showcased on Saturday, April 12 at The Arts Centre, Port Noarlunga with 180 in attendance. A steering committee of nine young people and stakeholders from Expressway Arts, Junction Australia, The EMU Tree and the Arts and Cultural Development team met weekly to plan and implement the mentoring sessions and the music event. Nine acts of band performances, solo artists and a drumming group showcased the vibrancy and talent of young people as part of the National Youth Week theme 'Our Voice. Our Impact'.

Onkaparinga Community Garden Network Training (Rosalind Clarke)

Training workshops are held quarterly and cover a range of gardening and related topics. They are an opportunity for community gardeners and other interested community members to network and share ideas and knowledge.

Twenty people attended a workshop at Elizabeth House about easy grow wicking beds. Each participant had the opportunity to take home a small garden of their own. Due to demand another workshop was held with 16 people in attendance. At Aldinga Community Garden 10 people attended a workshop which resulted in a large raised wicking bed permanently installed in the garden.

Family Gathering (Rosalind Clarke)

Family Gatherings are a shared dinner traditionally held bi-monthly at Christie Downs Community House. This year the Cultural Diversity Working Group trialled monthly gatherings and they have been attended well.

Departmental Reporting

The gatherings provide an opportunity for new migrants, refugees and other local residents to connect, get to know their local area and develop friendships. On March 14, 45 people connected with the community house for a special Harmony Day dinner which included a drumming workshop.

People Matters—Hackham West (Richard Schirmer)

Projects currently being collaborated on include working on a grant application to install Parkour equipment at Warsaw Crescent Reserve, gaining community ownership around the Reserve upgrade, designing a local walking guide, exploring an artist in residence program for the area and looking at funding to link with the 'Original' Men's shed to build some large outdoor games for local event use.

Leadership Onkaparinga (Joanna Giannes)

The program has commenced with 19 residents. We have six staff undertaking the role of Project Mentor. Project Mentors will support participants' projects and initiatives by sharing their knowledge in their chosen specialisation (through involvement in weekend intensive plus specific contact with participants as required). In this quarter the program has included four weekend intensives and three tutorials. Participants have begun to scope their projects for the application of their learning and integration into their communities.

Our program schedule to date has included the following modules:

Machinery of Government	Haydon Manning Flinders University
Community Plan	Maggie Hine
Community Wellbeing Monitor	Leanne McPhee
Community Research	Monica Moore and Penny Rendle
Governance	Andrea Sargent
Leadership	John Hill, Greg Mortimer, Ruby Worthy, Margaret Stoker
The CCB Framework	Dr Sharon Zivkovic
Community Based Research	Dr Sharon Zivkovic
Understanding the Changing World	Dr Sharon Zivkovic
Participation and Collaboration	Dr Sharon Zivkovic
Managing Place	Dr Sharon Zivkovic
Healthy Communities	Dr Sharon Zivkovic

Pop-up Libraries (Paula Thomas)

Onkaparinga Libraries joined the Activate Ramsay Place program with pop-up libraries. Approximately 40 people attended the final pop-up which showcased the amazing technology in our libraries. The 3D printer demonstration was the superstar of the day along with console games, iPads, items to browse, with plenty of conversations about digital literacy and events taking place in the libraries.

Vale Market (David Mayne)

The Vale Market is held at the McLaren Vale and Fleurieu Visitor Information Centre (VIC) every first and third Sunday has now been operating for almost three months. Overall the feedback received from both site holders and visitors has been very positive, with repeat customers being seen on most market days.

Departmental Reporting

Some market days experienced inclement weather (from extreme heat to thunderstorms), which impacted on attendance numbers and site holder participation.

Attendance over the first quarter has ranged from 600-1800 people and 14-26 site holders. We are continuing to explore opportunities to attract and retain new site holders to provide a diverse and quality range of market produce and products.

Revenue generated in the café and retail side of the VIC on market days has been excellent - resulting in a 100per cent increase in sales across the board.

Public Art Projects (Jane Vergou)

Northern Public Art

The four Northern Public Art projects' development applications are progressing with installation scheduled for June 2014 at:

- Aberfoyle Park Community Centre
Artist: Connie Giacomis and Lucas Robins
Artwork: sculptural stone wall referencing the historical, cultural and ecological themes of Aberfoyle Park
- Woodcroft Community Centre
Artist: Trevor Wren and Danca Gacesa-McLean
Artwork: mixed metal sculptural element referencing local ecological themes, the artwork is titled 'the life cycle'
- Reynella Neighbourhood Centre
Artist: Violet Cooper
Artwork: sculptural elements and signage referencing the 1950's era
- Coromandel Community Centre
Artist: Philip Heart
Artwork: park furniture with ceramic artwork referencing the local historical, cultural and ecological themes

Frank Hilton Reserve

The concept has been selected with artist Lorry Wedding-Marchioro successfully winning the commission. The artwork will consist of sculptural pods which represent the unique fossil life at Maslin's Beach. The artwork is in fabrication with installation to be completed in conjunction with the reserve upgrade in late 2014.

Gemmel Tassie Reserve

This public art project is at concept development stage with the artwork scheduled to be installed with the reserve upgrade in 2014.

Media inquiries (Jim Tsacalakis)

This quarter we managed 75 media inquiries from local, state and national media outlets.

- state election
- signage
- Department for Communities and Social Inclusion funding for community centre
- curfew details of Aldinga Airfield
- coastal fencing project at Sellicks
- fire prevention measures following a spate of arson attacks

Departmental Reporting

- the proposed expansion of the Willunga Farmers Market
- irrigation of Earls Green park in Huntingdale Estate
- comparative development figures
- sponsorship of golf pro-am event at Willunga
- money spent on playgrounds and parks
- McLaren Vale pool petition
- sub-leased storage site containing explosives at Cherry Gardens
- Maslin Beach quarry site
- Aldinga On the Run development application refusal
- Skate Park Implementation Plan.

Positive Media Coverage (Jim Tsacalakis)

Positive media coverage was achieved for the following

- Jamie Oliver's Ministry of Food pop up kitchen
- new waste contract
- Love Velo seaside
- Pure Blonde Stage 5 of the 2014 Santos Tour Down Under
- Australia Day Bush Fair
- Australia Day Citizen of the Year award winner Peter Higgins
- new DrumMuster site in McLaren Vale
- The Vale Market
- Chinese delegation and economic development
- Twilight Earth Fair
- Paws on the Shore
- Child Friendly Cities pilot program.

Onkaparinga Magazine (Jim Tsacalakis)

The summer edition of Onkaparinga Magazine was completed and 70,000 copies distributed in January, 2014.

Highlights in the summer issue included:

- Love Velo seaside
- Australia Day celebrations
- Santos Tour Down Under
- Paws on the Shore
- Onkaparinga Magazine survey
- Noarlunga Leisure Centre upgrade
- Piazza della Valle
- Christie Downs Community House - volunteer article

Departmental Reporting

- Elizabeth House - positive ageing article
- Aldinga Community Shed
- Community and neighbourhood centres and positive ageing centres information
- Seaford Community Centre and Seaford 6-12 School teaching technology partnership
- Waste contract
- Illegal dumping waste management campaign
- Industry leaders group
- BPay view, paying rates online
- Active travel and the new artwork at Robertson Street Reserve
- Onkaparinga walkability tool
- Tier 2 sponsorship of Southern Theatrical Artistic Youth Group 25
- Harmony Day

Significant Events

'The Next Comp' (Tyson Brown)

The Southern Riders Committee delivered a Skate and BMX competition at Seaford Skate Park on February 23. The event included over 40 competitors and in excess of 200 spectators, who enjoyed the DJ and Live band, face painting and engaged in the Instagram photographic competition and a street art/aerosol art demonstration. This has seen the newly formed committee produce quality outcomes for them and their peers on their pursuit to strengthen the image of young people and create opportunities for young people to engage safely in fun and risky activities that complement mainstream formalised activities.

Ramsay Placemaking Project (Wilson Ndung'u)

Ramsay Placemaking Working Group has been busy with the installation of a pop-up piano in Ramsay Place. The piano was donated by a member of the community and painted by community members with the support of a local artist as part of free open air art classes in Ramsay Place. This initiative was part of the invigoration of Ramsay Place and has become a good conversation starter with dozens of people, young and old, stopping by to play, listen and watch.

Activate Ramsay Place program had 35 activities between January and March including:

- Outdoor Cinema event coordinated by Hopgood Theatre/Country Arts SA and supported by City of Onkaparinga. Pre-screening entertainment featured several community groups including Onkaparinga City Concert Band, Adelaide Youth Orchestra, pop-up café, face painting and several local artists with an estimated attendance of 400 people.
- Grand opening of Market to Market, an art and craft market in Ramsay Place featuring 46 specialty stalls, busking, face painting, bouncy castle, clowns and Irish dancing and was attended by an estimated 1000 people. This event was coordinated by an enterprising young person within our region (24 years old) and supported by City of Onkaparinga.

Departmental Reporting

Get Active Feel Healthy (Gail Burns)

Get Active Feel Healthy has offered a wide range of Come and Try activities for the general public to participate in. These have included fitness classes, tennis, pistol shooting for sport, hockey, swimming, lawn bowls and gymnastics. We also delivered very successful come and try surfing and stand up paddle boarding sessions with over 150 participants attending to learn basic techniques and safety instructions at South Port Beach.

Aldinga/Sellicks Community Connections Initiatives (Matt Adams)

Aldinga Surf Cinema and Come and Try Surfing had 32 children participate in the Come and Try Surfing event held on Saturday March 1 at Aldinga Bay. This preceded the Aldinga Summer Cinema event held during the evening at Aldinga Bay Surf Club. Two hundred people supported the event and enjoyed the South Australian Surf themed films and live music.

Twilight Fair (Bridget Coulter)

Over 1000 people attended the Twilight Fair on March 29, 4-8pm to coincide with Earth Hour. The event was led by the Sustainability team and aimed to raise awareness of the green hub building and raise the profile of the services available at Woodcroft Community Centre. The library was popular on the day with around 300 people coming in to see The Amazing Drumming Monkeys and 250 children participating in the trails which included making smoothies on the smoothie bike and building eco-cubbies.

Comic Con (Gillian Craik)

Onkaparinga library staff worked at the Public Libraries SA stand at Comic Con on April 5-6 and was a huge success. Staff spoke to nearly 4000 people about the One Card library network and promoted the wide variety of collections, services and events available in public libraries across the state.

National Youth Week (Paula Thomas)

Our libraries celebrated National Youth Week April 4-13 where 471 young people participated in eight events. There were lots of opportunities for our young people to showcase their talents, explore their interests, and have their voices heard within the theme of 'Our Voice, Our Impact'. Noarlunga library had a lock-in Girls Night in and a visit from the Pulp Fiction Comic Book store. Woodcroft library was transformed into the blocky world of Minecraft for a great night. Aldinga library offered giant games including a cool Driver Simulator. Willunga library hosted the Willunga High School band and Art Show and the Hub library set up a photo booth. Seaford threw a fun photo mash-up competition as well as an end of term quiz.

Breakaway events (Johanna Bennett)

Over the January long weekend we delivered our Breakaway event series which included Love Velo seaside, Pure Blonde Stage 5 of the 2014 Santos Tour Down Under (TDU) and our Australia Day Bush Fair and fireworks.

Love Velo seaside

Love Velo seaside was held on Friday, January 24 and was SA's first longest silver service dinner on Port Willunga beach.

Departmental Reporting

Approximately 550 people attended the sold out event. Guests enjoyed a three course menu and dined with TV personalities including Phil and Amity Dry from The Block, Cosi Costello from South Aussie with Cosi and popular sports personality, Mark Bickley.

We worked with Willunga Farmers Market to source the regional produce used in the menu and five local wineries and one local brewery to create the beach bar.

Entertainment included performances by E-type jazz, roving fire jugglers, race highlights on a giant TV screen and light projections over the cliffs and caves.

Pure Blonde Stage 5 of the 2014 Santos TDU

125,000 spectators attended Pure Blonde Stage 5 on Saturday, January 25.

The race started in McLaren Vale, travelled to Snapper Point Aldinga Beach for sprints, through Willunga before climbing to the hill top finish for the third year on Willunga Hill.

We supported and worked with the local business associations to decorate the townships and deliver family friendly community events on race day including:

- The Park Party at Ellis Park, McLaren Vale
- The Beach Party at Snapper Point, Aldinga Beach
- The Peloton picnic at the Old Courthouse Grounds, Willunga.

Our stage of the TDU was broadcast live across the nation and overseas once again, providing invaluable coverage of our coastline, vineyards and native vegetation.

Mayor Rosenberg presented the stage 5 winner with a regional trophy - a custom made penny farthing wine rack created by local artist, Rod Manning.

Our 2014 Pure Blonde Stage 5 associated event sponsors were Air Diffusion Agencies, Channel 9, Staging Connections, Trility, Leconfield, Swell Brewery and Willunga Farmers Market.

Australia Day Bush Fair and fireworks

Our annual Australia Day Bush Fair was held on Sunday, January 26 at South Adelaide Football Club oval with approximately 12,500 people in attendance. This year we introduced a gold coin entry to help provide more activities and entertainment, and collected just over \$6500.

All activities and games were free and entertainment included guest MC Cosi, performances by Oz Rock Live and The Amazing Drumming Monkeys. Mayor Rosenberg presented the Australia Day Awards on stage.

The evening concluded with a 12 minute 3D fireworks display synchronised to music.

A special thank you to South Adelaide Football Club for their support.

Huge November and Breakaway events volunteer and sponsor thank you event

Approximately 110 people attended our annual volunteer and sponsor thank you event held at the McLaren Vale and Fleurieu Visitor Information Centre on Friday, March 28. Mayor Rosenberg, Cr Daryl Parslow, Cr Gail Kilby, Cr Heather Merritt and Cr Heidi Greaves supported with the barbecue service for guests.

We recognised and celebrated the outstanding volunteer and sponsor support for our Huge November (Christmas Pageant, Beachside Food and Wine Festival and International Sand Sculpture Exhibition) and Breakaway events (Pure Blonde Stage 5 associated events and Australia Day Bush Fair and fireworks).

Departmental Reporting

Mayor Rosenberg presented certificates of appreciation to:

- 18 volunteers, 10 sponsors and 5 recognitions of support for our Huge November events
- 103 volunteers, 13 sponsors and 5 recognitions of support for our Breakaway events

Events South Australia presented McLaren Vale with the award for the Santos Best Dressed Town for Pure Blonde Stage 5.

Departmental Reporting

CEO Unit

Maggie Hine, Manager Strategy & Sustainability

Phone 8384 0618, Fax 8382 8744 or email maghin@onkaparinga.sa.gov.au

Project Reporting

2014 State Election (Ben Calder)

The South Australian State Election was held on March 15, 2014. During the election campaign analysis was undertaken of announcements by the major parties and their relevance to the City of Onkaparinga. This focussed on:

- commitments relevant to council's priorities identified in the Investment Partnership Priorities 2014
- the alignment of party policy platforms with the Community Plan 2035
- specific announcements directly relevant to the city.

The analysis was published on our website and updated over the course of the election campaign. It will now be used to inform advocacy work with the South Australian Government.

Strategic Framework (Paul Tulloch)

Revised Policy Principles were reviewed by the Strategic Directions Committee with the intention of applying these principles in the ten lead strategies identified in the Community Plan 2035. Some of the ten strategies and policy principles will be considered by Council in July 2014. The policy principles will provide a comprehensive and consistent base for determining the best course of action in strategic and management plans, projects and programs and everyday situations.

The Strategic Planning Guidelines have been updated and strategy leaders throughout the organisation meet regularly to discuss issues around development of quality strategic plans that deliver the communities' objectives, as outlined in the Community Plan 2035.

Greenhouse Gas Inventory (Jenni McGlennon)

The carbon footprint of our organisation has been compiled and analysed and was presented to Council on March 11, 2014. Our emissions for 2012-13 were 10,005 tonnes CO₂e which was a reduction of 237 tonne on the previous year and a 30 per cent reduction on our baseline year of 2009-10. We purchased accredited GreenPower to offset 35per cent of our electricity use.

We are making progress towards our 20 per cent energy reduction target in buildings with an 8.6 per cent reduction in electricity use in our top seven buildings. We also generated 60 per cent less construction waste than the previous year by modifying how we excavate sites. Of the construction waste we produce, we reprocess and reuse 98 per cent of it in our landscaping and road maintenance operations.

Our Corporate Greenhouse Gas Emissions Inventory aligns with the national greenhouse accounting standard.

Departmental Reporting

Stats and facts (Lok Chiu)

The Stats and Facts page on the council website is being progressively updated. Recently updated sections of the website include 'Corporate Statistics 2012-13', 'How to use statistics' and the demographic information, which is now listed under the headings of 'Our Land' and 'Our People'. 'Our Land' includes information on the new Australian Bureau of Statistics geographic definitions while 'Our People' incorporates population data from the 2011 Census.

Resilient South (Natalie Stalenberg)

The Resilient South Project will develop a Regional Climate Change Adaptation Plan for the southern Adelaide region (covering the Cities of Holdfast Bay, Marion, Mitcham and Onkaparinga, jointly referred to as the 'Resilient South project partner councils'), aiming to deliver a consolidated source of scientifically rigorous information about climate change risks, opportunities and vulnerabilities for specific sectors with detailed recommendations for adaptation options. The project is funded jointly by the participating partner councils, the South Australian Government and the Australian Government (through its Natural Disaster Resilience Grants Scheme).

During the first quarter of 2014 the project completed the following milestones:

1. Three Integrated Vulnerability Assessment workshops - almost 60 Project Champions attended over three workshops in February 2014. These workshops were designed to assess the degree to which the region's economic and infrastructure, environment and natural resources and social and community sectors are vulnerable to certain projected climate impacts as well as their adaptive capacity to those impacts.
2. Joint elected member workshop with representatives from each of the Partner Councils - elected members heard about the initial findings of the Integrated Vulnerability Assessment and began the conversation about potential adaptation actions for the regional adaptation plan.
3. Completion of the reports: Climate Change Risks, Opportunities and Vulnerabilities in the Southern Region and the accompanying Technical Report Climate Change Risks, Opportunities and Vulnerabilities in the Southern Region. Both reports are scheduled for the Strategic Directions Committee meeting on May 6, 2014.
4. Development of two 'Take away' exercises to guide Project Champions in their climate change discussions in the community. See www.resilientsouth.com
5. Draft Resilient South Newsletter 3 to be distributed in late April 2014.

The development of the Resilient South Climate Change Adaptation Action Plan will get underway in earnest with a workshop of around 60 Project Champions in early May 2014. The plan is expected to be presented to Council in August 2014.

NRM Education (Jason Tyndall)

The NRM Education Team has had a busy start to the year visiting education sites across the council area to plan for school-based sustainability initiatives for 2014.

In March, we facilitated a sharing session on Nature Play Design at Woodcroft Primary School with 60 educators in attendance. In addition, we also held another two professional development sessions (Flaxmill Preschools and Bain Road Preschool) on nature play with a further 60 participants.

Departmental Reporting

In 2014 NRM Education began to implement our Youth Environmental Leadership Program which brings schools together from across the southern region to learn about sustainability with a focus on nature. So far two events have been coordinated at Cleland Conservation Park and Woodcroft/Morphett Vale Community Centre. In total 90 students from 15 schools attended. The aim of the days was to inspire students to begin and continue sustainability initiatives at their school.

Nature Play (Tracy Fulton)

Nature play is a concept to encourage children to spend more time playing outdoors using their imaginations in a natural setting. It inspires open-ended possibilities for self-designed play, creativity, learning and socialising.

As part of the state government *Healthy and Strong Children Policy*, a new organisation called Nature Play SA has been established. It follows a very successful model in WA to encourage families to discover the beauty of getting dirty in an outdoor adventure and less time dominated by screens. Opportunities include free passes to SA parks, a dedicated website about what to do and where to go and a passport for kids to fill in when they've completed simple, fun activities such as climbing a tree or building a sandcastle. NRM Education will be the key liaison with Nature Play SA and local government.

On 3 February, staff from across the organisation took part in a workshop facilitated by the Sustainability team, NRM Education and OPAL. They had the opportunity through some fun sand play to create natural play spaces for children which spurred some exciting ideas and thought provoking feedback for how to integrate nature play into our open space planning.

A project team has now been created that will meet regularly to ensure that opportunities to integrate nature play into existing programs are identified, the relevant staff from across the organisation are engaged and promotional opportunities are captured.

A nature play 'Wildzone Adventure' day is being held on Sunday 27 April, 1-4:30pm at Wilfred Taylor Reserve, Morphett Vale as part of the Sustainable Onkaparinga program of workshops and events. Families will have the opportunity to 'come and try' a range of free activities such as creek discovery, birds nest building, find out about bugs and native animals, nature art and mud fun to inspire them with outdoor play ideas in a natural setting.

Significant Events

Twilight Earth Fair (Tracy Fulton)

On Saturday 29 March we held our first Twilight Earth Fair at Woodcroft Community Centre. The aim of the event was to increase visitor numbers to our flagship green hub, and the date was chosen to coincide with the global Earth Hour event.

The Earth Fair was organised by the Centre's Green Team, made up of staff from Woodcroft Morphett Vale Neighbourhood Centre, Woodcroft Library, Woodcroft Customer Relations and Sustainability. We presented a screening of the new "It's Lights Out for the Reef" documentary, received gardening advice from ABC Radio's Sophie Thomson, and presented lots of entertainment and activities including 40 environment and community stalls, cubby building, a solar car, nature play sessions and tours of the centre's sustainability features and a creek discovery tour.

Departmental Reporting

The event was extremely successful with over 1200 people attending, many of whom had never visited the centre or used its facilities previously. As well as anecdotal feedback on the night, there was a great reaction to the event on Facebook, with people saying how fun and informative the event was. Visitor numbers to the centre will be tracked over the next few months to determine if there is any increase due to the event.

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9.2 Annual Delegations Review - 2013-2014

This is a regular or standard report.

Manager:	Andrea Sargent
Report Author:	Kathryn Brown Coordinator, Governance Team
Contact Number:	8384 0760
Attachments:	<ol style="list-style-type: none">1. Delegations Register Part 1 Acts A – E (50 pages)2. Delegations Register Part 2 Acts F – H (25 pages)3. Delegations Register Part 3 Acts I – Q (62 pages)4. Delegations Register Part 4 Acts R – Z (47 pages)5. Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (12 pages)

1. Purpose

Section 44(6) of the *Local Government Act 1999* requires Council to review its delegations at least once every financial year. The updated Delegations Register Parts 1-4 as attached to this report reflect any new and or amended legislative obligations since the last annual review. In order to ensure efficiency and clarity, all existing delegations under review are revoked in their entirety and new delegations put in place by way of a Council resolution.

2. Recommendations

Revocation

That having conducted its annual review of the Council's Delegations Register in accordance with section 44(6) of the *Local Government Act 1999*, the Council:

1. **Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:**
 - ***Development Act 1993 and Development Regulations 2008***
 - ***Dog & Cat Management Act 1995***
 - ***Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010***
 - ***Environment Resources and Development Court Act 1993***
 - ***Expiation of Offences Act 1996***
 - ***Fences Act 1975***
 - ***Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005***
 - ***Food Act 2001***
 - ***Freedom of Information Act 1991***
 - ***Gaming Machines Act 1992***
 - ***Graffiti Control Act 1992***

- ***Harbors and Navigation Act 1993***
- ***Housing Improvement Act 1940***
- ***Land & Business (Sale and Conveyancing) Act 1994***
- ***Liquor Licensing Act 1997***
- ***Local Government Act 1934***
- ***Local Government Act 1999***
- ***Native Vegetation Act 1991***
- ***Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005***
- ***Private Parking Areas Act 1986***
- ***Roads (Opening & Closing) Act 1991***
- ***Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999***
- ***Safe Drinking Water Act 2011***
- ***South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013***
- ***State Records Act 1991***
- ***Supported Residential Facilities Act 1992***
- ***Unclaimed Goods Act 1987***
- ***Water Industry Act 2012 and Water Industry Regulations 2012***
- ***Work Health and Safety Act 2012***

2. Hereby revokes its previous delegations to its Development Assessment Panel under the ***Development Act 1993*** and ***Development Regulations 2008***.

Delegation

3. Delegations made under ***Local Government Act 1999***

In exercise of the power contained in Section 44 of the ***Local Government Act 1999*** the powers and functions under the following Acts and specified in each Instrument of Delegation contained within attachments 1-4 (each of which is individually identified as indicated below) are hereby delegated this 13th day May 2014 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each Instrument of Delegation.

- ***Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*** (Appendix 4 in attachment 1)
- ***Crown Land Management Act 2009*** (Appendix 5 in attachment 1)
- ***Dog & Cat Management Act 1995*** (Appendix 7 in attachment 1)
- ***Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*** (Appendix 8 in attachment 1)

- ***Environment Resources and Development Court Act 1993*** (Appendix 9 in attachment 1)
- ***Expiation of Offences Act 1996*** (Appendix 10 in attachment 1)
- ***Fences Act 1975*** (Appendix 1 in attachment 2)
- ***Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*** (Appendix 2 and 3 in attachment 2)
- ***Freedom of Information Act 1991*** (Appendix 4 in attachment 2)
- ***Gaming Machines Act 1992*** (Appendix 6 in attachment 2)
- ***Graffiti Control Act 1992*** (Appendix 7 in attachment 2)
- ***Harbors and Navigation Act 1993*** (Appendix 8 in attachment 2)
- ***Heavy Vehicle National Law (South Australia) Act 2013*** (Appendix 9 in attachment 2)
- ***Housing Improvement Act 1940*** (Appendix 10 in attachment 2)
- ***Land & Business (Sale & Conveyancing) Act 1994*** (Appendix 1 in attachment 3)
- ***Liquor Licensing Act 1997*** (Appendix 2 in attachment 3)
- ***Local Government Act 1934*** (Appendix 3 in attachment 3)
- ***Local Government Act 1999*** (Appendix 4 in attachment 3)
- ***Native Vegetation Act 1991*** (Appendix 5 in attachment 3)
- ***Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*** (Appendix 6 in attachment 3)
- ***Private Parking Areas Act 1986*** (Appendix 7 in attachment 3)
- ***Roads (Opening and Closing) Act 1991*** (Appendix 1 in attachment 4)
- ***Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*** (Appendix 2 in attachment 4)
- ***South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013*** (Appendix 4 in attachment 4)
- ***State Records Act 1991*** (Appendix 5 in attachment 4)
- ***Unclaimed Goods Act 1987*** (Appendix 7 in attachment 4)
- ***Water Industry Act 2012 and Water Industry Regulations 2012*** (Appendix 8 in attachment 4)
- ***Work Health and Safety Act 2012*** (Appendix 9 in attachment 4)

Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the ***Local Government Act 1999*** as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each Instrument of Delegation.

Delegation to Fire Prevention Officer(s) under Fire and Emergency Services Act 2005

In exercise of the power contained in section 44 of the ***Local Government Act 1999*** the powers and functions under the ***Fire and Emergency Services Act***

2005 and specified in the Instrument of Delegation contained within attachment 2 - Delegations Register Part 2 Acts F – H and marked as Appendix 3 is hereby delegated this 13th day May 2014 to persons occupying the office of Fire Prevention Officer, subject to the conditions and limitations indicated herein or in Schedule B 'Conditions' contained in the Instrument of Delegation.

4. Delegations under *Development Act 1993*

In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the Instrument of Delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 1 Acts A- E and marked as Appendix 2 in attachment 1) are hereby delegated this 13th day of May 2014 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Development Act 1993*.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Development Act 1993*.

In exercise of the powers contained in section 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the Instrument of Delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 1 Acts A - E) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Development Act 1993*.

<i>Development Act 1993 and Regulations 2008</i>		
Sections		
33, 33(1)(c), 33(1)(d), 33(3), 35(2), 37A(5), 37A(6), 38(10)(a) and (b), 38(11), 39(2), 39(4)(a),	39(5), 39(6), 39(7), 39(7)(d), 39(8), 40(3), 42(1) and (3), 42(4), 42(6), 42(8)(b) 50, 50(1), 50(2)(d), 50(3),	50(3a), 50(7), 50(11), 50A(5), 50A(5)(c), 50A(5)(d), 52A(2)(a), 52A(2)(c), 52A(5) Regulations 16(1) and 30(4)

5. Delegations under *Food Act 2001*

In exercise of the powers contained in section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the Instrument of Delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 2 Acts F – H and marked as Appendix 5 in attachment 2) are hereby delegated this 13th day of May 2014 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*), ('the Delegate') and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Food Act 2001*.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Food Act 2001*.

6. Delegations under *Supported Residential Facilities Act 1992*

In exercise of the power contained in section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 4 Acts R – Z and marked as Appendix 6 in attachment 4) are hereby delegated this 13th day of May 2014 to the person occupying the office of Chief Executive Officer, and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

7. Authorisations and sub-delegation under the *Road Traffic Act 1961*

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') (see attachment 5) the Council authorises the following persons 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 persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Steven Day, Bill Cirocco, Chris Haskas, Simon Pettman, Kirk Richardson.

In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Bill Cirocco, Chris Haskas, Simon Pettman, Kirk Richardson.

In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in section 33(1) of the *Road Traffic Act 1961* and delegated to the Council pursuant to Clause G of the Instrument and contained in the Instrument of Sub-delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 1 Acts A - E and marked as Appendix 1) is hereby sub-delegated this 13th day of May 2014 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and**
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-delegation; and**
- (iii) the creation of a separate instrument in writing reflecting such Sub-delegation under the Instrument and this Resolution.**

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

Bill Cirocco, Chris Haskas, Simon Pettman, Kirk Richardson.

8. Delegations under *Safe Drinking Water Act 2011* (of enforcement agency)

In exercise of the power contained in section 43 of the *Safe Drinking Water Act 2011* the powers and functions of the Council as a relevant authority under the *Safe Drinking Water Act 2011* contained in the Instrument of Delegation (annexed to the Report dated May 13, 2014 and entitled Delegations Register Part 4 Acts R - Z and marked as Appendix 3 in attachment 4) are hereby delegated this 13th day of May 2014 to the person occupying the office of Chief Executive Officer, and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Safe Drinking Water Act 2011*.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the *Safe Drinking Water Act 2011*.

9. Policy – Operational Delegations (Appendix 3 in attachment 1)

9.1 By-Laws

The Chief Executive Officer is delegated the power to grant permission under Council by-laws to any person who seeks consent/ permission to undertake an activity that is otherwise prohibited by a provisions of a Council by-law.

This power may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit.

9.2 General Prosecutions/ Representations

In exercise of the powers contained in Section 44(1) of the *Local Government Act 1999* the Council delegates this 13th day of May 2014 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the power under relevant Acts to:

- a) commence a prosecution for a breach of the relevant Statute, where the Statute empowers the Council to commence prosecution for a breach and**
- b) represent the Council or arrange representation for the Council in all proceedings before a Court, other than a Court of Summary Jurisdiction or a Local Court or a superior court, to which the Council is a party, subject to the condition that the Chief Executive Officer is not delegated the power to commence proceedings before the Court, other than a Court of Summary Jurisdiction or a Local Court, on behalf of the Council.**

Such powers may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

3. Background

Section 44 of the *Local Government Act 1999* (the Act) allows a Council to delegate, with conditions or exemptions, its powers and functions to a Council committee, a

Council subsidiary, the Chief Executive Officer or an authorised person. There are also powers and functions that are directly assigned to the CEO by legislation.

New and or updated delegation templates provided by the Local Government Association (LGA) have been used, as appropriate, for this delegations review. The updated Delegations Register Parts 1-4 collectively comprise the proposed delegated authority from Council to the Chief Executive Officer for the purposes of conducting its governing, regulatory and service activities efficiently and effectively. Proposed changes to delegations have occurred for three main reasons:

- legislative changes - either because of the introduction of new Acts or amendment(s) to existing Acts with resulting changes to delegable powers
- a reassessment of powers and functions that could be delegated under existing legislation
- formatting changes, minor wording changes and changes to section titles or numbering in various Acts.

4. Financial Implications

The review of delegations, in accordance with the *Local Government Act 1999*, does not provide any financial implications outside of existing budgets.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Failure to fulfil legislative obligations leading to risk of prosecution, Ombudsman enquiry and or loss of reputation	<p>Inclusion of powers and functions in Council's Delegations Register.</p> <p>Staff expertise or specialisation in different legislative requirements.</p> <p>Internal audit work program includes legislative compliance audits.</p>

Opportunity	
Identify	Maximising the opportunity
Operational efficiencies through the delegation of powers and functions to the CEO which may then also be sub-delegated to appropriate staff.	<p>It is not practical for the Council to perform the many operational activities required in the day to day administration of council.</p> <p>The powers identified in the various delegation templates are considered necessary by the relevant business area(s) to ensure efficient and effective operational responses.</p>

On balance, based on the above, we suggest proceeding as per the recommendations.

6. Additional information

Review process

Governance sought input from all relevant Managers and Directors to affirm for both new and existing legislation:

- if any delegation changes were required and or remained appropriate
- where any powers should not be delegated and remain with Council
- if any organisational or positional amendments were required.

Any changes to existing and or new delegations have been highlighted in red in each Instrument of Delegation contained within attachments 1 - 4.

Summary of key changes

Legislation	Change	Summary
Authorisations under the <i>Road Traffic Act 1961</i>	Amended delegations	The Minister for Transport and Infrastructure has issued a new General Approval and Delegation Instrument which replaces the previous Minister's authorisation dated 2009.
<i>Burial and Cremation Act 2013 and Regulations 2014</i>	New legislation	Previously covered by the <i>Local Government Act 1934</i> . The proposed delegations to the CEO are to ensure continuation of the administration of cemeteries under council's management and control and their operational efficiency.
<i>Crown Land Management Act 2009</i>	New delegations	Proposed delegations are to ensure operational efficiencies and to avoid untimely delays.
<i>Heavy Vehicle National Law (South Australia) Act 2013</i>	New legislation	This Act sets out specific roles: ' regulator ', ' road manager ' and ' road authority '. It also formalises some of the powers that councils have as the "Road Manager" to ask the regulator (NHVR) to approve, amend and disapprove heavy vehicle permits over roads under our control. It is recommended that these powers be delegated so that in the case of a dispute we have a defensible position.
<i>Local Government Act 1934</i>	Amended legislation	The powers and functions regarding cemeteries have been repealed and substituted by <i>the Burial and Cremation Act 2013</i> and associated Regulations.
<i>Local Government Act 1999</i>	Amended legislation	Renumbering, formatting and sections left blank such as Code of Conduct section which has been replaced by the mandatory Code of Conduct.
Other Acts	Existing delegations	A number of minor edits, formatting changes and position titles have been updated to reflect changes in organisational structure.

The following Acts were presented to Council on April 29, 2014 and are therefore not included in this annual review:

- *Community Titles Act 1996*

- *Strata Titles Act 1988*
- *Real Property Act 1886*
- *Residential Parks Act 2007*

These Acts will be incorporated into the finalised Delegations Register Parts 1 - 4.

Next steps

The Delegations Register Parts 1 - 4 **will be updated following Council's** consideration. This will include the inclusion of new sub-delegations arising from new legislation and the revision of existing sub-delegation instruments to ensure the relevant officers have been sub-delegated appropriate powers or functions by the Chief Executive Officer.

City of Onkaparinga

Delegations Register Part 1 Acts A- E

Adopted by Council:

Preamble

Section 44 of the *Local Government Act 1999* allows a Council to delegate (within certain stated conditions or exemptions) its powers, duties or functions to a Council Committee, a Council subsidiary, to the Chief Executive Officer, or an authorised person.

Other Acts and Authorisations that empower Councils to undertake certain functions and activities also include provisions to delegate powers e.g. *Development Act 1993* and the *South Australian Health Act 2012* and Ministerial notices etc.

Policy and/or Operational delegations are also made by Council to assist with the efficient implementation of Council decisions.

This mechanism of delegation allows the Council to focus on policy and strategy and enables day to day operations to be carried out by the Administration.

Section 101 of the *Local Government Act 1999* establishes the authority of the Chief Executive Officer to sub-delegate their powers or functions.

All delegations made by the Council can be revoked at any time and do not, except in limited circumstances, prevent the Council from acting in a matter itself. Also, an officer to whom a delegation has been made may choose not to exercise that delegation and bring a matter direct to Council for direction.

City of Onkaparinga Delegations Register

The delegations register reflects the delegated authority from Council to the Chief Executive Officer.

For the purposes of conducting its governing, regulatory and service activities effectively and efficiently, Council has in place a process of delegation in accordance with Section 44 of the *Local Government Act 1999*.

The City of Onkaparinga Delegations Register comprises of:

- § Statutory delegations (i.e. powers and functions specifically referable to a Section of an Act or a Regulation).
- § A 'Policy/Operations' component, which reflects Council delegations as a result of resolutions or policies without any specific link to an Act.
- § Direct delegations/authorisations made to Council such as those provided by the Minister of Transport and the Board of the Environment Protection Authority.

Annual Review

The Delegations Register is reviewed by Council at least once in every financial year as set out in Section 44(6) of the *Local Government Act 1999*.

Availability of the Delegations Register

The Delegations Register can be viewed on Council's website or is available for inspection at the Principal Office of the Council during ordinary office hours. Hard copy documents are available from the Governance section.

www.onkaparingacity.com

IMPORTANT NOTES

Delegations, Sub-Delegations and Financial Delegations are managed by the Governance Unit.

About this document

This **Preamble** contains important explanatory notes describing how to use and interpret the document

Instruments - list the delegations made by Council to the CEO and the sub-delegations made by the CEO to staff under each Act or Regulation

Schedule A - lists the limitations and conditions of the delegations imposed on the Chief Executive Officer under specific Acts

Schedule B - lists the limitations and conditions of the sub-delegations imposed on staff under specific Acts

Schedule D - lists the delegations to the Council's Development Assessment Panel under the *Development Act 2003*

Note: Standard conditions apply for most Acts and are found after this preamble.

Where different conditions or limitations apply, Schedules will follow the applicable Instrument

Abbreviations

CD - Council cannot delegate

ND - Council has not delegated

Pwr - Power

SCHEDULE OF CONDITIONS	
'A'	
Paragraph(s) in Instrument to which conditions/limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer <i>**Also within the limitations of section 44(3) of the Local Government Act 1999</i>
All	The Delegate in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.

Instrument of Subdelegation to the Chief Executive Officer under the *Road Traffic Act 1961*

**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**

In exercise of the power contained in, and in accordance with, Clause G.1 of the Minister's Instrument, the power contained in Section 33(1) of the *Road Traffic Act 1961* and delegated to the Council pursuant to Clause G of the Minister's Instrument and contained in the Instrument of Subdelegation and in accordance with the resolution made by the City of Onkaparinga ('the Council') is hereby subdelegated this **xxth day of xxxx 201x** to the person occupying the office of Chief Executive Officer, and to any person acting in that office, subject to:

- i. the conditions contained in the Minister's Instrument and
- ii. any conditions contained in the resolution or in the Instrument of Subdelegation.

BACKGROUND

- 1.0 On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the '**Instrument**') containing:
- 1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the *Road Traffic Act 1961* (the '**Act**') for the purposes of the Act; and
- 1.2 Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Subdelegations made by the Council to the Chief Executive Officer of the Council, pursuant to the terms of the Instrument. The Minister's Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS

- 2.0 The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:
- 2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- 2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 of the Instrument, subject to the conditions in Clause G.5 of the Instrument.

CONDITIONS

All paragraphs:

The Delegate in exercising any power, duty or function under delegation from the Council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.

**Authorisations under the *Road Traffic Act 1961* approved by the Chief Executive Officer
made in accordance with
the Instrument of General Approval and Delegation to Council dated 22 August 2013
from the Minister for Transport and Infrastructure**

BACKGROUND

- 1.0 On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the '**Instrument**') containing:
- 1.1 General Approvals by the Minister to the Council in accordance with Section 12 of the *Road Traffic Act 1961* (the '**Act**') for the purposes of the Act; and
- 1.2 Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Authorisations made by the Council to Officers of the council and approved by the Chief Executive Officer on behalf of the Council pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

AUTHORISATIONS

2.0 TRAFFIC CONTROL DEVICES

- 2.1 Pursuant to Clause A of the Instrument the Minister granted the Council approval, for the purposes of Sections 17(1) and (2) of the Act, to install, maintain, alter, operate, or remove, or cause to be installed, maintained, altered, operated or removed, any traffic control device, on, above or near a road which is under the Council's care, control and management subject to the conditions specified in the Instrument, other than those specified in Clause A.8 of the Instrument, or those dealt with in other Clauses of the Instrument.
- 2.2 Pursuant to Clause A.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, provided that such authorisation is made by instrument in writing and approved by the Chief Executive Officer of the Council.
- 2.3 In accordance with Clause A.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council, the following Officers to be **AUTHORISED** to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Instrument, subject to the conditions specified in the Instrument in relation to Clause A of the Instrument:

Steven Day, Bill Cirocco, Chris Haskas, Simon Pettman, Kirk Richardson

3.0 SPEED LIMITS AT WORKS ON ROADS

- 3.1 Pursuant to Clause B of the Instrument, the Minister granted the Council approval, for the purposes of Section 20(2) of the Act, to place signs for the purpose of indicating the maximum speed to be observed by drivers while driving by or towards a work area or a worksite where workers are engaged or works are in progress at the direction of the Council subject to the conditions specified in the Instrument.
- 3.2 Pursuant to Clause B.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 3.3 In accordance with Clause B.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be **AUTHORISED** to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause B of the Instrument, subject to the conditions specified in the Instrument in relation to Clause B of the Instrument:

Bill Cirocco, Chris Haskas, Graham Searle, Ron Ganzevoort, Simon Pettman, Kirk Richardson

4.0 TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS

- 4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument

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

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

Bill Cirocco, Chris Haskas, Graham Searle, Ron Ganzevoort, Simon Pettman, Kirk Richardson

5.0 TEMPORARY PARKING CONTROLS

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

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

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

Bill Cirocco, Chris Haskas, Simon Pettman, Kirk Richardson

6.0 GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.

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

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:

Chris Haskas, Simon Pettman, Kirk Richardson

CONDITIONS

All paragraphs:

The Delegate in exercising any power, duty or function under delegation from the Council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.

Signed: Dated:

Mark Dowd, Chief Executive Officer City of Onkaparinga

Policy / Operational Delegations to the Chief Executive Officer

In exercise of the powers under Section 44 and Section 101 of the *Local Government Act 1999* I, as Chief Executive Officer hereby:

- i. revoke all previous sub-delegations;
- ii. sub-delegate the powers identified in the Head Delegation as are specified to the person holding the positions specified, subject to the conditions and limitations specified in Schedule B to this Instrument.

The sub-delegated powers and functions may be exercised individually by each sub-delegate in respect of any particular matter where the sub-delegate is requiring or proposing to act in the course of their duties.

Signed: Dated:
Mark Dowd, Chief Executive Officer City of Onkaparinga

1.0 BY-LAWS

The Chief Executive Officer is delegated the power to grant permission under Council by-laws to any person who seeks consent/permission to undertake an activity that is otherwise prohibited by a provision of a Council by-law.

This power may be further delegated by the Chief Executive Officer to an officer, or officers, of the Council as the Chief Executive Officer sees fit.

2.0 GENERAL PROSECUTIONS / REPRESENTATIONS

The Chief Executive Officer is granted the power, under relevant Acts (refer to separate 'Matrix') to:

- * commence a prosecution for a breach of a relevant Statute, where a Statute empowers the Council to commence prosecution for the breach and
- * represent the Council, or arrange representation for the Council, in all proceedings before a Court, other than a Court of Summary Jurisdiction or a Local Court or a superior court, to which the Council is a party, subject to the condition that the Chief Executive officer is not delegated the power to commence proceedings before the Court, other than a Court of Summary Jurisdiction or a Local Court, on behalf of the Council.

These powers may be further delegated by the Chief Executive Officer to an officer, or officers, of the Council as the Chief Executive Officer sees fit.

GENERAL PROSECUTIONS - REPRESENTATION

Positions	Community Tiles Act	Development Act & Regulations	Dog & Cat Management Act	Environment Resources & Development Act	Explantation of Offences Act	Fire & Emergency Services Act	Fences Act	Food Act	Freedom of Information Act	Gaming Machines Act	Harbours and Navigation Act	Housing Improvement Act	Land & Business (Sale & Conveyancing) Act	Liquor Licensing Act	Local Government Act 1934	Local Government Act 1999	Native Vegetation Act	Work Health Management Act	Private Parking Safety Act	Roads (Opening & Closing) Act	Road Traffic Act 1961 & Regs	State Records Act	Supported Residential Facilities Act	Unclaimed Goods Act	
Director Peopleand Compliance	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Director Finance and Commercial				Y															Y						
Director City Operations				Y				Y										Y							
Manager Development Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Manager Community Safety				Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Manager Finance																									
Manager Culture and People																	Y								
Team Leader Building and Compliance	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Team Leader Community Health																									
Team Leader Community Rangers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Team Leader Finance_Community Admin																									
Team Leader Revenue																									
General Debtors/ Recoveries Officer																									

SUB-DELEGATION GUIDELINE

DELEGATED OFFICERS to NOTE:

- 1 Sub-delegations may be subject to conditions and limitations determined by Council or specified by regulation.
- 2 As prescribed in section 44(5) of the *Local Government Act 1999* if a power or function is delegated to an employee of the Council, the employee is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function
- 3 Where an officer becomes aware of any legislative amendments which affects their ability to exercise a power or function they should advise their one-up Manager who should contact Governance to request a change to the Delegations Register
- 4 Changes to sub-delegations may be made between annual reviews if required urgently

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **th day of xxxxx 2014** the following powers and functions under the **Burial and Cremation Act 2013** ('the Act') and the **Burial and Cremation Regulations 2014** are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
1	S	8	Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground	
1.1	Pwr	8(2)	The power pursuant to Section 8(2) of the <i>Burial and Cremation Act 2013</i> (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	S	13	Opening of Interment Sites, Exhumation and Re-interment	
2.1	Pwr	13(6)	The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	Chief Executive Officer
3	S	18	Disposal of Unclaimed Cremated Human Remains	
3.1	Pwr	18(2)	The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.	Chief Executive Officer
4	S	19	Establishment of Cemeteries, Natural Burial Grounds and Crematoria	
4.1	Pwr	19	Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	Chief Executive Officer
5	S	20	Power of Councils to Establish and Manage Public Mortuaries	
5.1	Pwr	20	The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.	Chief Executive Officer
6	S	21	Establishment of Mausolea Within Cemeteries	
6.1	Pwr	21	The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.	Chief Executive Officer
7	S	22	Designation of Natural Burial Grounds Within Cemetery	
7.1	Pwr	22	The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	Chief Executive Officer
8	S	23	Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions	
8.1	Pwr	23	The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
9	S	24	Closure of Cemeteries and Natural Burial Grounds	
9.1	Pwr	24(1)	Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:	Chief Executive Officer
9.1.1	Pwr		the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or	Chief Executive Officer
9.1.2	Pwr		50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.	Chief Executive Officer
9.2	Pwr	24(8)	The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	Chief Executive Officer
9.2.1	Pwr		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	Chief Executive Officer
9.2.2	Pwr		discharge the interment right and issue to the former holder, free of charge:	Chief Executive Officer
9.2.2.1	Pwr		a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	Chief Executive Officer
9.2.2.2	Pwr		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.	Chief Executive Officer
9.3	Pwr	24(9)	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	Chief Executive Officer
9.3.1	Pwr		discharge the interment right and issue to the former holder, free of charge:	Chief Executive Officer
9.3.1.1	Pwr		a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	Chief Executive Officer
9.3.1.2	Pwr		if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground; and	Chief Executive Officer
9.3.2	Pwr		remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and	Chief Executive Officer
9.3.3	Pwr		remove any memorial erected at the original interment site and re-position the memorial at the new interment site.	Chief Executive Officer
9.4	Pwr	24(10)	The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	Chief Executive Officer
9.5	Pwr	24(12)	The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
10	S	25	Dedication of Closed Council Cemeteries as Park Lands	
10.1	Pwr	25(4)	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:	Chief Executive Officer
10.1.1	Pwr		remove memorials to deceased persons;	Chief Executive Officer
10.1.2	Pwr		relocate memorials to deceased persons in the park lands;	Chief Executive Officer
10.1.3	Pwr		replace memorials to deceased persons with some other form of memorial in the park lands.	Chief Executive Officer
11	S	26	Conversion of Closed Cemeteries into Public Parks or Gardens	
11.1	Pwr	26(2)	The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.	Chief Executive Officer
11.2	Pwr	26(6)	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:	Chief Executive Officer
11.2.1	Pwr		remove memorials to deceased persons;	Chief Executive Officer
11.2.2	Pwr		relocate memorials to deceased persons in the park or garden;	Chief Executive Officer
11.2.3	Pwr		replace memorials to deceased persons with some other form of memorial in the park or garden.	Chief Executive Officer
12	S	27	Powers of Relevant Authorities in Relation to Closed Cemeteries	
12.1	Pwr	27(1)	The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:	Chief Executive Officer
12.1.1	Pwr		construct roads and pathways on the land; and	Chief Executive Officer
12.1.2	Pwr		erect or construct buildings or structures on the land; and	Chief Executive Officer
12.1.3	Pwr		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	Chief Executive Officer
12.1.4	Pwr		erect lighting, seating and any other infrastructure or public amenity; and	Chief Executive Officer
12.1.5	Pwr		take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	Chief Executive Officer
13	S	30	Issue of Interment Rights	
13.1	Pwr	30(1)	Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	Chief Executive Officer
13.1.1	Pwr		identifies the person to whom the interment right is issued; and	Chief Executive Officer
13.1.2	Pwr		identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and	Chief Executive Officer
13.1.3	Pwr		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	Chief Executive Officer
13.1.4	Pwr		specifies the period for which the interment right is granted; and	Chief Executive Officer
13.1.5	Pwr		sets out the rights to renewal of the interment right; and	Chief Executive Officer
13.1.6	Pwr		specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
13.2	Pwr	30(3)	The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	Chief Executive Officer
13.3	Pwr	30(4)	Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.	Chief Executive Officer
13.4	Pwr	30(5)	The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	Chief Executive Officer
14	S	31	Duration of Interment Rights	
14.1	Pwr	31	The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	Chief Executive Officer
14.1.1	Pwr		for the period specified in the interment right; or	Chief Executive Officer
14.1.2	Pwr		in perpetuity.	Chief Executive Officer
15	S		Renewal of Interment Rights	
15.1	Pwr	32(1)	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	Chief Executive Officer
15.2	Pwr	32(1)	The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.	Chief Executive Officer
16	S	33	Transfer of Interment Rights	
16.1	Pwr	33(1)	The power pursuant to Section 33(1) of the Act to transfer an interment right.	Chief Executive Officer
17	S	38	Re-use of Internment Sites	
17.1	Pwr	38(1)	Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:	Chief Executive Officer
17.1.1	Pwr		re-use the internment site to which the interment right related; and	Chief Executive Officer
17.1.2	Pwr		remove any memorial to a deceased person erected on or at the site.	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
18	S	39	Ownership of Memorial	
18.1	Pwr	39(2)	The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	Chief Executive Officer
19	S	40	Duty to Maintain Memorial	
19.1	Pwr	40	The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	Chief Executive Officer
20	S	41	Power to Require Repair, Removal or Reinstatement of Memorial	
20.1	Pwr	41(1)	The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice	Chief Executive Officer
20.2	Pwr	41(2)	The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	Chief Executive Officer
20.3	Pwr	41(3)	The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:	Chief Executive Officer
20.3.1	Pwr		a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and	Chief Executive Officer
20.3.2	Pwr		urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
21	S	42	Power of Relevant Authority to Dispose of Unclaimed Memorial	
21.1	Pwr	42(1)	The power pursuant to Section 42(1) of the Act, if:	Chief Executive Officer
21.1.1	Pwr		2 years or more have elapsed:	Chief Executive Officer
21.1.1.1	Pwr		since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or	Chief Executive Officer
21.1.1.2	Pwr		since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and	Chief Executive Officer
21.1.2	Pwr		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	Chief Executive Officer
21.1.3	Pwr		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:	Chief Executive Officer
21.1.3.1	Pwr		by public advertisement in a newspaper circulating throughout the State; and	Chief Executive Officer
21.1.3.2	Pwr		by written notice affixed to the memorial; and	Chief Executive Officer
21.1.4	Pwr		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	Chief Executive Officer
21.1.5	Pwr		6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,	Chief Executive Officer
	Pwr		to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.	Chief Executive Officer
22	S	43	General Powers of Relevant Authority	

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
22.1	Pwr	43	The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:	Chief Executive Officer
22.1.1	Pwr		enlarge the cemetery, natural burial ground or crematorium; and	Chief Executive Officer
22.1.2	Pwr		improve or embellish the cemetery, natural burial ground or crematorium; and	Chief Executive Officer
22.1.3	Pwr		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	Chief Executive Officer
22.1.4	Pwr		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.	Chief Executive Officer
23	S	45	Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground	
23.1	Pwr	45(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
24	S	46	Neglected Cemeteries and Natural Burial Grounds	
24.1	Pwr	46(1)	The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	Chief Executive Officer
24.1.1	Pwr		the delegate is of the opinion that a cemetery or natural burial ground within its area:	Chief Executive Officer
24.1.1.1	Pwr		is in a neglected condition; or	Chief Executive Officer
24.1.1.2	Pwr		fails in any manner to comply with the requirements of this Act;	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
24.2	Pwr	46(3)	The power pursuant to Section 46(3) of the Act, if:	Chief Executive Officer
24.2.1	Pwr		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	Chief Executive Officer
24.2.2	Pwr		no application for review of the decision to give the notice is made within 14 days after the notice is given,	Chief Executive Officer
	Pwr		to have the work carried out.	Chief Executive Officer
24.3	Pwr	46(4)	The power pursuant to Section 46(4) of the Act, if:	Chief Executive Officer
24.3.1	Pwr		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	Chief Executive Officer
24.3.2	Pwr		an application for review of the decision to give the notice is determined in favour of the Council	Chief Executive Officer
	Pwr		to, within 14 days after the determination of the review, have the work carried out.	Chief Executive Officer
24.4	Pwr	46(5)	The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	Chief Executive Officer
25	S	47	Right of Review	
25.1	Pwr	47(1)	The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.	Chief Executive Officer
26	S	48	Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees	

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
26.1	Pwr	48(1)	The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground.	Chief Executive Officer
27	S	49	Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds	
27.1	Pwr	49(1)	Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:	Chief Executive Officer
27.1.1	Pwr		there is no existing relevant authority for the cemetery or natural burial ground; or	Chief Executive Officer
27.1.2	Pwr		the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or	Chief Executive Officer
27.1.3	Pwr		the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.	Chief Executive Officer
28	S	50	Public Access to Cemeteries, Natural Burial Grounds and Crematoria	
28.1	Pwr	50(2)	The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing 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.	Chief Executive Officer
29	S	51	Disposal of Surplus Cemetery Land, etc	
29.1	Pwr	51(2)	Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.	Chief Executive Officer
30	S	52	Disposal of Land After Closure of Cemetery Etc	
30.1	Pwr	52(1)	The power pursuant to Section 52(1) of the Act, if:	Chief Executive Officer
30.1.1	Pwr		a cemetery or natural burial ground has been closed in accordance with this Act; and	Chief Executive Officer
30.1.2	Pwr		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,	Chief Executive Officer
	Pwr		to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.	Chief Executive Officer
31	S	56	Power of Public Trustee to Act on Behalf of Holder of Interment Right etc	
31.1	Pwr	56(1)	The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	Chief Executive Officer
31.1.1	Pwr		the holder of an interment right in relation to the cemetery or natural burial ground; or	Chief Executive Officer
31.1.2	Pwr		the owner of a memorial erected in a cemetery or natural burial ground,	Chief Executive Officer
	Pwr		fail, to request the Public Trustee act on behalf of the holder or owner.	Chief Executive Officer
32	S	58	Authorised Officers	
32.1	Pwr	58(2)	The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	Chief Executive Officer
32.2	Pwr	58(3)	The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	Chief Executive Officer
32.3	Pwr	58(7)	The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	Chief Executive Officer
BURIAL AND CREMATION REGULATIONS 2014				
33	R	Reg 16	Filling of Sunken Interment Sites	

LEGISLATION			
Instrument	Duty	SECTION	DESCRIPTION
33.1	Pwr	16	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.
34	R	Reg 19	
34.1	Pwr	19(1)	The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:
34.1.1	Pwr		a mausoleum or vault in the cemetery does not comply with the Regulations; or
34.1.2	Pwr		offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,
	Pwr		open the mausoleum or vault and inspect it.
34.2	Pwr	19(2)	The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:
34.2.1	Pwr		the mausoleum or vault does not comply with the Regulations; or
34.2.2	Pwr		offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,
	Pwr		to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.
34.3	Pwr	19(3)	34.3 The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.
35	R	Reg 21	Removal and Disposal of Name Plate etc from Coffin Before Cremation
35.1	Pwr	21	The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:
35.1.1	Pwr		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
35.1.2	Pwr		any other thing that comes into the possession of the Council as a result of a cremation.
36	R	Reg 26	Power of Relevant Authority in Relation to Things on Interment Sites
36.1	Pwr	26	The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:
36.1.1	Pwr		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
36.1.2	Pwr		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.
37	R	Reg 27	Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
37.1	Pwr	27 (1)	The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	Chief Executive Officer

INSTRUMENT OF DELEGATION	
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the XXXX day of XXXXXXXXXXXX 2014, the following powers and functions under the <i>Crown Land Management Act 2009</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>	

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	12	Management Plans	
1	Pwr	12	Where the Minister develops a Management Plan for the management of Crown land leased by or under the care, control and management of the Council, the power:	ND
1.1	Pwr	12(3)(a)	pursuant to Section 12(3)(a) of the <i>Crown Land Management Act 2009</i> (the Act) to consent to the plan relating to that land; and	ND
1.2	Pwr	12(3)(b)	pursuant to Section 12(3)(b) of the Act to consent to or request works to be carried out on the land by the Minister.	ND
2	S	18	Dedicated Land	
2.1	Pwr	18(3)	The power pursuant to Section 18(3) of the Act to consult with the Minister before a dedication to place land under the Council's care, control and management is effected.	Chief Executive Officer
2.2	Pwr	18(5)	The power pursuant to Section 18(5) of the Act to consult with the Minister before the purpose for which land has been dedicated to the Council's care, control and management is altered.	Chief Executive Officer
3	S	20	Care, Control and Management of Dedicated Land	
3	Pwr	20(3)	The power pursuant to Section 20(3) of the Act, where land is under the Council's care, control and management, to consult with the Minister prior to the Minister exercising powers under Section 20 of the Act.	Chief Executive Officer
5	S	26	Disposal Subject to Crown Condition Agreement	
5.1	Pwr	26(1)	The power pursuant to Section 26(1) of the Act, where the Minister intends to dispose of Crown land by transfer or grant of the fee simple on condition that the Council enters into a Crown condition agreement, to enter into the Crown condition agreement	Chief Executive Officer
5.2	Pwr	26(3)	The power pursuant to Section 26(3) of the Act, where a Crown condition agreement is entered into:	Chief Executive Officer
5.2.1	Pwr		to vary or revoke the agreement by agreement with the Minister;	Chief Executive Officer
5.2.2	Pwr		to make application to the court to vary or revoke the agreement.	Chief Executive Officer
6	S	28	Easements	
6.1	Pwr	28(1)	The power pursuant to Section 28(1) of the Act, to request an easement in, or over, Crown land.	Chief Executive Officer
6.2	Pwr	28(2)	The power pursuant to Section 28(2) of the Act, where the Council has an interest in, or rights in relation to, land the subject of the proposed easement, to consent to the grant of the easement.	Chief Executive Officer
7	S	37	Surrenders	
7	Pwr	37(1)	The power pursuant to Section 37(1) of the Act, where the Council has a registered interest in, or Caveat lodged over, a lease and the lease is to be wholly or partially surrendered, to consent to that surrender.	Chief Executive Officer
8	S	46	Licences	
8	Pwr	46	The power pursuant to Section 46 of the Act to request that the Minister grants a licence to the Council in relation to Crown land.	Chief Executive Officer
10	S	59	Waterfront Land	
10	Pwr	59(1)	The power pursuant to Section 59(1) of the Act, and subject to Section 59(3) of the Act, where the Minister proposes to lease or dispose of waterfront land, to make written submissions to the Minister in relation to the proposal within the period specified in the Notice.	Chief Executive Officer

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
11	S	60	Offences	
11	Pwr	60(2)	The power pursuant to Section 60(2) of the Act, where the Council is the custodian of dedicated land, to make written request to the Minister for a declaration that Division 5 of Part 4 of the Act applies to that land.	Chief Executive Officer
12	S	65	Applications for Review	
12	Pwr	65(1)	The power pursuant to Section 65(1) of the Act to make applications for review to the Minister:	Chief Executive Officer
12.1	Pwr		where the Council is the holder of a lease, for review of a determination as to the current market rent applicable in relation to the lease or the market value of any improvements made to the land subject to the lease;	Chief Executive Officer
12.2	Pwr		where the Council has applied for consent of the Minister under Section 22 of the Act and that consent is refused, for a review of that determination of the Minister;	Chief Executive Officer
12.3	Pwr		where the Council is the holder of a lease, for a review of	Chief Executive Officer
12.3.1	Pwr		a determination of the Minister to cancel the lease or resume land subject to the lease; or	Chief Executive Officer
12.3.2	Pwr		the terms and conditions of a new lease granted by the Minister in accordance with Section 38(4)(b) following the resumption of land;	Chief Executive Officer
12.4	Pwr		where the Council is served a remediation notice under Section 57 of the Act, for a review of the notice;	Chief Executive Officer
12.5	Pwr		where the Council is required to lodge a financial assurance with the Minister under Section 58 of the Act, for a review of that requirement; or	Chief Executive Officer
12.6	Pwr		where the Council is required to remove property or fixtures by notice under Section 74(1) of the Act, for a review of the notice.	Chief Executive Officer
13	S	66	Valuation Reviews	
13	Pwr	66(1)	The power pursuant to and in accordance with Section 66(1) of the Act, and subject to Section 66(2) of the Act, where the Council has applied for a review under Section 65(1)(a) of the Act and is dissatisfied with the determination made by the Minister to apply to the Minister for a valuation review.	Chief Executive Officer
14	S	67	Valuation Appeal	
14	Pwr	67(1)	The power pursuant to Section 67(1) of the Act, where the Council has applied for a review under Section 65(1)(a) of the Act and is dissatisfied with the determination made on the review or the determination on a valuation review under Section 66 of the Act, to appeal to the court against the determination.	Chief Executive Officer

SCHEDULE OF CONDITIONS	
'A'	
Paragraph(s) in Instrument to which conditions/ limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer **Also within the limitations of section 44(3) of the <i>Local Government Act 1999</i>
All	The Delegate in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.
Instrument 9	Remediation of land (Section 57) to be exercised only to the extent that the expenditure is specified in a budget adopted by Council.

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxxx 2014**, the following powers and functions under the *Development Act 1993* ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the Schedule of Conditions contained in the Instrument of Delegation under the *Development Act 1993*.

LEGISLATION				
Instrument Number	Duty	Section	Description	
1	S	6	Concept of Change in the Use of Land	
1.1	Pwr	6(3)	The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months	Chief Executive Officer
1.1.1	Pwr	6(3)	to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and	Chief Executive Officer
1.1.2	Pwr	6(3)	to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.	Chief Executive Officer
2	S	18	Appointment of Authorised Officers	
2.1	Pwr	18(1)	The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	Chief Executive Officer
2.2	Pwr	18(2)	The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	Chief Executive Officer
2.4	Pwr	18(5)	The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	Chief Executive Officer
4	S	24	Council or Minister May Amend a Development Plan	
4.1	Pwr	24(1)(a) (i)	Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	Chief Executive Officer
4.2	Pwr	24(1)(a) (i)	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	Chief Executive Officer
4.3	Pwr	24(1)(b) (ii)	Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	Chief Executive Officer
4.4	Pwr	24(1a)	The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	Chief Executive Officer
4.5	Pwr	24(1)(a)(iva)	The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	ND
4.6	Pwr	24(1b)	The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	Chief Executive Officer
4.7	Pwr	24(2a)	The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	Chief Executive Officer
5	S	25	Amendments by a Council	
5.1	Pwr	25(1)	The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	Chief Executive Officer
5.2	Pwr	25(1)	The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	Chief Executive Officer
5.3	Pwr	25(3)	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
5.3.1	Pwr		the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;	Chief Executive Officer
5.3.2	Pwr		the DPA must include an assessment of the extent to which the proposed amendment:	Chief Executive Officer
5.3.2.1	Pwr		accords with the Planning Strategy; and	Chief Executive Officer
5.3.2.2	Pwr		accords with the Statement of Intent; and	Chief Executive Officer
5.3.2.3	Pwr		accords with other parts of the Development Plan; and	Chief Executive Officer
5.3.2.4	Pwr		complements the policies in the Development Plans for adjoining areas; and	Chief Executive Officer
5.3.2.5	Pwr		satisfies the matters prescribed in the Regulations;	Chief Executive Officer
5.3.3	Pwr		the DPA must include:	Chief Executive Officer
5.3.3.1	Pwr		an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and	Chief Executive Officer
5.3.3.2	Pwr		a summary of the conclusions drawn from the investigations and assessments referred to above; and	Chief Executive Officer
5.3.3.3	Pwr		a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);	Chief Executive Officer
5.3.4	Pwr		the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;	Chief Executive Officer
5.3.5	Pwr		the DPA must include any other matter prescribed by the Regulations.	Chief Executive Officer
5.4	Pwr	25(3)(a)	The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	Chief Executive Officer
5.6	Pwr	25(5)	The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	Chief Executive Officer
5.8	Pwr	25(6)	The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	Chief Executive Officer
5.9			Process A	
5.9.2	Pwr	25(7)(b)	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	Chief Executive Officer
5.9.3	Pwr	25(7)(c)	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	Chief Executive Officer
5.10			Process B	
5.10.2	Pwr	25(8)(a)	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	Chief Executive Officer
5.10.4	Pwr	25(8)(b) (i)	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.	Chief Executive Officer
5.11			Process C	

LEGISLATION				
Instrument Number	Duty	Section	Description	id
5.11.1	Pwr	25(9)(a)	The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.	Chief Executive Officer
5.17	Pwr	25(13)(b)	The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	ND
5.19	Pwr	25(15) (d), 25(15)(f)	The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	Chief Executive Officer
5.20	Pwr	25(21)	The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	Chief Executive Officer
5.21	Pwr	25(23)	The power pursuant to Section 25(23) of the Act to consult with the Minister.	Chief Executive Officer
6	S	26	Amendments by the Minister	
6.1	Pwr	26(5)(d) (i)	The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Chief Executive Officer
6.2	Pwr	26(5a)(a)	The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	Chief Executive Officer
6.3	Pwr	26(5b)(a)	The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	Chief Executive Officer
6.4	Pwr	26(12)	The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	Chief Executive Officer
6.5	Pwr	26(12)	The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	Chief Executive Officer
7	S	27	Parliamentary Scrutiny	
7.1	Pwr	27(6)	The power pursuant to Section 27(6) of the Act to consult with the Minister.	Chief Executive Officer
8	S	30	Strategic Directions Reports	
8.9	Pwr	30(9)	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:	Chief Executive Officer
8.9.1	Pwr		from a requirement to prepare a particular report under Section 30 of the Act; or	Chief Executive Officer
8.9.2	Pwr		from a particular requirement with respect to a report under Section 30 of the Act.	Chief Executive Officer
8.12	Pwr	30(14)	The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	Chief Executive Officer
8.13	Pwr	30(15)	The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	Chief Executive Officer
10	S	33	Matters Against Which Development Must be Assessed	
10.1	Pwr	33	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):	Chief Executive Officer - refer SCHEDULE A
10.1.1	Pwr		the provisions of the appropriate Development Plan;	Chief Executive Officer - refer SCHEDULE A
10.1.2	Pwr		the provisions of the Building Rules;	Chief Executive Officer - refer SCHEDULE A
10.1.3	Pwr	33(1)(c)	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	Chief Executive Officer - refer SCHEDULE A

LEGISLATION				
Instrument Number	Duty	Section	Description	
10.1.4	Pwr	33(1)(d)	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	Chief Executive Officer - refer SCHEDULE A
10.1.5	Pwr		the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	Chief Executive Officer - refer SCHEDULE A
10.1.6	Pwr		such other matters as may be prescribed.	Chief Executive Officer - refer SCHEDULE A
10.2	Pwr	33(3)	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Chief Executive Officer - refer SCHEDULE A
11	S	34	Determination of Relevant Authority	
11.1	Pwr	34(1)(b) (iii)	The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.	Chief Executive Officer
11.2	Pwr	34(1a)	The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	Chief Executive Officer
11.3	Pwr	34(8a)	The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Chief Executive Officer
11.4	Pwr	34(21)	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel.	Chief Executive Officer
12	S	35	Special Provisions Relating to Assessment Against Development Plans	
12.2	Pwr	35(1b)	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	Chief Executive Officer
12.4	Pwr	35(2)	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	Chief Executive Officer
12.5	Pwr	35(3)(a)	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Chief Executive Officer
12.6	Pwr	35(6)	Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	Chief Executive Officer
13	S	36	Special Provisions Relating to Assessment Against the Building Rules	
13.2	Pwr	36(2)	The power pursuant to and in accordance with Section 36(2) of the Act:	Chief Executive Officer - refer SCHEDULE A
13.2.1	Pwr		to assess whether a development is at variance with the Building Rules;	Chief Executive Officer - refer SCHEDULE A
13.2.2	Pwr		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;	Chief Executive Officer - refer SCHEDULE A
13.2.3	Pwr		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:	Chief Executive Officer - refer SCHEDULE A
13.2.3.1	Pwr		the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or	Chief Executive Officer - refer SCHEDULE A
13.2.3.2	Pwr		in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	Chief Executive Officer - refer SCHEDULE A

LEGISLATION				
Instrument Number	Duty	Section	Description	
13.6	Pwr	36(6)	The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	Chief Executive Officer - refer SCHEDULE A
14	S	37	Consultation With Other Authorities or Agencies	
14.3	Pwr	37(6)	If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	Chief Executive Officer
15	S	37AA	Preliminary Advice and Agreement	
15.1	Pwr	37AA(2) (e)	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	Chief Executive Officer
15.2	Pwr	37AA(4)	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	Chief Executive Officer
16	S	37A	Proposed Development Involving Creation of Fortifications	
16.2	Pwr	37A(2)(b)	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	Chief Executive Officer
17	S	38	Public Notice and Consultation	
17.2.3	Pwr	38(3a)(c)	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	Chief Executive Officer
17.6	Pwr	38(10)(a)	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	Chief Executive Officer
17.10	Pwr	38(17)	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	Chief Executive Officer
17.11	Pwr	38(18)	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	Chief Executive Officer
18	S	39	Application and Provision of Information	
18.1	Pwr	39(2)	The power pursuant to Section 39(2) of the Act to request an applicant to:	Chief Executive Officer
18.1.1	Pwr		provide such additional documents or information to enable assessment of the application;	Chief Executive Officer
18.1.2	Pwr		remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	Chief Executive Officer
18.1.3	Pwr		consult with an authority or body prescribed by the Regulations;	Chief Executive Officer
18.1.4	Pwr		(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	Chief Executive Officer
18.1.5	Pwr		comply with any other requirement prescribed by the Regulations.	Chief Executive Officer
18.3	Pwr		If:	Chief Executive Officer
18.3.1	Pwr	39(2b)(b)	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and	Chief Executive Officer
18.3.2	Pwr	39(2b)(c)	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to;	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
18.3.3	Pwr	39(2b)(d)	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the duty pursuant to Section 39(2b)(d) of the Act, to;	Chief Executive Officer
18.3.4	Pwr		make that request within a period prescribed by the Regulations.	Chief Executive Officer
18.4	Pwr	39(3)(b)	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:	Chief Executive Officer
18.4.1	Pwr	39(3)(b) (ii)	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and	Chief Executive Officer
18.4.2	Pwr		refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	Chief Executive Officer
18.7	Pwr	39(4)(a) and 39(5)	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.	Chief Executive Officer
18.8	Pwr	39(4)(b) and 39(5)	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.	Chief Executive Officer
18.9	Pwr	39(4)(c) and 39(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).	Chief Executive Officer
18.10	Pwr	39(4)(d)	The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	Chief Executive Officer
18.11	Pwr	39(4)(e)	The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Chief Executive Officer
18.12	Pwr	39(7)	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.	Chief Executive Officer
18.13	Pwr	39(7)(c)	The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	Chief Executive Officer
18.14	Pwr	39(7)(d)	The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	Chief Executive Officer
18.15	Pwr	39(6)	Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	Chief Executive Officer
18.16	Pwr	39(8)	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.	Chief Executive Officer
18.17	Pwr	39(9)	The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	Chief Executive Officer - refer SCHEDULE A
19	S	40	Determination of Application	
19.2	Pwr	40(3)	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	Chief Executive Officer - refer SCHEDULE A
21	S	42	Conditions	
21.1	Pwr	42(1) and (3)	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
21.3	Pwr	42(6)	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	Chief Executive Officer - refer SCHEDULE A
21.4	Pwr	42(8)(b)	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.	Chief Executive Officer
22	S	43	Cancellation by a Relevant Authority	
22.1	Pwr	43	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	Chief Executive Officer
23	S	45	Investigation of Development Assessment Performance	
23.1	Pwr	45A(2)	The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	Chief Executive Officer
23.3	Pwr	45A(12)	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	Chief Executive Officer
24	S	49	Crown Development and Public Infrastructure	
24.1	Pwr	49(4a)	The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Chief Executive Officer
24.2	Pwr	49(5)	The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.	Chief Executive Officer
24.3	Pwr	49(9)	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	Chief Executive Officer
25	S	49A	Electricity Infrastructure Development	
25.1	Pwr	49A(4a)	The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.	Chief Executive Officer
25.2	Pwr	49A(5)	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.	Chief Executive Officer
25.3	Pwr	49A(9)	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.	Chief Executive Officer
26	S	50	Open Space Contribution System	
26.1	Pwr	50(1)	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:	Chief Executive Officer
26.1.1	Pwr		that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	Chief Executive Officer
26.1.2	Pwr	50	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or	Chief Executive Officer
26.1.3	Pwr	50(7)	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.	Chief Executive Officer
26.2	Pwr	50(1)	The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.	Chief Executive Officer
26.3	Pwr	50(3) and 50(2)(d)	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	Chief Executive Officer

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Instrument Number	Duty	Section	Description	id
26.4	Pwr	50(3a)	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	Chief Executive Officer
26.5	Pwr	50(10)	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	Chief Executive Officer
26.6	Pwr	50(11)	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	Chief Executive Officer
27	S	50A	Carparking Fund	
27.1	Pwr	50A(1)	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	Chief Executive Officer
27.3	Pwr	50A(5)(c)	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	Chief Executive Officer
27.4	Pwr	50A(5)(d)	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	Chief Executive Officer
27.5	Pwr	50A(5)	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	Chief Executive Officer
27.7	Pwr	50A(7)	The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	Chief Executive Officer
27.8	Pwr	50A(8)	The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	Chief Executive Officer
28	S	50B	Urban Trees Fund	
28.1	Pwr	50B(1)	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	Chief Executive Officer
28.2	Pwr	50B(2)	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	Chief Executive Officer
28.4	Pwr	50B(5)	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	Chief Executive Officer
28.5	Pwr	50B(6)	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:	Chief Executive Officer
28.5.1	Pwr		maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	Chief Executive Officer
28.5.2	Pwr		purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	Chief Executive Officer
30	S	52	Saving Provisions	
30.1	Pwr	52(4)	The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	Chief Executive Officer
31	S	52A	Avoidance of Duplication of Procedures Etc	
31.1	Pwr	52A(2)(a)	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	Chief Executive Officer
31.2	Pwr	52A(2)(b)	The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Chief Executive Officer

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Instrument Number	Duty	Section	Description	
31.3	Pwr	52A(2)(c)	The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	Chief Executive Officer
31.4	Pwr	52A(5)	The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Chief Executive Officer
31.5.2	Pwr	Section 52A(6)(b)	the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	Chief Executive Officer
32	S	53	Requirement to Upgrade Building in Certain Cases	
32.1	Pwr	53A(1)	Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the prescribed date, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	Chief Executive Officer - refer SCHEDULE A
32.2	Pwr	53A(2)	Where an application is made for building rules consent for building work in the nature of an alteration of a kind prescribed by the Regulations to a building constructed before 1 January 1980 the power pursuant to Section 53A(2) to form the opinion that the facilities for access to or within the building for people with disabilities are inadequate and therefore require as a condition of consent that building work or other measures be carried out to the extent reasonably necessary to ensure that the facilities for such access will be adequate.	Chief Executive Officer - refer SCHEDULE A
33	S	54	Urgent Building Work	
33.1	Pwr	54(2)(d)	The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	Chief Executive Officer - refer SCHEDULE A
34	S	55	Action if Development Not Substantially Completed	
34.1	Pwr	55(1)	The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	Chief Executive Officer
34.2	Pwr	55(5)	The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	Chief Executive Officer
34.3	Pwr	55(6)	The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	Chief Executive Officer
35	S	56	Completion of Work	
35.1	Pwr	56(1)	The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	Chief Executive Officer
35.2	Pwr	56(2)	The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.	Chief Executive Officer
35.3	Pwr	56(3)	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	Chief Executive Officer
35.4	Pwr	56(4)	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	Chief Executive Officer
36	S	56A	Council to Establish Development Assessment Panels	
36.6	Pwr	56A(3)(g)	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:	Chief Executive Officer
36.6.1	Pwr		breach of, or failure to comply with, the conditions of appointment; or	Chief Executive Officer

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36.6.2	Pwr		misconduct; or	Chief Executive Officer
36.6.3	Pwr		neglect of duty; or	Chief Executive Officer
36.6.4	Pwr		incapacity to carry out satisfactorily the duty of his or her office; or	Chief Executive Officer
36.6.5	Pwr		failure to carry out satisfactorily the duty of his or her office; or	Chief Executive Officer
36.6.6	Pwr		failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Chief Executive Officer
36.12	Pwr	56A(27)	The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	ND
36.13	Pwr	56A(28)	The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	ND
37	S	56B	Building Rules Assessment Audits	
37.3	Pwr	56B(10)	The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	Chief Executive Officer
37.4	Pwr	56B(14)	The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	Chief Executive Officer
37A	S	56C	Development Plan Assessment Audits	
37A.1	Pwr	56C(2)	The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	Chief Executive Officer
37A.2	Pwr	56C(10)	The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact	Chief Executive Officer
37A.3	Pwr	56C(14)	The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister	Chief Executive Officer
37A.4	Pwr	56C(15)	The power pursuant to Section 56C(15) of the Act to, if	Chief Executive Officer
37A.4.1	Pwr		the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	Chief Executive Officer
37A.4.2	Pwr		the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation	Chief Executive Officer
	Pwr		consult with the Minister.	Chief Executive Officer
38	S	57	Land Management Agreements	
38.1	Pwr	57(2) and 57(2a)	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	Chief Executive Officer
38.4	Pwr	57(3)	The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	Chief Executive Officer
38.5	Pwr	57(5)	The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer
38.6	Pwr	57(8)	The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	Chief Executive Officer
38.7	Pwr	57(11)	The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	Chief Executive Officer
39	S	57A	Land Management Agreements - Development Applications	
39.1	Pwr	57A(1)	The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	Chief Executive Officer
39.5	Pwr	57A(7)	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	Chief Executive Officer
39.7	Pwr	57A(14)	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	Chief Executive Officer

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39.8	Pwr	57A(16)	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	Chief Executive Officer
39.9	Pwr	57A(18)	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	Chief Executive Officer
40	S	59	Notification During Building	
40.1	Pwr	59(3)	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	Chief Executive Officer - refer SCHEDULE A
41	S	66	Classification of Buildings	
41.1	Pwr	66(2)	The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	Chief Executive Officer - refer SCHEDULE A
42	S	67	Certificates of Occupancy	
42.2	Pwr	67(3)(a)	The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	Chief Executive Officer - refer SCHEDULE A
42.4	Pwr	67(13)	The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	Chief Executive Officer - refer SCHEDULE A
43	S	68	Temporary Occupation	
43.1	Pwr	68(1) and (2)	The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.	Chief Executive Officer - refer SCHEDULE A
44	S	69	Emergency Orders	
44.1	Pwr	69(1)	Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:	Chief Executive Officer
44.1.1	Pwr	69(4)	the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and	Chief Executive Officer
44.1.2	Pwr	69(5) and 69(6)	the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.	Chief Executive Officer
44A	S	71	Fire Safety	
44A.1	Pwr	71(18) and (19)	The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	ND
44A.2	Pwr	71(19)(a)(i)	The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	ND
44A.3	Pwr	71(19)(a)(ii)	The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).	ND
44A.4	Pwr	71(19)(a)(iii)	The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	ND
44A.5	Pwr	71(19)(a)(iv)	The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	ND
44A.6	Pwr	71(19)(b)	The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	ND
44A.7	Pwr	71(19)(d)	The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	ND
44A.8	Pwr	71(19)(e)	The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	ND
46	S	74	Advertisements	
46.1	Pwr	74(1)	The power pursuant to and in accordance with Section 74(1) of the Act to:	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
46.1.1	Pwr		form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and	Chief Executive Officer
46.1.2	Pwr		serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	Chief Executive Officer
46.2	Pwr	74(3)	The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	Chief Executive Officer
47	S	84	Enforcement Notices	
47.1	Pwr	84(2)	The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	Chief Executive Officer
47.2	Pwr	84(3)	The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.	Chief Executive Officer
47.3	Pwr	84(2)(b)	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:	Chief Executive Officer
47.3.1	Pwr	84(6)	the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and	Chief Executive Officer
47.3.2	Pwr	84(7) and 84(8)	pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.	Chief Executive Officer
48	S	85	Applications to Court	
48.1	Pwr	85(1)	The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	Chief Executive Officer
48.2	Pwr	85(12) and 85(13)	Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	Chief Executive Officer
49	S	86	General Right to Apply to Court	
49.1	Pwr	86(1)	Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	Chief Executive Officer
50	S	93	Authority to be Advised of Certain Matters	
50.1	Pwr	93(1)(b)(iii)	The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	Chief Executive Officer
51	S	94	Referrals	
51.1	Pwr	94	The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	Chief Executive Officer
52	S	101	Professional Advice to be Obtained in Relation to Certain Matters	
52.1	Pwr	101(1)	The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	Chief Executive Officer
5				
DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006				
53	S	Clause 5 Schedule 1	Transitional Provisions	
53.1	Pwr	5(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
53.2	Pwr	5(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
DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008				
54	S	Reg 9A	Infrastructure Planning	

LEGISLATION				
Instrument Number	Duty	Section	Description	id
54.1	Pwr	9A(1)	The power pursuant to Regulation 9A(1) of the <i>Development Regulations 2008</i> ('the Regulations') to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	Chief Executive Officer
57	S	Reg 12	Public Meeting	
57.2	Pwr	12(4)	The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	Chief Executive Officer
58	S	Reg 15	Application to Relevant Authority	
58.1	Pwr	15(1)(c)	The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	Chief Executive Officer
58.4	Pwr	15(7)(b)	The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	Chief Executive Officer
58.4A	Pwr	15(7b)	The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier	Chief Executive Officer
58.4A.1	Pwr		the Development Assessment number assigned to the development proposed under the application; and	Chief Executive Officer
58.4A.2	Pwr		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:	Chief Executive Officer
58.4A.2.1	Pwr		advice about any site contamination that is believed to exist at the site where the development would be undertaken; and	Chief Executive Officer
58.4A.2.2	Pwr		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.	Chief Executive Officer
58.5	Pwr	15(8)	The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	Chief Executive Officer
58.6			[City of Tea Tree Gully only]	
58.6.1			[City of Tea Tree Gully only]	
58.6.2			[City of Tea Tree Gully only]	
58.7	Pwr	15(11)	The power pursuant to Regulation 15(11) and subject to Regulation 15(12) of the Regulations, to, in an appropriate case, dispense with or modify the requirements of Schedule 5 in relation to a particular application.	Chief Executive Officer
59	S	Reg 16	Nature of Development	
59.2	Pwr	16(2)	The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	Chief Executive Officer
59.3	Pwr	16(3)	The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.	Chief Executive Officer
59.4	Pwr	16(4)	The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	Chief Executive Officer
60	S	Reg 17	Non-Complying Development	
60.1	Pwr	17(3)	The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:	Chief Executive Officer
60.1.1	Pwr	Section 39(4)(d)	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
60.1.2	Pwr		resolve to proceed with an assessment of the application.	Chief Executive Officer
60.3	Pwr	17(6)	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	Chief Executive Officer
62	S	Reg 20	Amended Applications	
62.1	Pwr	20(4)	The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	Chief Executive Officer
62.2	Pwr	20(5)	The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.	Chief Executive Officer
63	S	Reg 22	Withdrawing/Lapsing Application	
63.2	Pwr	22(2)	Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	Chief Executive Officer
64	S	Reg 23	Contravening Development	
64.1	Pwr	23(2)	The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	Chief Executive Officer
68	S	Reg 28	Special Provisions – Referrals	
68.2	Pwr	28(4)	The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	Chief Executive Officer - refer SCHEDULE A
69	S	Reg 29	Land Division Applications	
69.2	Pwr	29(2)	The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.	Chief Executive Officer
70	S	Reg 30	Underground Mains Area	
70.1	Pwr	30(1)	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	Chief Executive Officer - refer SCHEDULE A
70.2	Pwr	30(2)	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	Chief Executive Officer - refer SCHEDULE A
70.3	Pwr	30(4)	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	Chief Executive Officer
71	S	Reg 31A	Preliminary Advice and Agreement - Section 37AA	
71.1	Pwr	31A(6)(b)	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
71.2	Pwr	31A(6)	The power pursuant to Regulation 31A(6) of the Regulations if:	Chief Executive Officer
71.2.1	Pwr	Section 39(4)	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	Chief Executive Officer
71.2.2	Pwr		the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:	Chief Executive Officer
71.2.3	Pwr	Section 37AA	to obtain a variation to the agreement under Section 37AA of the Act; or	Chief Executive Officer
71.2.4	Pwr	Section 37	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	Chief Executive Officer
71.3	Pwr	31A(7)	The power pursuant to Regulation 31A(7) of the Regulations if:	Chief Executive Officer
71.3.1	Pwr		an application is withdrawn by the Applicant; and	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
71.3.2	Pwr	Section 37AA	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,	Chief Executive Officer
	Pwr		to notify the relevant prescribed body of the withdrawal of an application.	Chief Executive Officer
71.4	Pwr	31A(8)	The power pursuant to Regulation 31A(8) of the Regulations if:	Chief Executive Officer
71.4.1	Pwr	22	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and	Chief Executive Officer
71.4.2	Pwr	Section 37AA	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,	Chief Executive Officer
	Pwr		to notify the relevant prescribed body of the lapsing of an application.	Chief Executive Officer
71.5	Pwr	31A(9)	The power pursuant to Regulation 31A(9) of the Regulations if:	Chief Executive Officer
71.5.1	Pwr	Section 37AA	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and	Chief Executive Officer
71.5.2	Pwr	42	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	Chief Executive Officer
72	S	Reg 34	Public Inspection of Certain Applications	
72.3	Pwr	34(3)	The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	Chief Executive Officer
72.4	Pwr	34(4)	The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	Chief Executive Officer
73	S	Reg 36	Response by Applicant	
73.1	Pwr	36	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	Chief Executive Officer
74	S	Reg 38	Determination of Commission as Relevant Authority	
74.1	Pwr	Sect 34(1)(b)	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:	Chief Executive Officer
74.1.2	Pwr	38(2)(b)	in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	Chief Executive Officer
74.2	Pwr	38(4)	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.	Chief Executive Officer
79	S	Reg 45	Scheme Description – Community Titles	
79.2	Pwr	45(2)	The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.	Chief Executive Officer
82	S	Reg 48	Lapse of Consent or Approval	
82.1	Pwr	48(2)	The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	Chief Executive Officer - refer SCHEDULE A
83	S	Reg 51	Width of Roads and Thoroughfares	
83.1	Pwr	51(4)	The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	Chief Executive Officer
83.2	Pwr	51(6)	The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	Chief Executive Officer
84	S	Reg 52	Road Widening	

LEGISLATION				
Instrument Number	Duty	Section	Description	id
84.1	Pwr	52(1)	The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	Chief Executive Officer
85	S	Reg 53	Requirement as to Forming of Roads	
85.1	Pwr	53(1) and (2)	The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	Chief Executive Officer
85.2	Pwr	53(4)	The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	Chief Executive Officer
85.3	Pwr	53(6)	The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	Chief Executive Officer
86	S	Reg 54	Construction of Roads, Bridges, Drains and Services	
86.1	Pwr	54(1)	The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	Chief Executive Officer
88	S	Reg 58	General Land Division	
88.1	Pwr	58(1)	The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	Chief Executive Officer
88.2	Pwr	58(2)	The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	Chief Executive Officer
89	S	Reg 59	Division of Land by Strata Title	
89.1	Pwr	59(1)	The power pursuant to and in accordance with Regulation 59(1) of the Regulations to enter into a binding arrangement with an applicant for the division of land by strata plan under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> for the satisfaction of outstanding requirements,	Chief Executive Officer
89.2	Pwr	59(1)	The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.	Chief Executive Officer
90	S	Reg 60	General Provisions	
90.1	Pwr	60(1)	The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.	Chief Executive Officer
90.2	Pwr	60(7)	The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	Chief Executive Officer
90.3	Pwr	60(9)	The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	Chief Executive Officer
91	S	Reg 61	Declaration by The Minister - Section 46	
91.3	Pwr	61(5)	Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	Chief Executive Officer - refer SCHEDULE A
93	S	Reg 74	Notifications During Building Work	
93.1	Pwr	74(1)(b)	The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Chief Executive Officer - refer SCHEDULE A
93.2	Pwr	74(1)(c)	The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	Chief Executive Officer - refer SCHEDULE A
94	S	Reg 76	Essential Safety Provisions	
94.2	Pwr	76(10)	The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	Chief Executive Officer - refer SCHEDULE A

LEGISLATION			
Instrument Number	Duty	Section	Description
94A	S	Reg 76D	Swimming Pool Safety
94A.1	Pwr	76D(4a)	The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.
			Chief Executive Officer - refer SCHEDULE A
95	S	Reg 78	Building Rules: Bushfire Prone Areas
95.1	Pwr		Where:
			Chief Executive Officer - refer SCHEDULE A
95.1.1	Pwr		application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and
			Chief Executive Officer - refer SCHEDULE A
95.1.2	Pwr	78(1)	the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and
			Chief Executive Officer - refer SCHEDULE A
95.1.3	Pwr	78(2)	the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction), the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.
			Chief Executive Officer - refer SCHEDULE A
95.2	Pwr		Where:
			Chief Executive Officer - refer SCHEDULE A
95.2.1	Pwr		application is made for building rules consent for building work and the building (or proposed building) is in an area identified as a general bushfire risk area by the relevant Development Plan; and
			Chief Executive Officer - refer SCHEDULE A
95.2.2	Pwr		the building work is in the nature of an alteration to a Class 1, 2 or 3 building under the Building Code; and
			Chief Executive Officer - refer SCHEDULE A
95.2.3	Pwr	78(4)(d)	the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction), the power pursuant to Regulation 78(4)(d) of the Regulations to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of Appendix F8 of the South Australian Housing Code.
			Chief Executive Officer - refer SCHEDULE A
96	S	Reg 79	Construction Industry Training Fund
96.2	Pwr	79(4)	The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.
			Chief Executive Officer
96.3	Pwr	79(5)(b)	The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.
			Chief Executive Officer
97	S	Reg 82	Classification of Buildings
97.1	Pwr	82(3)(b) (i)	The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.
			Chief Executive Officer - refer SCHEDULE A
98	S	Reg 83	Certificates of Occupancy
98.1	Pwr	83(2)(c)	The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.
			Chief Executive Officer - refer SCHEDULE A
98.2	Pwr	83(2)(d)	The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.
			Chief Executive Officer - refer SCHEDULE A
98.3	Pwr	83(3)	The power pursuant to Regulation 83(3) of the Regulations to dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.
			Chief Executive Officer - refer SCHEDULE A

LEGISLATION				
Instrument Number	Duty	Section	Description	id
98.5	Pwr	83(5)	The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	Chief Executive Officer - refer SCHEDULE A
98.7	Pwr	83(9)	The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	Chief Executive Officer - refer SCHEDULE A
99	S	Reg 88	Certificate of Independent Technical Expert in Certain Case	
99.1	Pwr	88(3)	The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	Chief Executive Officer
100	S	Reg 95	Fees	
100.1	Pwr	95(2)	The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	Chief Executive Officer
100.2	Pwr	95(3)	The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	Chief Executive Officer
100.3	Pwr	95(4)	The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	Chief Executive Officer
101	S	Reg 98	Register Of Applications	
101.2	Pwr	98(3)	The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	Chief Executive Officer
102	S	Reg 99	Registration of Land Management Agreements	
102.2	Pwr	99(3)	The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	Chief Executive Officer
104	S	Reg 101	Documents to be Preserved by a Council	
104.0	Pwr	101(a1)	The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier	Chief Executive Officer
104.1A	Pwr	101(1a)	The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	Chief Executive Officer
104.3	Pwr	101(3)	The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	Chief Executive Officer
104.4	Pwr	101(4)	The power pursuant to and in accordance with Regulation 101(4) of the Regulations to give consent to the inspection of building documents held by the Council and to reasonably determine an appropriate inspection fee for inspecting those documents.	Chief Executive Officer
104.5	Pwr	101(5)	The power pursuant to Regulation 101(5) of the Regulations, if in the opinion of the Delegate the making available of any plans, drawings specifications or other documents or information would unreasonably jeopardise the present or future security of a building, to not make available that information.	Chief Executive Officer
104.5.1	Pwr		for inspection under Regulation 101(4)(a) if to do so would:	Chief Executive Officer
104.5.1.1	Pwr		in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Chief Executive Officer
104.5.1.2	Pwr		constitute a breach of any other law; or	Chief Executive Officer
104.5.2	Pwr		for copying under Regulation 101(4)(b) if to do so would:	Chief Executive Officer
104.5.2.1	Pwr		in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	Chief Executive Officer
104.5.2.2	Pwr		involve an infringement of copyright in matter contained in a document; or	Chief Executive Officer
104.5.2.3	Pwr		constitute a breach of any other law.	Chief Executive Officer
104A	S	Reg 102	Documents to be Provided by Private Certifier	

LEGISLATION				
Instrument Number	Duty	Section	Description	Officer
104A.1	Pwr	102(2)	The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	Chief Executive Officer
106	S	Reg 115	System Indicators	
106.3	Pwr	115(2)	The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	Chief Executive Officer
107	S	Sched 1A	Demolition	
107.1	Pwr	Clause 12(3) of Schedule 1A	The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	Chief Executive Officer
107.2	Pwr	Clause 12(9) of Schedule 1A	The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	Chief Executive Officer
108	S	Sched 4	New Dwellings	
108.1	Pwr	Clause 2B(4)(b) of Schedule 4	The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land other than a previous use or activity for residential purposes.	Chief Executive Officer
109	S	Sched 6	Fees	
109.1	Pwr	Clause 1(7) of Schedule 6	The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	Chief Executive Officer
110	S	Sched 8	Development Near The Coast	
110.1	Pwr	Item 1(b) of Clause 2 of Schedule 8	The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	Chief Executive Officer
111	S	Sched 8	Development Adjacent To Main Roads	
111.1	Pwr	Item 3 of Clause 2 of Schedule 8	The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:	Chief Executive Officer
111.1.1	Pwr		alter an existing access; or	Chief Executive Officer
111.1.2	Pwr		change the nature of movement through an existing access; or	Chief Executive Officer
111.1.3	Pwr		create a new access; or	Chief Executive Officer
111.1.4	Pwr		encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,	Chief Executive Officer
	Pwr		in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).	Chief Executive Officer
112	S	Sched 8	State Heritage Places	
112.1	Pwr	Item 5(1) of Clause 2 of Schedule 8	The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	Chief Executive Officer
113	S	Sched 8	Mining – General	
113.1	Pwr	Item 7 of Clause 2 of Schedule 8	The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	Chief Executive Officer
114	S	Sched 8	Activity of Environmental Significance	

LEGISLATION				
Instrument Number	Duty	Section	Description	Officer
114.1	Pwr	Item 10(b) of Clause 2 of Schedule 8	The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	Chief Executive Officer
115	S	Sched 8	Aquaculture Development	
115.1	Pwr	Item 15 of Clause 2 of Schedule 8	The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	Chief Executive Officer
116	S	Sched 8	Development Within the River Murray Floodplain Area	
116.1	Pwr	Item 19(b) of Clause 2 of Schedule 8	The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	Chief Executive Officer
117	S	Sched 8	Development Within the River Murray Tributaries Area	
117.1	Pwr	Item 20(a) of Clause 2 of Schedule 8	The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	Chief Executive Officer
118	S	Sched 9	Part One, Category One Development and Part Two Category Two Development	
118.1	Pwr	Clause 1 of Part 1 to Schedule 9	The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	Chief Executive Officer
118.2	Pwr	Clause 2(1)(g) of Part 1 to Schedule 9	The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	Chief Executive Officer
118.3	Pwr	Clause 3 of Part 1 to Schedule 9	The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:	Chief Executive Officer
118.3.1	Pwr		the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);	Chief Executive Officer
118.3.2	Pwr		the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	Chief Executive Officer
118.4	Pwr	Clause 5 of Part 1 to Schedule 9	The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	Chief Executive Officer
118.4.1	Pwr		that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and	Chief Executive Officer
118.4.2	Pwr		whether the division will change the nature or function of an existing road.	Chief Executive Officer
118.5	Pwr	Clause 11 of Part 1 to Schedule 9	The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.	Chief Executive Officer
118.6	Pwr	Clause 17 of Part 1 of Schedule 9	Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:	Chief Executive Officer
118.6.2	Pwr		the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	Chief Executive Officer
118.6.3	Pwr	Item 2(d) of Part 1 of Schedule 9	the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	Chief Executive Officer

LEGISLATION				
Instrument Number	Duty	Section	Description	id
118.7	Pwr	item 2(d) of Part 1 of Schedule 9	The power pursuant to C of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:	Chief Executive Officer
118.7.1	Pwr		that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and	Chief Executive Officer
118.7.2	Pwr		whether the proposed division will change the nature or function of an existing road.	Chief Executive Officer
119	S	Sched 10	Decisions by Development Assessment Commission	
119.1	Pwr		In circumstances where the Council is undertaking development within the meaning of that term under Section 4 of the Act and:	Chief Executive Officer
119.1.1	Pwr	Clause 2(a) of Schedule 10	the development involves the construction (but not alteration of or change in use to a hotel or tavern, or tourist accommodation, or an entertainment complex, or a cinema, or a hospital) but where the Council's interest is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(a) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected;	Chief Executive Officer
119.1.2	Pwr	Clause 2(b) of Schedule 10	in circumstances where the development involves the construction of, or a change in use to, a shop or office or the construction of a building for the purposes of, or a change in use to, a form of industry and the interest of the Council is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(b) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected.	Chief Executive Officer

SCHEDULE OF CONDITIONS 'A'	
Paragraph(s) in instrument to which conditions/ limitations apply	Conditions and Limitations
ALL	The Chief Executive Officer shall not exercise any powers, duties and functions under Part 4 of the Act or powers, duties and functions in the Regulations which relate to the said Part 4 powers, duties and functions in circumstances where a written Council policy dictates that with respect to any particular kind of development the Development Assessment Panel or an officer or employee of the Council shall exercise the relevant powers, duties and functions.
ALL	The Chief Executive Officer shall not exercise any powers, duties and functions of a planning policy formulation nature under the Act and the Regulations in circumstances where Council's Planning Policy Committee chooses to do so.
ALL	The Chief Executive Officer in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.
Instrument 10.1 - 10.1.6 and 10.2	Delegates are not authorised to exercise such powers and functions in respect of: (a) development applications which in the opinion of the Director, People and Compliance or Manager Development Services have significant economic, environmental, social, heritage or strategic policy implications – such applications are delegated to the Director, People and Compliance and Manager Development Services; (b) development applications which are to be determined by the Development Assessment Panel pursuant to the terms of any written Council policy or any delegation in favour of the Development Assessment Panel; (c) development applications in relation to which representations have been received objecting to the proposal and in relation to which no representor wishes to be heard, and such applications are delegated to the Director, People and Compliance and Manager Development Services.
Instrument 19.2	Where the development is one which was or ought to have been determined by the Development Assessment Panel, such power shall only be exercised by OR where second or subsequent extensions of the period are sought: i) Director People and Compliance ii) Manager Development Services
Instruments 70.1 and 70.2	Where the development is one which was or ought to have been determined by the Development Assessment Panel, such powers shall only be exercised by: i) Director People Governance and Regulatory Services ii) Manager Development Services
Instruments 82.1	Where the development is one which was or ought to have been determined by the Development Assessment Panel, such power shall only be exercised by: i) Director People and Compliance ii) Manager Development Services
Sections 36 (2), 36(6), 42(4), 42(6), 53A1, 53A2, 54(2)(d), 59(3), 66(2), 67(2)-(6), 68(1)-(3) and Regulations 28(4), 61(5), 74 (1) (b)and (c), 76(10), 78(1), 78(2), 78(4)(d), 82(3)(b)(i), 83(2)(c) and (d), 83(3), 83(5), 83(9)	The Chief Executive Officer shall exercise any powers, duties and functions only upon receipt of formal written advice from a person who holds the prescribed qualifications and knowledge as required by the Act or Regulations.

SCHEDULE 'D'

Delegations to Council's Development Assessment Panel under the *Development Act 1993* and *Development Regulations 2008*

In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993* and, in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxxxxx 2014** the following powers and functions under the *Development Act 1993* and the *Development Regulations 2008* are delegated by Council to the Council's Development Assessment Panel, subject to any conditions specified in the Schedule contained in the Instrument of Delegation under the *Development Act 1993*.

Development Act 1993

Instrument	Section	Description
10.1	33	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):
10.1.1		the provisions of the appropriate Development Plan;
10.1.3	33(1)(c)	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;
10.1.4	33(1)(d)	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;
10.1.5		the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and
10.1.6		such other matters as may be prescribed.
10.2	33(3)	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.
12.4	35(2)	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.
16.3	37A(5)	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:
16.3.1		if the proposed development consists only of the creation of fortifications – refuse the application; or
16.3.2		in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.
16.4	37A(6)	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.
17.6	38(10)(a)	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.
17.7	38(10)(b)	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.
17.8	38(11)	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.
18.1	39(2)	The power pursuant to Section 39(2) of the Act to request an applicant to:
18.1.1		provide such additional documents or information to enable assessment of the application;
18.1.2		remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;
18.7	39(4)(a) and 39(5)	The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.
18.12	39(7)	The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.
18.14	39(7)(d)	The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.
18.15	39(6)	Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.
18.16	39(8)	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.

Development Act 1993		
Instrument	Section	Description
19.2	40(3)	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.
21.1	42(1) and (3)	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.
21.2	42(4)	The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
21.3	42(6)	The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.
21.4	42(8)(b)	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.
26.1	50(1)	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:
26.1.1		that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
26.1.2	50	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or
26.1.3	50(7)	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.
26.3	50(3) and 50(2)(d)	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.
26.4	50(3a)	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.
26.6	50(11)	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.
27.3	50A(5)(c)	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.
27.4	50A(5)(d)	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.
27.5	50A(5)	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.
31.1	52A(2)(a)	The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.
31.3	52A(2)(c)	The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.
31.4	52A(5)	The power pursuant to Section 52A(5) of the Act where a controlled action under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> .
Development Regulations 2008		
59.1	16(1)	The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.
70.3	30(4)	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xxth day of xxxxxxxx 2014**, the following powers and functions under the ***Dog and Cat Management Act 1995*** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

INSTRUMENT OF DELEGATION			
Instrument No.	Duty	SECTION	DESCRIPTION
LEGISLATION			
3			
S			
27			
Appointment of Dog Management Officers			
3.1	Pwr	27	The power pursuant to Section 27 of the Act to appoint suitable persons (other than members of Council) to be dog management officers subject to any condition that is specified in the instrument of appointment, and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.
			Chief Executive Officer
5			
S			
39			
Rectification of Register			
5.1	Pwr	39	The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.
			Chief Executive Officer
6			
S			
50-58			
Destruction and Control Orders			
6.1	Pwr	50, 51	The power pursuant to Sections 50 and 51 of the Act upon the Delegate's own initiative or on application, to –
66.1.1	Pwr		make a Destruction Order where a dog is unduly dangerous and 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;
			Chief Executive Officer
6.1.2	Pwr		make a Control (Dangerous Dog) Order, Control (Menacing Dog) Order or a Control (Nuisance Dog) Order if satisfied that a dog is dangerous, menacing or a nuisance and 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;
			Chief Executive Officer
6.1.3	Pwr		make a Control (Barking Dog) Order in relation to a dog if satisfied that the dog is a nuisance and has created noise by barking or otherwise in circumstances that would constitute an offence against the Act.
			Chief Executive Officer
6.4	Pwr	52(4) and (5)	The power pursuant to Section 52(4) and (5) of the Act to revoke an order by written notice to the person against whom the order was made and the duty to record the revocation in the register kept by the Council under the Act.
			Chief Executive Officer
6.5	Pwr	53	The power pursuant to Section 53 of the Act to issue, from time to time, written directions as to how an order under Division 3, Part 5 may be complied with by a person who owns or is responsible for the control of a dog subject to such an order.
			Chief Executive Officer
7			
S			
59A			
Prohibition Orders			
7.1	Pwr	59A(3)	The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that subject to the exceptions contained at Section 59A(4) of the Act –
7.1.1	Pwr		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 charge of a person in circumstances that would constitute an offence against this Act; and
			Chief Executive Officer
7.1.2	Pwr		-
7.1.2.1	Pwr		the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or
			Chief Executive Officer
7.1.2.2	Pwr		during the five years preceding the event referred to in 7.1.1, 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.
			Chief Executive Officer
7.3	Pwr	59A(6) and (7)	The power pursuant to Section 59A(6) and (7) of the Act to revoke a Prohibition Order by written notice to the person against whom the Prohibition Order was made, and the duty to record the revocation in the record kept by the Council under Section 56A of the Act.
			Chief Executive Officer
7.4	Pwr	59C(2)	The power pursuant to Section 59C(2) of the Act upon request by the person affected by the decision to issue a Prohibition Order, to give reasons in writing within 14 days of the making of the decision.
			Chief Executive Officer
9			
S			
68, 69			
Cat Management Officers			
9.1	Pwr	68	The power pursuant to Section 68 of the Act to appoint suitable persons to be cat management officers subject to any condition that is specified in the instrument of appointment and the power at any time to revoke the appointment or to vary or revoke a condition of the appointment or impose a further condition of appointment.
			Chief Executive Officer

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xxth day of xxxxxxxx 2014, the following powers and functions under the <i>Environment Protection Act 1993</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	85	Authorised Officers	
1	Pwr	85(3)	The power pursuant to Section 85(3) of the <i>Environment Protection Act 1993</i> ("the Act"), to appoint authorised officers for the purposes of the Act.	Chief Executive Officer
2	Pwr	85(4)	The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	Chief Executive Officer
3	Pwr	85(5)	The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	Chief Executive Officer
4	S	103H	Site Contamination Assessment Orders	
4.1	Pwr	103H(4)	The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	Chief Executive Officer
5	S	103J	Site Remediation Orders	
5.1	Pwr	103J(4)	The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.	Chief Executive Officer

INSTRUMENT OF DELEGATION	
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxxxxx 2014, the following powers and functions under the <i>Environment, Resources and Development Court Act 1993</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>	

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	15	Constitution of Court	
1.1	Pwr	15(2)(a)	The power, pursuant to Section 15(2)(a) of the Act, to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench.	Chief Executive Officer
2	S	16	Conferences	
2.1	Pwr	16(1)	The power, pursuant to Section 16(1) of the Act, to represent Council at a conference called by the Court.	Chief Executive Officer - refer Schedule A
2.2	Pwr	16(6)	The power, pursuant to Section 16(6) of the Act, to agree to any settlement reached at a conference on behalf of the Council.	Chief Executive Officer
2.3	Pwr	16(7)(g)	The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate in the circumstances.	Chief Executive Officer
3	S	17	Parties	
3.1	Pwr	17(4)	The power, pursuant to Section 17(4) of the Act, to make application to the Court to:	Chief Executive Officer
3.1.1	Pwr		dismiss or determine any proceedings that appear to be frivolous or vexatious or to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose;	Chief Executive Officer
3.1.2	Pwr		after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent;	Chief Executive Officer
3.1.3	Pwr		give summary judgement against a party who obstructs or unnecessarily delays the proceedings or appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose or fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.	Chief Executive Officer
3.2	Pwr	17(4b)	The power, pursuant to Section 17(4b) of the Act, where the Court determines that costs will be determined or settled as between party and party in accordance with the scale prescribed for the purpose of as between solicitor and client, to agree to settlement of those costs.	Chief Executive Officer
5	S	28B	Mediation and conciliation	
5.1	Pwr	28B(1)	The power, pursuant to Section 28B(1) of the Act, to consent to the appointment of a mediator to endeavour to achieve a negotiated settlement of the matters where it appears to the Court, or to the member of the Court presiding at a conference, that there would be a reasonable likelihood of settling matters in dispute between the parties.	Chief Executive Officer
5.2	Pwr	28B(3)	The power, pursuant to Section 28B(3) of the Act, to consent to any process of mediation in conciliation under Section 28B of the Act to being conducted other than in private.	Chief Executive Officer
5.3	Pwr	28B(4)	The power, pursuant to Section 28B(4) of the Act, to agree to any settlement under Section 28B of the Act.	Chief Executive Officer
5.4	Pwr	28B(6)	The power, pursuant to Section 28B(6) of the Act, to consent to evidence of anything said or done in the course of processes under Section 28B of the Act being admissible in proceedings before the Court.	Chief Executive Officer
6	S	30	Right of appeal	
6.1	Pwr	30(1)	The power, pursuant to Section 30(1) of the Act, to appeal against a decision or order of the Court in the exercise of a jurisdiction conferred by the Act.	Chief Executive Officer
6.2	Pwr	30(4)	The power, pursuant to Section 30(4) of the Act, to appeal against any judgement given in criminal proceedings before the Court in the same way, and to the same extent, as an appeal may be instituted against a judgement given in a criminal action under the Magistrates Court Act 1991.	Chief Executive Officer
7	S	43	Enforcement of judgments and orders	
7.1	Pwr	43(1)	The power, pursuant to Section 43(1) of the Act, where a judgement or order is made by the Court, to make application to the registrar for a certified copy of the judgement or order.	Chief Executive Officer

Environment, Resources and Development Court Act 1993
City of Onkaparinga Delegations Register Part 1 Acts A - E

SCHEDULE OF CONDITIONS	
'A'	
Paragraph(s) in instrument to which conditions/limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer
	**Also within the limitations of section 44(3) of the <i>Local Government Act 1999</i>
All	The Delegate in exercising any power, duty or function under delegation from the Council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.
Instrument no. 2.1	Also refer to City of Onkaparinga Policy / Operational Delegations 2(b) General Prosecutions - Representation. (Tab 03 in this Register)

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxxxxx 2014, the following powers and functions under the <i>Expiation of Offences Act 1996</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	Sect 5	Certain Offences may be Expiated	
1.1	Pwr	5(1)	The power pursuant to Section 5(1) of the <i>Expiation of Offences Act 1996</i> ("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.	Chief Executive Officer
2	S	Sect 6	Authorisation to issue Expiation Notices	
2.1	Pwr	6(3)(b)(ii)	The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	Chief Executive Officer
3	S	Sect 8A	Review of Notices on Ground that Offence is Trifling	
3.1	Pwr	8A(2) and (3)	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:	Chief Executive Officer
3.1.1	Pwr		to provide further information; and	Chief Executive Officer
3.1.2	Pwr		to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	Chief Executive Officer
3A	S	Sect 9	Arrangements as to Manner and Time of Payment	
3A.1	Pwr	9(2)	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.	Chief Executive Officer
3A.2	Pwr	9(12)	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must 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 so performed).	Chief Executive Officer
6	S	Sect 12	Late Payment	
6.1	Pwr	12	The power pursuant to Section 12 of the Act to accept late payment of an expiation fee at any time before an enforcement order is made under the Act. 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.	Chief Executive Officer
7	S	Sect 13	Enforcement Procedures	
7.1	Pwr	13(1)	The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Registrar a certificate containing the prescribed particulars relating to: The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:	Chief Executive Officer
7.1.1	Pwr		a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:	Chief Executive Officer
7.1.1.1	Pwr		the alleged offender; and	Chief Executive Officer
7.1.1.2	Pwr		the offence or offences that remain unexpiated; and	Chief Executive Officer
7.1.1.3	Pwr		the amount payable under the notice; and the amount due under the notice; and	Chief Executive Officer

7.1.4 7.1.1.4	Pwr		compliance by the Council as issuing authority with the requirements of this Act and any other Act. compliance by the Council as the authority with the requirements of the Act and any other Act;	Chief Executive Officer
7.1.2	Pwr		the prescribed fee.	Chief Executive Officer
7.2	Pwr	13(4)	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	Chief Executive Officer
8	S	Sect 16	Withdrawal of Expiation Notices	
8.1	Pwr	16(1)	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	Chief Executive Officer
8.1.1	Pwr		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;	Chief Executive Officer
8.1.2	Pwr		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	Chief Executive Officer
8.1.3	Pwr		the notice is defective; or	Chief Executive Officer
8.1.4	Pwr		the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	Chief Executive Officer
8.2	Pwr	16(5)	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	Chief Executive Officer
9	S	Sect 18	Giving of Certain Notices and Certificates	
9.1	Pwr	18	The power pursuant to Section 18 of the Act to receive a written notice from a Registrar or send an enforcement certificate to the Registrar, in an electronic form that is acceptable to the recipient, provided that a printed copy of the notice or certificate can be produced if required. The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:	Chief Executive Officer
9.1.1	Pwr		the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	Chief Executive Officer
9.1.2	Pwr		the manner in which the Council is to provide information to the Fines Enforcement and 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.	Chief Executive Officer

City of Onkaparinga

Delegations Register Part 2 Acts F - H

Adopted by Council

Preamble

Section 44 of the *Local Government Act 1999* allows a Council to delegate (within certain stated conditions or exemptions) its powers, duties or functions to a Council Committee, a Council subsidiary, to the Chief Executive Officer, Other Acts and Authorisations that empower Councils to undertake certain functions and activities also include provisions to delegate powers e.g. *Development Act 1993* and Ministerial notices etc.

Policy and/or Operational delegations are also made by Council to assist with the efficient implementation of Council decisions.

This mechanism of delegation allows the Council to focus on policy and strategy and enables day to day operations to be carried out by the Administration.

Section 101 of the *Local Government Act 1999* establishes the authority of the Chief Executive Officer to sub-delegate their powers or functions.

All delegations made by the Council can be revoked at any time and do not, except in limited circumstances, prevent the Council from acting in a matter itself. Also, an officer to whom a delegation has been made may choose not to exercise that delegation and bring a matter direct to Council for direction.

City of Onkaparinga Delegations Register

The delegations register reflects the delegated authority from Council to the Chief Executive Officer.

For the purposes of conducting its governing, regulatory and service activities effectively and efficiently, Council has in place a process of delegation in accordance with Section 44 of the *Local Government Act 1999*.

The City of Onkaparinga Delegations Register comprises of:

- § Statutory delegations (i.e. powers and functions specifically referable to a Section of an Act or a Regulation).
- § A 'Policy/Operations' component, which reflects Council delegations as a result of resolutions or policies without any specific link to an Act.
- § Direct delegations/authorisations made to Council such as those provided by the Minister of Transport and the Board of the Environment Protection Authority.

Annual Review

The Delegations Register is reviewed by Council at least once in every financial year as set out in Section 44(6) of the *Local Government Act 1999*.

Availability of the Delegations Register

The Delegations Register can be viewed on Council's website or is available for inspection at the Principal Office of the Council during ordinary office hours. Hard copy documents are available from the Manager, Governance.

www.onkaparingacity.com

IMPORTANT NOTES

Delegations, Sub-Delegations and Financial Delegations are managed by the Governance Unit.

About this document

This **Preamble** contains important explanatory notes describing how to use and interpret the document

Instruments - list the delegations made by Council to the CEO and the sub-delegations made by the CEO to staff under each Act or Regulation

Schedule A - lists the limitations and conditions of the delegations imposed on the Chief Executive Officer under specific Acts

Schedule B - lists the limitations and conditions of the sub-delegations imposed on staff under specific Acts

Note: Standard conditions apply for most Acts and are found after this preamble.

Where different conditions or limitations apply, Schedules will follow the applicable Instrument

Abbreviations

CD - Council cannot delegate

ND - Council has not delegated

Pwr - Power

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxx 2014**, the following powers and functions under the **Fences Act 1975** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION

Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	Sect 5	Notice of Intention to Perform Fencing Work	
1.1	Pwr	5(1)	The power pursuant to Section 5(1) of the <i>Fences Act 1975</i> ("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
1.2	Pwr	5(3)	The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.	Chief Executive Officer
2	S	Sect 6	Cross-notice	
2.1	Pwr	6(1)	The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	Chief Executive Officer
2.2	Pwr	6(3)	The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.	Chief Executive Officer
3	S	Sect 7	Agreement upon Basis of Proposals and Counter proposals	
3.1	Pwr	7	The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).	Chief Executive Officer
4	S	Sect 8	Performance of Fencing Work	
4.1	Pwr	8	The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.	Chief Executive Officer

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxx 2014 the following powers and functions under the Fire and Emergency Services Act 2005 ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	4A	Areas of Urban Bushfire Risk
1.1	Pwr	4A(3)	1.1 The power pursuant to Section 4A(3) of the <i>Fire and Emergency Services Act 2005</i> ('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. (Note: only applies to Councils with areas within a 'fire district')
2	S	71C	Use of Facilities – State Bushfire Coordination Committee
2.1	Pwr	71C	The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Coordination Committee for the State Bushfire Coordination Committee to make use of the services of the staff, equipment or facilities of the Council.
3	S	72D	Use of Facilities – Bushfire Management Committees
3.1	Pwr	72D	The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management Committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.
4	S	73A	Bushfire Management Area Plans
4.1	Pwr	73A(7)	The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a bushfire management committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the bushfire management committee where the Council's area is wholly or partly within the relevant bushfire management area. (Note: only relevant where Council's area is wholly or partly within a 'bushfire management area')
5	S	103	Fire Control Officers
5.1	Pwr	103(1)	The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).
5.2	Pwr	103(2)	The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.
8	S	105A	Interpretation
8.1	Pwr	105A	The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the <i>Local Government Act 1999</i> .
9	S	105B	Fire Prevention Officers
9.1	Pwr	105B(1)	The power and duty pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.
9.3	Pwr	105B(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. (Note: paragraphs 9.1 – 9.3 only relevant to 'rural councils' or councils that have a 'designated urban bushfire risk area' within their area)
11	S	105F	Private Land
11.2	Pwr	105F(5)	The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds -
11.2.1	Pwr		that an owner of private land has failed to comply with Section 105F(1) of the Act; or
11.2.2	Pwr		that measures should be taken in respect of particular private land for the purpose of -
11.2.2.1	Pwr		preventing or inhibiting the outbreak of fire on the land; or
11.2.2.2	Pwr		preventing or inhibiting the spread of fire through the land; or
11.2.2.3	Pwr		protecting property on the land from fire,

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
	Pwr		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.	Chief Executive Officer
11.3	Pwr	105F(6)	The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -	Chief Executive Officer
11.3.1	Pwr		to trim or remove vegetation on the land; or	Chief Executive Officer
11.3.2	Pwr		to remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or	Chief Executive Officer
11.3.3	Pwr		to eliminate a potential ignition source; or	Chief Executive Officer
11.3.4	Pwr		to create, establish or maintain fire breaks or fuel breaks.	Chief Executive Officer
11.5	Pwr	105F(9)	The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	Chief Executive Officer
11.5.1	Pwr		personally; or	Chief Executive Officer
11.5.2	Pwr		by post; or	Chief Executive Officer
11.5.3	Pwr		if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -	Chief Executive Officer
11.5.3.1	Pwr		by publishing the notice in a newspaper circulating in the locality of the land; and	Chief Executive Officer
11.5.3.2	Pwr		by leaving a copy of the notice in a conspicuous place on the land.	Chief Executive Officer
11.6	Pwr	105F(10)	The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.	Chief Executive Officer
12	S	105G	Council Land	
12.1	Pwr	105G(5)	The power pursuant to Section 105G(5) of the Act to consult with and make submissions to the Minister on the referral of a matter under Section 105G(4) of the Act.	Chief Executive Officer
13	S	105J	Additional Provision in Relation to Powers of Authorised Officers	
13.1	Pwr	105J(1)	The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -	Chief Executive Officer
13.1.1	Pwr		at any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or	Chief Executive Officer
13.1.2	Pwr		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.	Chief Executive Officer
13.2	Pwr	105J(3)	The power and duty pursuant to Section 105J(3) of the Act to apply for a warrant -	Chief Executive Officer
13.2.1	Pwr		either personally or by telephone; and	Chief Executive Officer
13.2.2	Pwr		in accordance with any procedures prescribed by the regulations.	Chief Executive Officer
13.3	Pwr	105J(4)	The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -	Chief Executive Officer
13.3.1	Pwr		give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;	Chief Executive Officer
13.3.2	Pwr		take photographs, films, audio, video or other recordings;	Chief Executive Officer
13.3.3	Pwr		give any other directions reasonably required in connection with the exercise of the power.	Chief Executive Officer
13.4	Pwr	105J(5)	The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.	Chief Executive Officer
13.5	Pwr	105J(6)	The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.	Chief Executive Officer
13.6	Pwr	105J(7)	The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.	Chief Executive Officer

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
13.7	Pwr	105J(8)	The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.	Chief Executive Officer
13.8	Pwr	105J(9)	The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.	Chief Executive Officer
14	S	129	Power to Provide Sirens	
14.1	Pwr	129	The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	Chief Executive Officer
FIRE AND EMERGENCY SERVICES REGULATIONS 2005				
15	S	Reg 19	SACFS Group Committee	
15.1	Pwr	19(2)(e)(i)	The power pursuant to Regulation 19(2)(e)(i) of the Fire and Emergency Services Regulations 2005 ('the Regulations') to nominate a representative from the Council to be a member of a SACFS group committee, where the Council's area lies wholly or partially within the area of the group.	Chief Executive Officer
16	S	Reg 32A	Fires Permitted under Section 79(2) of Act	
16.1	Pwr	32A(4)	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
17	S	Reg 34	Special Provision relating to Gas and Electric Cooking Appliances	
17.1	Pwr	34(3)	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:	Chief Executive Officer
17.1.1	Pwr		shall be in the form set out in Schedule 11; and	Chief Executive Officer
17.1.2	Pwr		may be limited in its operation to particular times of the day, and to particular days of the year; and	Chief Executive Officer
17.1.3	Pwr		will operate subject to the following conditions:	Chief Executive Officer
17.1.3.1	Pwr		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;	Chief Executive Officer
17.1.3.2	Pwr		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	Chief Executive Officer
17.1.3.3	Pwr		that an appropriate agent adequate to extinguish a fire must be at hand;	Chief Executive Officer
17.1.4	Pwr		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	Chief Executive Officer
17.1.5	Pwr		may be varied or revoked by further notice in the Gazette.	Chief Executive Officer
19	S	Reg 54	Roadside Fire Protection	
19.1	Pwr		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 –	Chief Executive Officer
19.1.1	Pwr		light a fire on the road, or on the verge of the road; and	Chief Executive Officer
19.1.2	Pwr		while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;	Chief Executive Officer
	Pwr		subject to Regulation 54(3) of the Regulations.	Chief Executive Officer
20	S	Reg 56	Special Fire Areas	
20.2	Pwr	56(4)(a)	The power pursuant to Regulation 56(4)(a) of the Regulations to nominate one or more representatives of the Council to a committee of management established under Regulation 56(3) of the Regulations.	Chief Executive Officer
21	S	Reg 65	Coronial Inquests	
21.1	Pwr	65(b)	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

PLEASE READ PREAMBLE BEFORE USING THIS DOCUMENT

INSTRUMENT OF DELEGATION - Fire Prevention Officers

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxx 2014** the following powers and functions under the *Fire and Emergency Services Act 2005* ('the Act') are delegated by the Council to the person(s) occupying the position of authorised Fire Prevention Officer of the Council, subject to the conditions and limitations specified in Schedule B of this Instrument.

LEGISLATION		DELEGATION									
Instrument No.	Duty	SECTION	DESCRIPTION	Community Safety Officer - Fire Prevention	Fire Prevention Assistant	ROLE	ROLE	ROLE	ROLE	ROLE	ROLE
1	S	81	Permit to Light and Maintain Fire								
1.1	Pwr	81(14)	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.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
2	S	87	Removal of Debris from Roads								
2.1	Pwr	87(1)	The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
2.2	Pwr	87(2)	The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to –	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
2.2.1	Pwr		burn or remove the flammable debris; and	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
2.2.2	Pwr		recover the cost of doing so as a debt due to the Council from the person in default.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
3	S	94	Failure by a Council to Exercise Statutory Powers								
3.1	Pwr	94(3)	The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to him or her making a recommendation to the Minister pursuant to Section 94(2) of the Act that the powers and functions of the Council under Part 4 of the Act be withdrawn.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
3.2	Pwr	94(4)	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:	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
3.2.1	Pwr		make written submissions to the Minister in relation to the matter; and	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
3.2.2	Pwr		request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						
3.3	Duty	94(6)	The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	Community Safety Officer - Fire Prevention	Fire Prevention Assistant						

INSTRUMENT OF DELEGATION	
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the Freedom of Information Act 1991 ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>	

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
2	S	10	Availability of Certain Documents
2.2	Pwr	10(2)	The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.
5	S	16	Transfer of Application
5.1	Pwr	16(1)	The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:
5.1.1	Pwr		is not held by the Council but is, to the knowledge of the Council, held by the other agency; or
5.1.2	Pwr		is held by the Council but is more closely related to the functions of the other agency.
5.5	Pwr	16(5)	The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.
7	S	18	Council May Refuse to Deal with Certain Applications
7.1	Pwr	18(1)	The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.
7.3	Pwr	18(2a)	The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if, the Delegate forms the opinion, that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.
7.4	Pwr	18(3)	The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:
7.4.1	Pwr		the delegate has requested payment of an advance deposit in relation to the application; and
7.4.2	Pwr		payment of the deposit has not been made within the period specified in the request.
7.8	Pwr	18(7)	The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.
8	S	19	Determination of Applications

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
8.2	Pwr	196(2a)	The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.
9	S	20	Refusal of Access
9.1	Pwr	20(1)	The power pursuant to Section 20(1) of the Act to refuse access to a document:
9.1.1	Pwr		if it is an exempt document;
9.1.2	Pwr		if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;
9.1.3	Pwr		if it is a document that is usually and currently available for purchase;
9.1.4	Pwr		if it is a document that:
9.1.4.1	Pwr		was not created or collated by the Council itself; and
9.1.4.2	Pwr		genuinely forms part of library material held by the Council; or
9.1.5	Pwr	20(2)	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.
10	S	21	Deferral of Access
10.1	Pwr	21(1)	The power pursuant to Section 21(1) of the Act to defer access to a document:
10.1.1	Pwr		if it is a document that is required by law to be published but is yet to be published;
10.1.2	Pwr		if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or
10.1.3	Pwr		if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.
11	S	22	Forms of Access
11.1	Pwr	22(1)	The power pursuant to Section 22(1) of the Act to give a person access to a document by –
	Pwr		(a) giving the person a reasonable opportunity to inspect the document; or
	Pwr		(b) giving the person a copy of the document; or
	Pwr		(c) in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or
	Pwr		(d) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
	Pwr		(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or
	Pwr		(f) in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.
11.5	Pwr	22(4)	The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.
11.6	Pwr	22(5)	The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.
12	S	23	Notices of Determination
12.3	Pwr	23(3)	The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the duty to ensure that notice is given in that form.
12.4	Pwr	23(4)	The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.
14	S	26	Documents Affecting Personal Affairs
14.3	Pwr	26(4)	The power pursuant to Section 26(4) of the Act where:-
14.3.1	Pwr		an application is made to the Council for access to a document to which Section 26 of the Act applies; and
14.3.2	Pwr		the document contains information of a medical or psychiatric nature concerning the applicant; and
14.3.3	Pwr		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
14.3.4	Pwr		the Delegate decides that access to the document is to be given,
	Pwr		to give access to the document to a registered medical practitioner nominated by the applicant.
17	S	29	Internal Review
17.1	Pwr	29(3)	The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.
21	S	35	Refusal to Amend Records
21.1	Pwr	35	The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:
21.1.1	Pwr		(a) if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or
21.1.2	Pwr		(b) if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
21.1.3	Pwr		(c) if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.
22	S	36	Notices of Determination
22.3	Pwr	36(3)	The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.
23	S	37	Notations to be Added to Records
	Pwr	37(3)(b)	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.
24	S	38	Internal Review
24.1	Pwr	38(3)	The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.
25	S	39	External Review
25.1	Pwr	39(5)(b) (i)	The duty and power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.
25.2	Pwr	39(5)(b) (ii)	The duty and power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.
25.3	Pwr		The power:
25.3.1	Pwr	39(5)(c) (i)	to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and
25.3.2	Pwr		to request a suspension of proceedings under Section 39 at any time to allow an opportunity for a settlement to be negotiated.
25.4	Pwr	39(7)	The duty and power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.
26	S	40	Appeal to District Court
26.1	Pwr	40(1)	The power pursuant to Section 40(1) of the Act and with the permission of the District Court, to appeal against a determination made under Division 1 of Part 5 of the Act on a question of law.
27	S	41	Consideration of Restricted Documents
27.1	Pwr	41(1)	The power pursuant to Section 41(1) of the Act to make application to the District Court to have the District Court receive evidence and hear argument in the absence of the public, the other party to the appeal and, the other party's representative.
28	S		Deliberately left blank
			Deliberately left blank
29	S	53	Fees & Charges
29.1	Pwr	53(2a)	The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.
29.3	Pwr	53(5)	The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
31	S	Schedule 1	Documents Containing Confidential Material
31.1	Pwr	13(2)(b)(iii) of Sched.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

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 91 of the <i>Food Act 2001</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the Food Act 2001 ('the Act') are delegated by the Council to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the <i>Food Act 2001</i>) and to any person acting in that office, subject to the conditions or limitations specified in Schedule A contained in the Instrument of Delegation under the <i>Food Act 2001</i>. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions in the Instrument of Delegation under the <i>Food Act 2001</i>.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	42	Seizure
1.1	Pwr	42(2)	The power pursuant to Section 42(2) of the <i>Food Act 2001</i> ("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.
1.2	Pwr	42(3)(a)	The power pursuant to Section 42(3)(a) of the Act to authorise –
1.2.1	Pwr	42(3)(b) (i)(B)	upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or
1.2.2	Pwr		in the case of food or any other perishable thing, order that it be forfeited to the Council.
1.4	Pwr	42(3)(e)	The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.
2	S	51	Review of Decision to Refuse Certificate of Clearance
2.1	Pwr	51(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 appropriate review body for a review of the decision, to respond to the review body on behalf of the Council.
3	S	52	Review of Order
3.3	Pwr	52(4)	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 appropriate review body for a review of the determination, to respond to that review body on behalf of the Council.
4	S	79	Auditing and Reporting
4.3	Pwr	79(4)	The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.
7	S	94 and 95	Appointment of Authorised Officers
7.1	Pwr	94(1)	The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.
7.4	Pwr	95(2)	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.
8	S	29	Offences
8.1	Pwr	29(2)	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 –
8.1.1	Pwr	13(1)	Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.
8.1.2	Pwr	13(2)	Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.
8.1.3	Pwr	14(1)	Selling food that the person knows is unsafe.

City of Onkaparinga Delegations Register Part 2 Acts F - H

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
8.1.4	Pwr	14(2)	Selling food that the person ought reasonably to know is unsafe	Chief Executive Officer
8.1.5	Pwr	16(1)	Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.	Chief Executive Officer
8.1.6	Pwr	16(6)	Selling food that is unsafe.	Chief Executive Officer
8.1.7	Pwr	17(1)	Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.	Chief Executive Officer
8.1.8	Pwr	17(2)	Selling food that is unsuitable.	Chief Executive Officer
8.1.9	Pwr	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.	Chief Executive Officer
8.1.10	Pwr	21(2)	Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.	Chief Executive Officer
8.1.11	Pwr	39	Failure, without reasonable excuse, to comply with a requirement of an authorised officer.	Chief Executive Officer
8.1.12	Pwr	40	Providing information or producing any document that the person knows is false or misleading in a material particular.	Chief Executive Officer
8.1.13	Pwr	41(1)	Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.	Chief Executive Officer
8.1.14	Pwr	41(2)	Impersonating an authorised officer.	Chief Executive Officer
8.1.15	Pwr	42(2)	Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.	Chief Executive Officer
8.1.16	Pwr	50	Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.	Chief Executive Officer
8.1.17	Pwr	86(1)	Failure to notify of a food business before the business is conducted.	Chief Executive Officer
8.1.18	Pwr	86(2)	Failure to notify of a food business that is being conducted.	Chief Executive Officer
8.1.19	Pwr	86(3)	Failure to notify of a food business that is transferred or which has changed its name or address.	Chief Executive Officer
8.2	Pwr		The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	Chief Executive Officer

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx** day of **xxxxxx 2014** the following powers and functions under the **Gaming Machines Act 1992** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	8	Representation	Chief Executive Officer
1.1	Pwr	8(1)(b) and (c)	The power pursuant to Section 8(1)(b) and (c) where councils is a party to proceedings before the Commissioner, to appear in those proceedings by counsel, appointed to represent council's interest, or by leave of the Commissioner, an officer or employee of the Council.	Chief Executive Officer - refer Schedule A
2	S	30 & 42A	Objections and Intervention	
2.1	Pwr	30(1)	The power pursuant to Section 30(1), to lodge an objection to an application, in the prescribed form, with the Commissioner.	Chief Executive Officer
2.3	Pwr	30(5)	The power, pursuant to Section 30(5), to request a variation to the objection at any time before the determination of the proceedings.	Chief Executive Officer
2.4	Pwr	42A(2)	The power pursuant to Section 42A(2), for an application advertised under Section 42A, to object to an application by notice in the prescribed form lodged with the Commissioner at least 7 days before the day appointed for the hearing of the application.	Chief Executive Officer
2.6	Pwr	42A(7)	The power pursuant to Section 42A(7) to request a variation to the objection at any time before the determination of the proceedings.	Chief Executive Officer
3	S	Sect 69	Appeals	
3.1	Pwr		The power, pursuant to Section 69(1), to file an appeal to the Court against a decision or order of the Commissioner, within one month of the decision.	Chief Executive Officer

Gaming Machines Act 1992
City of Onkaparinga Delegations Register Part 2 Acts F - H

SCHEDULE OF CONDITIONS	
'A'	
Paragraph(s) in instrument to which conditions/ limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer
	**Also within the limitations of section 44(3) of the <i>Local Government Act 1999</i>
All	The Delegate in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.
1.1	Please also refer to 'City of Onkaparinga Policy / Operational Delegations' 2(b) General Prosecutions / Representations.

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the XX day of XXXX 2014 the following powers and functions under the Graffiti Control Act 2001 ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	7	Appointment of Authorised Persons	
1.1	Pwr	7(1)	The powers pursuant to Section 7(1) of the Act to appoint pursuant to Section 260 of the <i>Local Government Act 1999</i> , an authorised person for the purposes of the enforcement of Part 2 of the Act.	Chief Executive Officer
2	S	12	Removal or Obliteration of Graffiti	
2.1	Pwr	12(1)(a)	The power pursuant to Section 12(1)(a) of the Act to serve a notice on the owner or occupier of private property giving at least ten days notice of the intention to enter the property and take any action necessary to remove or obliterate graffiti on the property that is visible from a public place.	Chief Executive Officer
2.2	Pwr	12(1)	The power pursuant to Section 12(1) of the Act to enter private property and take any action necessary to remove obliterate graffiti on the property that is visible from a public place, where the owner or occupier has been served with a notice under Section 12(1)(a) and has not objected to the action being taken.	Chief Executive Officer
2.4	Pwr	12(4)	The power pursuant to Section 12(4) of the Act, to authorise a person (who may be someone other than an employee) to remove or obliterate graffiti in accordance with Section 12 of the Act.	Chief Executive Officer

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx** day of **xxxx 2014** the following powers and functions under the **Harbors and Navigations Act 1993** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	12	Appointment of Authorised Person	
1.1	Pwr	12(1b)	The power pursuant to Section 12(1b) to concur with the Chief Executive Officer of the Department in respect of the appointment of an officer or employee of the Council to be an authorised person for the purposes of the Act.	Chief Executive Officer
2	S	18A	Power to Make By-Laws	
2.1	Pwr	18A	The power, pursuant to Section 18A to, with the approval of the relevant authority, make by-laws that operate in relation to –	ND
2.1.1	Pwr		a port or part of a port; or	ND
2.1.2	Pwr		a harbor or part of a harbor; or	ND
2.1.3	Pwr		adjacent or subjacent land that is neither within a port nor a harbor.	ND

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **th day of xxxxx 2014** the following powers and functions under the **Heavy Vehicle National Law (South Australia) Act 2013** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
1	S	156	Deciding Request for Consent Generally	
1.1	Pwr	156(1)	The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013</i> (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:	Chief Executive Officer
1.1.1	Pwr		within:	Chief Executive Officer
1.1.1.1	Pwr		28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	Chief Executive Officer
1.1.1.2	Pwr		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	Chief Executive Officer
1.1.2	Pwr		within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	Chief Executive Officer
1.2	Pwr	156(2)	The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:	Chief Executive Officer
1.2.1	Pwr		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	Chief Executive Officer
1.2.2	Pwr		the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	Chief Executive Officer
1.2.3	Pwr		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.	Chief Executive Officer
1.3	Pwr	156(2)(c)	The power pursuant to Section 156(2) 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.	Chief Executive Officer
1.4	Pwr	156(3)	The power pursuant to Section 156(3) of the Act to decide not to give the consent only if the delegate is satisfied:	Chief Executive Officer
1.4.1	Pwr		the mass or dimension authority will, or is likely to:	Chief Executive Officer
1.4.1.1	Pwr		cause damage to road infrastructure; or	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
1.4.1.2	Pwr		impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	Chief Executive Officer
1.4.1.3	Pwr		pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and	Chief Executive Officer
1.4.2	Pwr		it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:	Chief Executive Officer
1.4.2.1	Pwr		the damage or likely damage; or	Chief Executive Officer
1.4.2.2	Pwr		the adverse effects or likely adverse effects; or	Chief Executive Officer
1.4.2.3	Pwr		the significant risks or likely significant risks.	Chief Executive Officer
1.5	Pwr	156(4)	The power pursuant to Section 156(4) of the Act, in deciding whether or not to give the consent, to have regard to:	Chief Executive Officer
1.5.1	Pwr		for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	Chief Executive Officer
1.5.2	Pwr		for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	Chief Executive Officer
1.6	Pwr	156(6)	The power pursuant to Section 156(6) 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
2	S	158	Action Pending Consultation with Third Party	
2.1	Pwr	158(2)	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	Chief Executive Officer
2.2	Pwr	158(4)	The power pursuant to Section 158(4) of the Act, if:	Chief Executive Officer
2.2.1	Pwr		the consultation with the other entity is completed and the other entity's approval is required; and	Chief Executive Officer
2.2.2	Pwr		the delegate has not yet decided to give or not to give the consent,	Chief Executive Officer
	Pwr		To -	Chief Executive Officer
2.2.3	Pwr		decide not to give the consent, on the ground that the consent would be inoperative; or	Chief Executive Officer
2.2.4	Pwr		decide to give the consent.	Chief Executive Officer
3	S	159	Deciding Request for Consent if Route Assessment Required	
3.1	Pwr	159(1) and (2)	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:	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
3.1.1	Pwr		that a route assessment is required for deciding whether to give or not to give the consent;	Chief Executive Officer
3.1.2	Pwr		the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	Chief Executive Officer
3.2	Pwr	159(4)	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	Chief Executive Officer
4	S	160	Imposition of Road Conditions	
4.1	Pwr	160(1)	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:	Chief Executive Officer
4.1.1	Pwr		except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or	Chief Executive Officer
4.1.2	Pwr		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.	Chief Executive Officer
4.2	Pwr	160(2)	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	Chief Executive Officer
5	S	161	Imposition of Travel Conditions	
5.1	Pwr	161(1)	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.	Chief Executive Officer
5.2	Pwr	161(2)	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	Chief Executive Officer
6	S	162	Imposition of Vehicle Conditions	
6.1	Pwr	162(1)	The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	Chief Executive Officer
7	S	167	Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority	
7.1	Pwr	167(2)(b)	The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:	Chief Executive Officer
7.1.1	Pwr		14 days after the request for consent is made; or	Chief Executive Officer
7.1.2	Pwr		28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	Chief Executive Officer
8	S	169	Granting Limited Consent for Trial Purposes	
8.1	Pwr	169(1)	The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	Chief Executive Officer
9	S	170	Renewal of Limited Consent for Trial Purposes	
9.1	Pwr	170(3)	The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.	Chief Executive Officer
10	S		Amendment or Cancellation on Regulator's Initiative	
10.1	Pwr	173(3)(d)	The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
11	S	174	Amendment or Cancellation on Request by Relevant Road Manager	
11.1	Pwr	174(1)	The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	Chief Executive Officer
11.1.1	Pwr		has caused, or is likely to cause, damage to road infrastructure; or	Chief Executive Officer
11.1.2	Pwr		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	Chief Executive Officer
11.2.3	Pwr		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.	Chief Executive Officer
11.2	Pwr	174(2)	The power pursuant to Section 174(2) of the Act to ask the Regulator to:	Chief Executive Officer
11.2.1	Pwr		amend the mass or dimension authority by:	Chief Executive Officer
11.2.1.1	Pwr		amending the areas or routes to which the authority applies; or	Chief Executive Officer
11.2.1.2	Pwr		amending the days or hours to which the authority applies; or	Chief Executive Officer
11.2.1.3	Pwr		imposing or amending road conditions or travel conditions; or	Chief Executive Officer
11.2.2	Pwr		cancel the authority.	Chief Executive Officer
12	S	176	Amendment or Cancellation on Application by Permit Holder	
12.1	Pwr	176(4)(c)	12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	Chief Executive Officer
13	S	178	Amendment or Cancellation on Request by Relevant Road Manager	
13.1	Pwr	178(1)	The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	Chief Executive Officer
13.1.1	Pwr		has caused, or is likely to cause, damage to road infrastructure; or	Chief Executive Officer
13.1.2	Pwr		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	Chief Executive Officer
13.1.3	Pwr		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.	Chief Executive Officer
13.2	Pwr	178(2)	The power pursuant to Section 178(2) of the Act to ask the Regulator to:	Chief Executive Officer
13.2.1	Pwr		amend the mass or dimension authority, including, for example, by:	Chief Executive Officer
13.2.1.1	Pwr		amending the areas or routes to which the authority applies; or	Chief Executive Officer

LEGISLATION				
Instrument	Duty	SECTION	DESCRIPTION	
13.2.1.2	Pwr		amending the days or hours to which the authority applies; or	Chief Executive Officer
13.2.1.3	Pwr		imposing or amending road conditions or travel conditions on the authority; or	Chief Executive Officer
13.2.2	Pwr		cancel the authority.	Chief Executive Officer

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xx 2014**, the following powers and functions under the **Housing Improvement Act 1940** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				Chief Executive Officer
Instrument No.	Duty	SECTION	DESCRIPTION	Chief Executive Officer
1	S	23	Power to Declare Houses Unfit for Habitation	
1.1	Pwr	23(1)	The power pursuant to Section 23(1) of the <i>Housing Improvement Act 1940</i> ("the Act"):	Chief Executive Officer
1.1.1	Pwr		to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;	Chief Executive Officer
1.1.2	Pwr		to declare that the house -	Chief Executive Officer
1.1.2.1	Pwr		is undesirable for human habitation; or	Chief Executive Officer
1.1.2.2	Pwr		is unfit for human habitation.	Chief Executive Officer
1.3	Pwr	23(2)	The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -	Chief Executive Officer
1.3.1	Pwr		if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and	Chief Executive Officer
1.3.2	Pwr		where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.	Chief Executive Officer
1.4	Pwr	23(3)	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).	Chief Executive Officer
1.5	Pwr	23(5)	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –	Chief Executive Officer
1.5.1	Pwr		to do anything that is necessary to make the house comply with the direction or demolish the house;	Chief Executive Officer
1.5.2	Pwr		to recover any expenses incurred from the owner of the house;	Chief Executive Officer
1.5.3	Pwr		to sell or dispose of any material taken from the house;	Chief Executive Officer
2	S	25	Power of Housing Authority	
2.1	Pwr	25(1)	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.	Chief Executive Officer

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	Chief Executive Officer
3	S	33	Power to Declare Clearance Area	
3.1	Pwr	33(3)(a) (i)	The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and	Chief Executive Officer
3.2	Pwr	33(b)	The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.	Chief Executive Officer
4	S	71	Dispossession of occupiers failing to vacate premises when required to do so	
4.1	Pwr	71	The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.	Chief Executive Officer

City of Onkaparinga

Delegations Register Part 3 Acts I - Q

Adopted by Council

Preamble

Section 44 of the *Local Government Act 1999* allows a Council to delegate (within certain stated conditions or exemptions) its powers, duties or functions to a Council Committee, a Council subsidiary, to the Chief Executive Officer, Other Acts and Authorisations that empower Councils to undertake certain functions and activities also include provisions to delegate powers e.g. *Development Act 1993* and Ministerial notices etc.

Policy and/or Operational delegations are also made by Council to assist with the efficient implementation of Council decisions.

This mechanism of delegation allows the Council to focus on policy and strategy and enables day to day operations to be carried out by the Administration.

Section 101 of the *Local Government Act 1999* establishes the authority of the Chief Executive Officer to sub-delegate their powers or functions.

All delegations made by the Council can be revoked at any time and do not, except in limited circumstances, prevent the Council from acting in a matter itself. Also, an officer to whom a delegation has been made may choose not to exercise that delegation and bring a matter direct to Council for direction.

City of Onkaparinga Delegations Register

The delegations register reflects the delegated authority from Council to the Chief Executive Officer.

For the purposes of conducting its governing, regulatory and service activities effectively and efficiently, Council has in place a process of delegation in accordance with Section 44 of the *Local Government Act 1999*.

The City of Onkaparinga Delegations Register comprises of:

- § Statutory delegations (i.e. powers and functions specifically referable to a Section of an Act or a Regulation).
- § A 'Policy/Operations' component, which reflects Council delegations as a result of resolutions or policies without any specific link to an Act.
- § Direct delegations/authorisations made to Council such as those provided by the Minister of Transport and the Board of the Environment Protection Authority.

Annual Review

The Delegations Register is reviewed by Council at least once in every financial year as set out in Section 44(6) of the *Local Government Act 1999*.

Availability of the Delegations Register

The Delegations Register can be viewed on Council's website or is available for inspection at the Principal Office of the Council during ordinary office hours. Hard copy documents are available from the Manager, Governance.

www.onkaparingacity.com

IMPORTANT NOTES

Delegations, Sub-Delegations and Financial Delegations are managed by the Governance Unit.

About this document

This **Preamble** contains important explanatory notes describing how to use and interpret the document

Instruments - list the delegations made by Council to the CEO and the sub-delegations made by the CEO to staff under each Act or Regulation

Schedule A - lists the limitations and conditions of the delegations imposed on the Chief Executive Officer under specific Acts

Schedule B - lists the limitations and conditions of the sub-delegations imposed on staff under specific Acts

Note: Standard conditions apply for most Acts and are found after this preamble.
Where different conditions or limitations apply, Schedules will follow the applicable Instrument

Abbreviations

- CD** - Council cannot delegate
- ND** - Council has not delegated
- Pwr** - Power

SCHEDULE OF CONDITIONS 'A'	
Paragraph(s) in instrument to which conditions/ limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer **Also within the limitations of section 44(3) of the <i>Local Government Act 1999</i>
All	The Delegate in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx** day of **xxxxx 2014**, the following powers and functions under the ***Land and Business (Sale and Conveyancing) Act 1994*** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
	S	12		
1	Duty	12(1)	The duty pursuant to Section 12(1) of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> ("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 -	Chief Executive Officer
1.1	Duty		any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or	Chief Executive Officer
1.2	Duty		insurance under Division 3 of Part 5 of the Building Work Contractors Act 1995, in relation to a building on land within the Council's area.	Chief Executive Officer

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the <i>Liquor Licensing Act 1997</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	Sect 69	Extension of Trading Area
1.1	Pwr	69(3)(e)	The power pursuant to Section 69(3)(e) of the <i>Liquor Licensing Act 1997</i> ("the Act"), on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.
2	S	Sect 76	Rights of Intervention
2.1	Pwr	76(2)	The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.
3	S	Sect 106	Noise
3.1	Pwr	106(2)(b)	The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).
3.2	Pwr	106(4)	The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.
3.3	Pwr	106(5)	The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).
4	S	Sect 120	Disciplinary Action Before the Court
4.1	Pwr	120(1) and (2)	The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxx 2014** the following powers and functions under the **Local Government Act 1934** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S		Power of Council to Establish Cemetery, Crematorium and Mortuary
			<i>deliberately left blank</i>
2	S		Neglected Cemeteries
			<i>deliberately left blank</i>
3	S		Power To Take Over Cemeteries
			<i>deliberately left blank</i>
4	S		Power to Set Apart Portion of Cemetery for Religious Denomination
			<i>deliberately left blank</i>
5	S		Power to Manage Cemetery
			<i>deliberately left blank</i>
6	S	692	Recovery of Amount Due to Council
6.1	Pwr	692(1)	The power pursuant to Section 692(1) of the Act to recover from any person fees, charges, expenses or other amounts payable to the Council under the Act by action in a court of competent jurisdiction, in accordance with Section 692 of the Act.
7	S	698	Representation of Council Before Courts
7.1	Pwr	698	The power pursuant to Section 698 of the Act to appoint an officer of the Council for the purpose, to represent the Council in all proceedings before a court of summary jurisdiction or a local court in all respects as though the officer were the party concerned.

City of Onkaparinga Delegations Register Part 3 Acts I - Q

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxx 2014**, the following powers and functions under the *Local Government Act 1999* ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION

Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	12	Review of representation Compositions and Wards	
1.1	Pwr	12(1)	The power pursuant to Section 12(1) of the <i>Local Government Act 1999</i> ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	ND
1.1.1	Pwr		alter the composition of the Council;	ND
1.1.2	Pwr		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.	ND
1.2	Pwr	12(2)	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	ND
1.2.1	Pwr		change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	ND
1.2.2	Pwr		alter the name of:	ND
1.2.2.1	Pwr		the Council;	ND
1.2.2.2	Pwr		the area of the Council;	ND
1.2.3	Pwr		give a name to, or alter the name of, a ward,	ND
	Pwr		(without the need to comply with Section 13 of the Act).	ND
1.4	Pwr	12(4)	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed between April 2016 and April 2017.	Chief Executive Officer
1.5			<i>Deliberately left blank.</i>	
1.6			<i>Deliberately left blank.</i>	
1.14	Pwr		With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:	ND
1.14.1	Pwr		insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and	ND

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
1.14.2	Pwr		to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.	ND
1.18	Pwr	12(15)(b)	Where a certificate is given by the Electoral Commissioner under Section 12(13)(a) of the Act, the power pursuant to Section 12(15)(b) of the Act to provide, by notice in the Gazette, for the operation of any proposal that is recommended in the Section 12(8a) Report.	Chief Executive Officer
1.19	Pwr	12(16)	The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	Chief Executive Officer
2	S	13	Status of a council or change of various names	
2.1	Pwr	13(1)	The power pursuant to Section 13(1) of the Act to publish relevant notices in the Gazette after complying with the requirements of Section 13 of the Act:	Chief Executive Officer
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;	Chief Executive Officer
2.1.2			alter the name of:	Chief Executive Officer
2.1.2.1			the Council;	Chief Executive Officer
2.1.2.2			the area of the Council;	Chief Executive Officer
2.1.3			alter the name of a ward.	Chief Executive Officer
3	S	21	Boundary Adjustment Staffing arrangements	
3.1	Pwr	21(4)(b)	The power pursuant to Section 21(4)(b) of the Act to give the Boundary Adjustment Facilitation Panel ("the Panel") use of the Council's services, facilities or staff.	Chief Executive Officer
4	S	22	Functions of Panel	
4.1	Pwr	22(b)	The power pursuant to Section 22(b) of the Act to cooperate with the Panel in the formulation, development and implementation of proposals and submissions under Chapter 3 of the Act.	Chief Executive Officer
5	S	27	Council Initiated Proposal	
5.1	Pwr	27(1)	The power pursuant to Section 27(1) of the Act to submit to the Panel a proposal for the making of a proclamation under Chapter 3 of the Act	Chief Executive Officer
5.3	Pwr	27(7)	The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council or the Delegate, request or consent to the Panel:	ND
5.3.1	Pwr		amending the proposal;	ND
5.3.2	Pwr		substituting an alternative proposal.	ND
6	S	28	Public Initiated Submissions	

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
6.1	Pwr	28(6)	The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:	ND
6.1.1	Pwr		conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	ND
6.1.2	Pwr		formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act.	ND
7	S	36	Council to be a Body Corporate and Contracts	
7.1	Pwr	36(1)(a)(i)	The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.	Chief Executive Officer - refer Schedule A
7.2	Pwr	36(1)(c)	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental, but within any policy or budgetary constraints set by the Council, to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	Chief Executive Officer
7.3	Pwr	36(2)	The power pursuant to Section 36(2) of the Act to act outside the Council's area –	Chief Executive Officer
7.3.1	Pwr		to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or	Chief Executive Officer
7.3.2	Pwr		in order to provide services to an unincorporated area of the State.	Chief Executive Officer
8	S	37	Provision relating to Contract and Transactions	
8.1	Pwr	37(b)	The power pursuant to Section 37(b) of the Act, but subject of the conditions or limitations in Schedule A to this instrument 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.	Chief Executive Officer - refer Schedule A
9	S	41	Committees	
9.1	Pwr	41(1) and (2)	The power pursuant to Section 41(1) and (2) of the Act to establish committees.	ND
9.2	Pwr	41(3)	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	ND
9.3	Pwr	41(4)	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	ND
9.4	Pwr	41(6)	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	ND

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
9.5	Pwr	41(8)	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	ND
	S	42	Ability of council to establish a subsidiary	
9.6.X.1	Pwr	42	As per section 44(3)(h) a council may not delegate the power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;	CD
	S	43	Ability of council to establish a regional subsidiary	
9.7.X.1	Pwr	43	As per section 44(3)(h) a council may not delegate the power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;	CD
10X	S	44	Delegations by Council	
10X.1	Pwr	44(3)	Under the power pursuant to Section 44(3) a Council may not delegate -	CD
10X.2	Pwr	44(3)(a)	power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the council; [see Section 249]	CD
10X.3	Pwr	44(3)(b)	power to declare rates or a charge with the character of a rate; [see Section 141]	CD
10X.4	Pwr	44(3)(c)	power to borrow money or to obtain other forms of financial accommodation; [see Section 134]	CD
10X.5	Pwr	44(3)(d)	power to adopt or revise a strategic management plan of the council; [see Section 122]	CD
10X.6	Pwr	44(3)(da)	power to adopt or revise an annual business plan or budget of the council; [see Section 123]	CD
10X.7	Pwr	44(3)(e)	power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council; [see Section 123]	CD
10X.8	Pwr	44(3)(f)	power to determine annual allowances under Chapter 5; [see Section 76]	CD
10X.9	Pwr	44(3)(g)	power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision; [see Section 77]	CD
10X.10	Pwr	44(3)(h)	power to establish a subsidiary, or to participate in the establishment of a regional subsidiary; [see Section 43]	CD
10X.11	Pwr	44(3)(i)	power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;	CD

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
10X.12	Pwr	44(3)(j)	power to fix, vary or revoke a fee under section 188(1)(d) to (h);	CD
10X.13	Pwr	44(3)(k)	a power or function excluded from delegation by the regulations.	CD
11	S	45	Principal Office	
11.2	Pwr	45(2)	The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during the hours determined by the Council.	Chief Executive Officer
11.3	Pwr	45(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
12	S	46	Commercial Activities	
12.0.X	Pwr		Subject to Section 44(3)(e) of the Act and within any parameters set by the Council:	Chief Executive Officer
12.1.X	Pwr	46(1) and (2)	the power pursuant to Section 46(1) and (2) of the Act to, in the performance of Council's functions, engage the Council in a commercial activity or enterprise, including the establishment of a business or participation in a joint venture, trust, partnership or other similar body	Chief Executive Officer
13	S	47	Interests in companies	
13.1	Pwr	47(2)(b)	The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of, a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	Chief Executive Officer
14	S	48	Prudential Requirements	
14.00	Pwr	48(aa1) and (a1)	The power and duty pursuant to Section 48(aa1) and (a1) of the Act to develop and maintain prudential management policies, practices and procedures for the consideration and adoption by the Council for the assessment of projects to ensure that the Council:	Chief Executive Officer
14.1	Power	48(1)	Without limiting the duty pursuant to Section 48(aa1) of the Act , the power and duty pursuant to Section 48(1) of the Act, and subject to Section 48(3) of the Act , to obtain a report that addresses the prudential issues set out at Section 48(2) of the Act, prior to the Council:	Chief Executive Officer
14.1.1			Deliberately left blank	
14.1.2	Power		engaging in any project, be it commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body, where:	Chief Executive Officer
14.1.2.1	Power		the expected expenditure of the Council over the ensuing five years is likely to exceed 20% of the Council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
14.1.2.2	Power		the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed in accordance with Section 48(6d) of the Act; or	Chief Executive Officer
14.1.2.3	Power		the Council or Delegate considers that it is necessary or appropriate.	Chief Executive Officer
14.3	Pwr	48(5)	The power and duty pursuant to Section 48(5) of the Act, but subject to Section 48(6) of the Act to make a report prepared under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project, and the power to make such a report available at an earlier time unless the Council orders that the report be kept confidential until that time.	Chief Executive Officer
15	S	49	Contracts and Tender Policies	
15.0	Pwr	49(a1)	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures for the consideration and adoption by the Council directed towards:	Chief Executive Officer
15.0.1	Pwr		obtaining value in the expenditure of public money; and	Chief Executive Officer
15.0.2	Pwr		providing for ethical and fair treatment of participants; and	Chief Executive Officer
15.0.3	Pwr		ensuring probity, accountability and transparency in procurement operations.	Chief Executive Officer
15.1	Pwr	49(1)	Without limiting the duty pursuant to Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare policies on contracts and tenders for consideration and adoption by the Council, including policies on the following:	Chief Executive Officer
15.1.1	Pwr		the contracting out of services; and	Chief Executive Officer
15.1.2	Pwr		competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	Chief Executive Officer
15.1.3	Pwr		the use of local goods and services; and	Chief Executive Officer
15.1.4	Pwr		the sale or disposal of land or other assets.	Chief Executive Officer
15.2	Pwr	49(2)	The power and duty pursuant to Section 49(2) of the Act to ensure that all policies developed pursuant to Section 49 of the Act:	Chief Executive Officer
15.2.1	Pwr		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	Chief Executive Officer
15.2.2	Pwr		provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	Chief Executive Officer
15.2.3	Pwr		provide for the recording of reasons for entering into contracts other than those resulting from a tender process; and	Chief Executive Officer
15.2.4	Pwr		be consistent with any requirements prescribed by the Regulations.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
15.3	Pwr	49(3)	The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	CD
16	S	50	Public Consultation Policies	
16.1	Pwr	50(1) and (2)	The power and duty pursuant to Section 50(1) and (2) of the Act to prepare a public consultation policy for adoption by the Council which sets out the steps the Council will follow:	Chief Executive Officer
16.1.1	Pwr		in cases where the Act requires the Council to follow its public consultation policy; and	Chief Executive Officer
16.1.2	Pwr		in other cases involving Council decision making.	Chief Executive Officer
16.4	Pwr	50(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.	ND
16.6	Pwr	50(7)	The power pursuant to Section 50(7) of the Act to determine that the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	Chief Executive Officer
17	S	63	Code of Conduct for Elected Members	
17.1			Deliberately left blank	
17.2			Deliberately left blank	
17.3			Deliberately left blank	
17.4			Deliberately left blank	
17.5			Deliberately left blank	
19	S	76	Elected Member Allowances	
19.0.1	Pwr	44(3)(f)	As per section 44(3)(f) a Council may not delegate the power to determine annual allowances under Chapter 5;	CD
19.0.2	Pwr	76(1)	Subject to this section, a member of a Council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.	CD
19	S	77	Reimbursement of Certain Expenses	
19.X.1	Pwr	44(3)(g)	As per section 44(3)(g) a council may not delegate the power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;	CD
19.1	Pwr	77(1)(b)	The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	Chief Executive Officer
22	S	80A	Training and Development	
22.1	Power	80A(1)	The power and duty pursuant to Section 80A(1) of the Act to prepare a training and development policy for the Council's members.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
22.3	Pwr	80A(3)	The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	ND
23	S	87	Committee Meetings	
23.1	Pwr	87(1)	The power pursuant to Section 87(1) of the Act to determine the times and places of ordinary meetings of Council committees.	ND
23.2	Pwr	87(2)	If the power specified in Section 87(1) is exercised, the duty pursuant to Section 87(2) of the Act to take into account:	ND
23.2.1	Pwr		the availability and convenience of members of the committee; and	ND
23.2.2	Pwr		the nature and purpose of the committee.	ND
26	S	92	Access to Meetings and Documents - Code of Practice	
26.1	Pwr	92(1)	The power and duty pursuant to Section 92(1) of the Act to prepare a Code of Practice for consideration and adoption by Council, relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the public accessing:	Chief Executive Officer
.	Pwr		Council and Council committee meetings; and	Chief Executive Officer
	Pwr		Council and Council committee minutes and other documents specified in Section 91(5).	Chief Executive Officer
26.2	Pwr	92(2)	The power and duty pursuant to Section 92(2) of the Act to cause a review to be undertaken of the operation of the Council's Code of Practice within 12 months after a periodic election.	Chief Executive Officer
26.3	Pwr	92(3)	The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.	ND
27	S	93	Meetings of Electors	
27.1	Pwr	93(1)	The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	Chief Executive Officer
27.3	Pwr	93(14)	The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii) of the Act.	Chief Executive Officer
28	S	95	Obstructing of Meetings	
28.1	Pwr	95	The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.	ND
31	S	110	Conduct of Employees	
31.1			Deliberately left blank	
31.2			Deliberately left blank	
31.3			Deliberately left blank	
31.4			Deliberately left blank	
31.5			Deliberately left blank	

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
31.6			Deliberately left blank	
32	S	111	Application of Division	
32.1	Pwr	111(b)	The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	ND
33	S	122	Certain Aspects of Strategic Management Planning	
33.X.0	Pwr		As per section 44(3)(d) a council may not delegate the power to adopt or revise a strategic management plan of the council;	CD
33.X.3	Pwr	122(4)	The power pursuant to Section 122(4) of the Act to review the Council's strategic management plans.	Chief Executive Officer
34	S	123	Annual Business Plans and Budget Documents	
34.X.0	Pwr		As per section 44(3)(da) a council may not delegate the power to adopt or revise an annual business plan or budget of the council;	CD
34.X.1	Pwr		As per section 44(3)(e) a council may not delegate the power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council;	CD
35	S	124	Accounting Records	
35.2	Pwr	124(2)	The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	Chief Executive Officer
37	S	126	Audit Committee	
37.1	Pwr	126(1)	The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	ND
37.2	Pwr	126(2)	If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	ND
39	S	128	Auditor	
39.1	Pwr	128(2), (3), (4), (4a), (5), (6), (7) and (8)	The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	ND
41	S	130A	Other Investigations	

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
41.1	Pwr	130A(1) and (2)	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	Chief Executive Officer
42	S	131	Annual Reports to be prepared and adopted	
42.5	Pwr	131(7)	The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.	Chief Executive Officer
43	S	132	Internet Access to Public Documents	
43.2	Pwr	132(2)	The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	Chief Executive Officer
43.3	Pwr	132(3)	The power and duty pursuant to Section 132(3) of the Act, to make the following documents available for inspection on the internet within a reasonable time after they are available at the principal office of the Council:	Chief Executive Officer
43.3.1	Pwr		agendas for meetings of the Council or Council committees;	Chief Executive Officer
43.3.2	Pwr		minutes of meetings of the Council or Council committees;	Chief Executive Officer
43.3.3	Pwr		codes of conduct or codes of practice adopted by the Council under the Act or the <i>Local Government (Elections) Act 1999</i> ;	Chief Executive Officer
43.3.4	Pwr		the Council's contract and tenders policies, public consultation policy and order-making policies;	Chief Executive Officer
43.3.5	Pwr		the Council's draft annual business plan, annual business plan (as adopted by the Council) and the summary of the annual business plan required under Part 2 of Chapter 8 of the Act;	Chief Executive Officer
43.3.6	Pwr		the Council's budget (as adopted by the Council for a particular year);	Chief Executive Officer
43.3.7	Pwr		a list of fees and charges imposed by the Council under the Act;	Chief Executive Officer
43.3.8	Pwr		by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
43.3.9	Pwr		procedures for the review of decisions established by the Council under Part 2 of Chapter 13 of the Act;	Chief Executive Officer
43.3.10	Pwr		the audited financial statements of the Council;	Chief Executive Officer
43.3.11	Pwr		the annual report of the Council;	Chief Executive Officer
43.3.12	Pwr		the Council's most recent information statement under the <i>Freedom of Information Act 1991</i> , unless the Council provides it as part of the annual report of the Council.	Chief Executive Officer
44	S	132A	Related Administrative Standards	
44.1	Pwr	132A	The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order –	Chief Executive Officer
44.1.1	Pwr		to ensure compliance with any statutory requirements; and	Chief Executive Officer
44.1.2	Pwr		to achieve and maintain standards of good public administration.	Chief Executive Officer
45	S	133	Sources of Funds	
45.1	Pwr	133	The power pursuant to Section 133 of the Act to obtain funds as permitted by or under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act, by –	Chief Executive Officer
45.X.1	Pwr		selling property;	Chief Executive Officer
45.X.2	Pwr		leasing or hiring out property;	Chief Executive Officer
45.X.3	Pwr		obtaining grants or other allocations of money other than by borrowing;	Chief Executive Officer
45.X.4	Pwr		carrying out commercial activities; or	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
45.X.5	Pwr		recovering fees, charges, penalties or other money payable to the Council.	Chief Executive Officer
46.X	S	134	Borrowing and related financial arrangements	
46.X	Pwr	134	As per section 44(3)(c) a council may not delegate the power to borrow money or to obtain other forms of financial accommodation;	CD
46	S	135	Ability of a Council to Give Security	
46.1	Pwr	135(1)	The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:	ND
46.1.1	Pwr		guarantees (including guarantees relating to the liability of a subsidiary of the Council);	ND
46.1.2	Pwr		debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	ND
46.1.3	Pwr		bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.	ND
46.2	Pwr	135(2)	The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:	ND
46.2.1	Pwr		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	ND
46.2.2	Pwr		if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	ND
47	S	137	Expenditure of Funds	
47.1	Pwr	137	The power pursuant to Section 137 of the Act to expend Council's approved budgeted funds, subject to the Council's policies and the conditions and/or limitations in Schedule A to this Instrument, under the Act and any other Act, in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or any other Act	Chief Executive Officer - refer Schedule A
48	S	139 140	Investment Powers	
48.1	Pwr	139(1)	The power pursuant to Section 139(1) of the Act to invest money under the Council's control ('the Power of Investment').	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
48.4	Pwr	139(3)	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, when exercising the Power of Investment, to -	Chief Executive Officer
48.4.1	Pwr		the anticipated community benefit from an investment; and	Chief Executive Officer
48.4.2	Pwr		the desirability of attracting additional resources into the local community.	Chief Executive Officer
48.5	Pwr	139(5)	The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from a person whom the Delegate reasonably believes to be competent to give the advice.	Chief Executive Officer
50	S	141	Gifts to Council	
50.1	Pwr		Within the confines of Section 44(3) of the Act:	Chief Executive Officer
50.1.1	Pwr	141(1)	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	Chief Executive Officer
50.1.2	Pwr	141(2)	the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;	Chief Executive Officer
50.1.3	Pwr	141(3)	the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;	Chief Executive Officer
52	S	143	Bad Debts	
52.1	Pwr	143(1)	The power pursuant to Section 143(1) of the Act, subject to Section 143(2) of the Act, to write off any debts owed to the Council –	Chief Executive Officer
52.1.1	Pwr		if the Council has no reasonable prospect of recovering the debts; or	Chief Executive Officer
52.1.2	Pwr		if the costs of recovery are likely to equal or exceed the amount to be recovered,	Chief Executive Officer
	Pwr		up to and including an amount of \$5,000.00 in respect of any one debt.	Chief Executive Officer
53	S	144	Recovery of Amounts due to Council	
53.1	Pwr	144(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.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
53.2	Pwr	144(2), (3) and (4)	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.	Chief Executive Officer
54	S	148	Land against which rates may be assessed	
54.x	Pwr		As per section 44(3)(b) a council may not delegate the power to declare rates or a charge with the character of a rate	CD
54.1	Pwr	148(2)	The power and duty pursuant to Section 148(2) of the Act to make decisions under Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the Council area.	Chief Executive Officer
55	S	151	Basis of Rating	
55.1	Pwr		Before the Council –	Chief Executive Officer
55.1.1	Pwr		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	Chief Executive Officer
55.1.2	Pwr		changes the basis on which land is valued for the purposes of rating; or	Chief Executive Officer
55.1.3	Pwr		changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land,	Chief Executive Officer
	Pwr	151(5)(d) and (e)	the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:	Chief Executive Officer
56	S	152	General Rates	
56.1	Pwr	152(2)(d) and (3)	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.	Chief Executive Officer
57	S	155	Service Rates and Service Charges	
57.2	Pwr	155(7)	The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	Chief Executive Officer
58	S	156	Basis of differential rates	
58.1	Pwr	156(3), (9), (10), (11)	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.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
58.2	Pwr	156(14a)	The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to –	Chief Executive Officer
58.2.1	Pwr	156(14b)	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	Chief Executive Officer
58.2.2	Pwr	156(14d)	follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	Chief Executive Officer
60	S	159	Certain Matters Associated with Rating - Preliminary	
60.1	Pwr	159(1)	The power, pursuant to Section 159(1) of the Act to determine the manner and form in which a person or body may apply to the Council for a determination of whether grounds exist for the person or body to receive a rebate of rates under Division 5 of Chapter 10 of the Act, and the information the person or body must supply.	Chief Executive Officer
60.2	Pwr	159(3)	The power pursuant to Section 159(3) of the Act to grant a rebate of rates under Division 5 of Chapter 10 of the Act if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	Chief Executive Officer
60.3	Pwr	159(4)	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.	Chief Executive Officer
60.4	Pwr	159(10)	The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 of the Act no longer applies.	Chief Executive Officer
61	S	161	Rebate of Rates - Community Services	
61.1	Pwr	161(1) and (3)	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation –	Chief Executive Officer
61.1.1	Pwr		is incorporated on a not-for-profit basis for the benefit of the public; and	Chief Executive Officer
61.1.2	Pwr		provides community services without charge or for a charge that is below the cost to the body of providing the services; and	Chief Executive Officer
61.1.3	Pwr		does not restrict its services to persons who are members of the body.	Chief Executive Officer
62	S	165	Rebate of Rates - Educational purposes	
62.1	Pwr	165(1) and (2)	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of more than 75% of the rates on land:	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
62.1.1	Pwr		occupied by a Government school under a lease or license and being used for educational purposes; or	Chief Executive Officer
62.1.2	Pwr		occupied by a non-Government school registered under the <i>Education and Early Childhood Services (Registration and Standards) Act 2011</i> and being used for educational purposes; or	Chief Executive Officer
62.1.3	Pwr		land being used by a University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	Chief Executive Officer
63	S	166	Discretionary Rebate of Rates	
63.2	Pwr	166(1), (2) and (4)	The power pursuant to Section 166(1), (2) and (4) of the Act, but subject to the considerations in Section 166(1a) and (3b) of the Act (where applicable) and the conditions and/or limitations in Schedule A to this Instrument, to grant a rebate of rates or service charges of up to and including 100% of the relevant rates or service charge on such conditions as the Delegate sees fit in the following cases:	Chief Executive Officer
63.2.1	Pwr		where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	Chief Executive Officer
63.2.2	Pwr		where the rebate is desirable for the purpose of assisting or supporting a business in the area;	Chief Executive Officer
63.2.3	Pwr		where the rebate will be conducive to the preservation of buildings or places of historic significance;	Chief Executive Officer
63.2.4	Pwr		where the land is being used for educational purposes;	Chief Executive Officer
63.2.5	Pwr		where the land is being used for agricultural, horticultural or floricultural exhibitions;	Chief Executive Officer
63.2.6	Pwr		where the land is being used for a hospital or health centre;	Chief Executive Officer
63.2.7	Pwr		where the land is being used to provide facilities or services for children or young persons;	Chief Executive Officer
63.2.8	Pwr		where the land is being used to provide accommodation for the aged or disabled;	Chief Executive Officer
63.2.9	Pwr		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;	Chief Executive Officer
63.2.10	Pwr		where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or a service to the local community;	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
63.2.11	Pwr		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;	Chief Executive Officer
63.2.12	Pwr		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:	Chief Executive Officer
63.2.12.1	Pwr		a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	Chief Executive Officer
63.2.12.2	Pwr		a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.	Chief Executive Officer
63.2.13	Pwr		Where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:	Chief Executive Officer
63.2.13.1	Pwr		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	Chief Executive Officer
63.2.13.2	Pwr		a liability that is unfair or unreasonable;	Chief Executive Officer
63.2.14	Pwr		Where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2 of the Act; or	Chief Executive Officer
63.2.15	Pwr		Where the rebate is contemplated under another provision of the Act.	Chief Executive Officer
63.3	Pwr	166(3)	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:	Chief Executive Officer
63.3.1	Pwr		where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	Chief Executive Officer
63.3.2	Pwr		where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	Chief Executive Officer
63.3.3	Pwr		where the rebate relates to common property or land vested in a community corporation under the <i>Community Titles Act 1996</i> over which the public has a free and unrestricted right of access and enjoyment.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
63.4	Pwr	166(3a)	The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	Chief Executive Officer
64	S	167	Valuation of Land for the Purpose of Rating	
64.1	Pwr	167(1)	The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	Chief Executive Officer
65	S	168	Valuation of Land	
65.1	Pwr	168(1)	The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	Chief Executive Officer
65.3	Pwr	168(3)(b) and (c)	The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	Chief Executive Officer
66	S	169	Objections to Valuations made by Council	
66.2	Pwr	169(3)(b)	The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	Chief Executive Officer
68	S	173	Alterations to the Assessment Record	
68.1	Pwr	173(3) and (5)	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.	Chief Executive Officer
70	S	178	Recovery of Rates and Charges - Liability for Rates	
70.1	Pwr	178(3)	The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from -	Chief Executive Officer
70.1.1	Pwr		the principal ratepayer; or	Chief Executive Officer
70.1.2	Pwr		any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	Chief Executive Officer
70.1.3	Pwr		any other person who was at the time of the declaration of the rates an owner or occupier of the land.	Chief Executive Officer
70.2	Pwr	178(4)	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or licence in satisfaction of any liability for rates.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
70.3	Pwr	178(5)	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	Chief Executive Officer
70.4	Pwr	178(6)	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under Section 178(5) of the Act in whole or in part.	Chief Executive Officer
71	S	179	Liability for Rates if Land is Not Rateable for the Whole of the Financial Year	
71.1	Pwr	179(2)	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	Chief Executive Officer
73	S	181	Payment of Rates - General Principals	
73.1	Pwr	181(2)	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.	ND
73.2	Pwr	181(3)	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).	ND
73.3	Pwr	181(4)(b)	The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	Chief Executive Officer
73.5	Pwr	181(7a)	The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	Chief Executive Officer
73.6	Pwr	181(9)	The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	Chief Executive Officer
73.7	Pwr	181(11)	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage -	Chief Executive Officer
73.7.1	Pwr		the payment of instalments of rates in advance; or	Chief Executive Officer
73.7.2	Pwr		prompt payment of rates.	Chief Executive Officer
73.8	Pwr	181(12) (b)	The power pursuant to Section 181(12)(b) of the Act but subject to Section 181(8) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
73.9	Pwr	181(13)	The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.	Chief Executive Officer
73.10	Pwr	181(15)	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case –	Chief Executive Officer
73.10.1	Pwr		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	Chief Executive Officer
73.10.2	Pwr		the Delegate must give at least 30 days notice before an instalment falls due.	Chief Executive Officer
74	S	182	Remission and Postponement of Payment of Rates	
74.1	Pwr	182(1)	The power pursuant to Section 182(1) of the Act to decide, on the application of a ratepayer, that payment of rates in accordance with the Act would cause hardship and, if so, to –	Chief Executive Officer
74.1.1	Pwr		postpone payment in whole or in part for such period as the Delegate thinks fit; or	Chief Executive Officer
74.1.2	Pwr		remit the rates in whole or in part.	Chief Executive Officer
74.2	Pwr	182(2)	The power pursuant to Section 182(2) of the Act on a postponement of rates –	Chief Executive Officer
74.2.1	Pwr		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);	Chief Executive Officer
74.2.2	Pwr		to grant the postponement on other conditions determined by the Delegate; and	Chief Executive Officer
74.2.3	Pwr		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).	Chief Executive Officer
74.3	Pwr	182(3)	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
74.3.1	Pwr		to assist or support a business in the Council's area; or	Chief Executive Officer
74.3.2	Pwr		to alleviate the affects of anomalies that have occurred in valuations under the Act.	Chief Executive Officer
74.4	Pwr	182(4)	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the <i>Rates and Land Tax Remission Act 1986</i> (such remissions will be in addition to the remissions that are available under that Act).	Chief Executive Officer
74.5	Pwr	182(5)	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.	Chief Executive Officer
74.6	Pwr	182(6)	The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).	Chief Executive Officer
75	S	182A	Postponement of Rates - Seniors	
75.1	Power	182A(2)	The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be made in the prescribed manner and form and be accompanied by such information as the Delegate may reasonably require.	Chief Executive Officer
75.2	Pwr	182A(3)	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to –	Chief Executive Officer
75.2.1	Pwr		reject an application for the postponement of rates; or	Chief Executive Officer
75.2.2	Pwr		impose conditions on the postponement of rates,	Chief Executive Officer
	Pwr		but only in accordance with the Regulations.	Chief Executive Officer
76	S	183	Application of money in respect of rates	
76.1	Pwr	183	The power and duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	Chief Executive Officer
77	S	184	Sale of Land for Non-Payment of Rates	
77.1	Pwr	184(1)	The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	ND
	Pwr	184(4)	the power pursuant to Section 184(4) of the Act to effect service of the notice by:	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
77.4.3	Pwr		placing a copy of the notice in a newspaper circulating throughout the State; and	Chief Executive Officer
77.4.4	Pwr		leaving a copy of the notice in a conspicuous place on the land.	Chief Executive Officer
77.5	Pwr	184(5)	The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	Chief Executive Officer
77.6X	Pwr	184(6)	The power pursuant to Section 184(6) of the Act when conducting the sale of land for non-payment of rates by public auction, to set a reserve price.	Chief Executive Officer
77.9	Pwr	184(10)	The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	Chief Executive Officer
77.10	Pwr	184(11)	The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	Chief Executive Officer
78	S	186	Objection, Review or Appeal	
78.1	Pwr	186(2)	If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:	Chief Executive Officer
78.1.1	Pwr		the duty to refund or, if the Delegate so determines, the power to credit the overpaid amount against future liabilities for rates on the land subject to the rates; or	Chief Executive Officer
78.1.2	Pwr		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, pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act, the power 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.	Chief Executive Officer
79	S	187	Certificate of Liabilities	
79.1	Pwr	187(1)	The power duty 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:	Chief Executive Officer
79.1.1	Pwr		the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 of the Act (including rates and charges under this part that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under this Part); and	Chief Executive Officer
79.1.2	Pwr		any amount received on account of rates or charges on the land imposed under Part 1 of Chapter 10 of the Act, that is held in credit against future liabilities for rates or charges in relation to the land.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
80	S	187B	Investigation by Ombudsman	
80.2	Pwr	187B(7)	The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.	Chief Executive Officer
81	S	188	Fees and Charges	
81.X.1	Pwr		As per section 44(3) the power to fix vary or revoke a fee under section 188(1)(d)- (h):	CD
81.X.2	Pwr	44(3)(d)	power to adopt or revise a strategic management plan of the council; [see Section 122]	CD
81.X.3	Pwr	44(3)(da)	power to adopt or revise an annual business plan or budget of the council; [see Section 123]	CD
81.X.4	Pwr	44(3)(e)	power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council; [see Section 123]	CD
81.X.5	Pwr	44(3)(f)	power to determine annual allowances under Chapter 5; [see Section 76]	CD
81.X.6	Pwr	44(3)(g)	power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision; [see Section 77]	CD
81.X.7	Pwr	44(3)(h)	power to establish a subsidiary, or to participate in the establishment of a regional subsidiary; [see Section 43]	CD
81.1	Pwr	188(1) and (2)	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges –	Chief Executive Officer
81.1.1	Pwr		for the use of any property or facility owned, controlled, managed or maintained by the Council;	Chief Executive Officer
81.1.2	Pwr		for services supplied to a person at his or her request; and	Chief Executive Officer
81.1.3	Pwr		for carrying out work at a person's request.	Chief Executive Officer
81.2	Pwr		The power pursuant to Section 188(3) of the Act to provide for –	Chief Executive Officer
81.2.1	Pwr		specific fees and charges;	Chief Executive Officer
81.2.2	Pwr		maximum fees and charges and minimum fees and charges;	Chief Executive Officer
81.2.3	Pwr		annual fees and charges;	Chief Executive Officer
81.2.4	Pwr		the imposition of fees or charges according to specified factors;	Chief Executive Officer
81.2.5	Pwr		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	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
81.2.6	Pwr		the reduction, waiver or refund, in whole or in part, of any fees or charges.	Chief Executive Officer
81.3	Pwr	188(5)(b)	The power pursuant to Section 188(5)(b) of the Act to fix, vary or revoke those fees and charges set under Section 188(1) (a), (b) and (c) of the Act.	Chief Executive Officer
82	S	190	Acquisition of Land by Agreement	
82.1	Pwr	190	The power pursuant to Section 190 of the Act to acquire land by agreement.	Chief Executive Officer
83	S	191	Compulsory Acquisition of Land	
83.1	Pwr	191(1)	The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	Chief Executive Officer
83.2	Pwr	191(2)	The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	Chief Executive Officer
84	S	192	Assumption of care, control and management of land	
84.1	Pwr	192(1)	The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a), (1)(b), (2) and (3) of the Act.	Chief Executive Officer
86	S	194	Revocation of Classification of land as Community Land	
86.3	Pwr	194(4)	The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	ND
88	S	196	Management Plans for Community Land	
88.1	Pwr	196(1), (2) and (3)	The power and duty pursuant to Section 196(1), (2), (3) and (7) of the Act to prepare for adoption a management plan or management plans for Council's community land, for which a management plan or management plans must be prepared, that –	Chief Executive Officer
88.1.1	Pwr		identifies the land to which it applies; and	Chief Executive Officer
88.1.2	Pwr		states the purpose for which the land is held by the Council; and	Chief Executive Officer
88.1.3	Pwr		states the Council's objectives, policies (if any) and proposals for the management of the land; and	Chief Executive Officer
88.1.4	Pwr		states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
88.2	Pwr	196(4)	If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and to include in the plan:	Chief Executive Officer
90	S	198	Amendment or revocation of Management Plans	
90.1	Pwr	198(1)	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	ND
90.2	Pwr	198(2) and (3)	The power and duty 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
92	S	200	Business Use of Community Land	
92.1	Pwr	200(1), (2) and (3)	The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	Chief Executive Officer
93	S	201	Sale or Disposal of Local Government Land	
93.1	Pwr	201(1)	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:	ND
93.1.1	Pwr		vested in the Council in fee simple; or	ND
93.1.2	Pwr		vested in the Council as lessee.	ND
93.2	Pwr	201(2)	The power pursuant to Section 201(2) of the Act to:	Chief Executive Officer
93.2.1	Pwr		grant an easement (including a right of way) over community land; and	Chief Executive Officer
93.2.2	Pwr		grant an easement (excluding a right of way) over a road or part of a road.	Chief Executive Officer
94	S	202	Disposal and Alienation of Community Land by lease or licence Local Government Land	
94.1	Pwr	202(1) and (5)	The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(6) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve) which might provide for:	Chief Executive Officer
94.1.1	Pwr		the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
94.1.2	Pwr		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); or	Chief Executive Officer
94.1.3	Pwr		any other matter relevant to the use or maintenance of the land.	Chief Executive Officer
94.3	Pwr	202(4)	The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) of the Act to grant a lease or a licence for a term not exceeding 21 years and to extend the term of the lease or licence but not so that the term extends beyond a total of 21 years.	Chief Executive Officer
95	S	207	Register of Community Land	
95.3	Pwr	207(2)(c)	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	Chief Executive Officer
97	S	209	Ownership of Fixtures and Equipment installed on Public Roads	
97.1	Pwr	209(3)	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of fixtures and/or equipment in the Council.	Chief Executive Officer
99	S	211	Highways	
99.1	Pwr	211(1)(a)	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	Chief Executive Officer
100	S	212	Power to carry out roadwork	
100.1	Pwr	212(1)	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	Chief Executive Officer
100.2	Pwr	212(2) and (3)	The power pursuant to Section 212(2) and (3) of the Act to do anything reasonably necessary for, or incidental to, roadwork where:	Chief Executive Officer
100.2.1	Pwr		the roadwork is carried out in compliance with any relevant requirement under the <i>Road Traffic Act 1961</i> ; and	Chief Executive Officer
100.2.2	Pwr		if the roadwork is to be carried out in relation to a road that runs into or intersects with a highway (and that may have an affect on the users of that highway), the Delegate has consulted the Commissioner of Highways; and	Chief Executive Officer
100.2.3	Pwr		if the roadwork is to be carried out in relation to a private road:	Chief Executive Officer
100.2.3.1	Pwr		the owner agrees; or	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
100.2.3.2	Pwr		the Delegate 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	Chief Executive Officer
100.2.3.3	Pwr		the identity or whereabouts of the owner is unknown; and	Chief Executive Officer
100.2.4	Pwr		if the roadwork is to be carried out in relation to private land, the owner agrees (unless otherwise provided in the Act).	Chief Executive Officer
101	S	213	Recovery of Cost of Roadwork	
101.1	Pwr	213(1)	Where roadwork has been carried out by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.	Chief Executive Officer
101.2	Pwr	213(2)	Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from –	Chief Executive Officer
101.2.1	Pwr		the person who caused the damage; or	Chief Executive Officer
101.2.2	Pwr		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.	Chief Executive Officer
101.3	Pwr	213(3)(a)	If the Council carries out roadwork on a private road, the power pursuant to Section 213(3)(a) 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
102	S	214	Contribution between Councils where road is on boundary between Council areas	
102.1	Pwr	214(1) and (2)	Where roadwork is a carried out on a road on the boundary between two Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought.	Chief Executive Officer
103	S	215	Special Provisions for Certain Kinds of Roadwork	
103.2	Pwr	215(2)	The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion –	Chief Executive Officer
103.2.1	Pwr		there is no significant risk of damage to the adjoining property; or	Chief Executive Officer
103.2.2	Pwr		the road work does not significantly increase the risk of damage to adjoining property.	Chief Executive Officer
104	S	216	Power to Order Owner of Private Road to carry out specific works Require Others to Carry out Work	

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
104.1	Pwr	216(1)	The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act, to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	Chief Executive Officer
105	S	217	Power to Order Owner of infrastructure on Road to carry out specific maintenance or repair works	
105.1	Pwr	217(1)	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:	Chief Executive Officer
105.1.1	Pwr		to carry out specified work by way of maintenance or repair; or	Chief Executive Officer
105.1.2	Pwr		to move the structure or equipment in order to allow the Council to carry out roadwork.	Chief Executive Officer
105.2	Pwr	217(2)(a)	Where an 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 the action required by the order and to recover the cost of doing so as a debt from the owner.	Chief Executive Officer
106	S	218	Power to require Owner of adjoining land to carry out specific work	
106.1	Pwr	218(1)	The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining a 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
107	S	219	Power to assign a Name or Change the name of a Road or Public Place	
107.1	Pwr	219(1)	The power pursuant to Section 219(1) of the Act, but subject to the conditions and/or limitations in Schedule A to this Instrument, to assign a name to a public or private road, or to a public place, or change the name of a public or a private road, or of a public place.	Chief Executive Officer - refer Schedule A
107.6	Pwr	219(5)	The power pursuant to Section 219(5) of the Act to prepare a policy relating to the assigning of names under Section 219 of the Act for consideration and adoption by the Council.	Chief Executive Officer
107.7	Pwr	219(6)	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	ND
108	S	220	Numbering of Premises and Allotments	
108.1	Pwr	220(1)	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	ND
108.4	Pwr	220(2)	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	ND

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
108.7	Pwr	220(6)	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	Chief Executive Officer
109	S	221	Control of Work on Alteration of Road	
109.1	Pwr	221(1) and (2)	The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road by:	Chief Executive Officer
109.1.1	Pwr		altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	Chief Executive Officer
109.1.2	Pwr		erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or	Chief Executive Officer
109.1.3	Pwr		changing or interfering with the construction, arrangement or materials of the road; or	Chief Executive Officer
109.1.4	Pwr		changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	Chief Executive Officer
109.1.5	Pwr		planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	Chief Executive Officer
109.3	Pwr	221(6)	The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act –	Chief Executive Officer
109.3.1	Pwr		for a particular act or occasion; or	Chief Executive Officer
109.3.2	Pwr		for a term (not exceeding 42 years) which, subject to revocation for breach of a condition, can be renewed for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	Chief Executive Officer
110	S	222	Permits for Business Purposes	
110.1	Pwr	222(1)	The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	Chief Executive Officer
110.2	Pwr	222(2)	Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
110.3	Pwr	222(3) and (4)	The power pursuant to Section 222(3) and (4) of the Act to issue a permit to use a public road for a particular occasion or for a term not exceeding 5 years which is stated in the permit.	Chief Executive Officer
112	S	224	Conditions of Authorisation or Permit	
112.1	Pwr	224	The power pursuant to Section 224 of the Act to grant an authorisation or permit under Division 6 of Part 2 of Chapter 11 of the Act on conditions the Delegate considers appropriate.	Chief Executive Officer
113	S	225	Cancellation of Authorisation or Permit	
113.1	Pwr	225(1)	The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit, to cancel the authorisation or permit for breach of a condition.	Chief Executive Officer
113.3	Pwr	225(3)	The power pursuant to Section 225(3) of the Act to determine that 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.	Chief Executive Officer
114	S	231	Register of Roads	
114.1	Pwr	231(1) and (2)	The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which	Chief Executive Officer
114.1.1	Pwr		includes any information required by the Regulations.	Chief Executive Officer
114.1.2	Pwr	231(2) (b)	The power pursuant to Section 231(2)(b) of the Act to keep the register of public roads as a computer record of the relevant information.	Chief Executive Officer
115	S	232	Planting Trees and Vegetation	
	Pwr	232	The power pursuant to Section 232 of the Act to 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 requirements): .	Chief Executive Officer
116	S	233	Damage	
116.1	Pwr	233(1) and (2)	The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	ND
117	S	234	Council's Power to Remove Objects from Roads	
117.1	Pwr	234(1)	The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
117.1.1	Pwr		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	Chief Executive Officer
117.1.2	Pwr		an authorisation or permit for the structure, object or substance has been granted but has later expired or been cancelled.	Chief Executive Officer
117.2	Pwr	234(2)	The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	Chief Executive Officer
117.3	Pwr	234(3)	Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	Chief Executive Officer
118	S	235	Deposit of Rubbish	
118.1	Pwr	235(1)	The power pursuant to Section 235(1) of the Act to authorise or permit the following -	Chief Executive Officer
118.1.1	Pwr		the deposit of rubbish on a public road or public place; or	Chief Executive Officer
118.1.2	Pwr		the deposit of goods, materials, earth, stone, gravel, or any other substance on a public road or public place.	Chief Executive Officer
119	S	236	Abandonment of Vehicles and Farm Implements	
119.1	Pwr	236(2)	The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.	Chief Executive Officer
120	S	237	Removal of Vehicles	
120.2	Pwr	237(5)	If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act, subject to Section 237(6)(b) of the Act, to offer the vehicle for sale by public auction or public tender.	Chief Executive Officer

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
120.3	Pwr	237(6)	The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	Chief Executive Officer
120.3.1	Pwr		the vehicle is offered for sale under Section 237(5) of the Act but not sold; or	Chief Executive Officer
120.3.2	Pwr		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.	Chief Executive Officer
121	S	242	Time Limits for Dealing with Certain Applications	
121.1	Pwr	242(1) and (2)	Where the power to decide upon certain applications to which Section 242 applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act to make a decision in respect of the application within two months after the relevant date (unless the Delegate has determined to refuse the application).	Chief Executive Officer
123	S	245	Liability for Injury, Damage or Loss Caused by Certain Trees	
123.1	Pwr	245	The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	Chief Executive Officer
124	S	245A	Council May Require Bond or Other Security in Certain Circumstances	
12.4.1	Pwr	245A	Subject to Section 245A of the Act, if,	Chief Executive Officer
124.1.1	Pwr		a person has approval to carry out development under the Development Act 1993; and	Chief Executive Officer
124.1.2	Pwr		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,	Chief Executive Officer
	Pwr	245A(1)	the power, pursuant to Section 245A(1) of the Act, to, by notice in writing served 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.	Chief Executive Officer
124.2	Pwr	37(b) and 245A	The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the <i>Development Act 1993</i> and a notice in writing has been served pursuant to Section 245A(1) 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
125	S	246	Power to make By-Laws	

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LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
125.X	Pwr		As per section 44(3)(a) a council may not delegate power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the council	CD
129	S	254	Power to Make Orders	
129.1	Pwr	254	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 Section 254, 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. [REFER ROWS BELOW FOR DELEGATION]	Chief Executive Officer
	S		1. Unsightly condition of land	
	Pwr		Column 1 - To do or to refrain from doing what? To take action considered by the council to be necessary to ameliorate an unsightly condition.	Chief Executive Officer
	Pwr		Column 2 - In what circumstances? Land, or a structure or object on land, is unsightly and detracts significantly from the amenity of the locality in which the land is situated.	Chief Executive Officer
	Pwr		Column 3 - To whom? The owner or occupier of the land.	Chief Executive Officer
	S		2. (1) Hazards on lands adjoining a public place	
	Pwr		Column 1 - To do or to refrain from doing what? (1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).	Chief Executive Officer
	Pwr		Column 2 - In what circumstances? (1) A hazard exists that is, or is likely to become, a danger to the public.	Chief Executive Officer
	Pwr		Column 3 - To whom? (1)The owner or occupier of the land.	Chief Executive Officer
	S		2. (2) Hazards on lands adjoining a public place	
	Pwr		Column 1 - To do or to refrain from doing what? (2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	Chief Executive Officer
	Pwr		Column 2 - In what circumstances? (2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	Chief Executive Officer
	Pwr		Column 3 - To whom? (2)The owner or occupier of the land.	Chief Executive Officer
	S		2. (3) Hazards on lands adjoining a public place	
	Pwr		Column 1 - To do or to refrain from doing what? (3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.	Chief Executive Officer

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LEGISLATION					
Instrument No.	Duty	SECTION	DESCRIPTION		
	Pwr		Column 2 - In what circumstances? (3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.	Chief Executive Officer	
	Pwr		Column 3 - To whom? (3)The owner or occupier of the land.	Chief Executive Officer	
	S	2. (4) Hazards on lands adjoining a public place			
	Pwr		Column 1 - To do or to refrain from doing what? (4) Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.	Chief Executive Officer	
	Pwr		Column 2 - In what circumstances? (4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.	Chief Executive Officer	
	Pwr		Column 3 - To whom? (4)The owner or occupier of the land.	Chief Executive Officer	
	S	3. Animals that may cause a nuisance or hazard			
	Pwr		Column 1 - To do or to refrain from doing what? To do or to refrain from doing the thing specified in the order in order to abate a nuisance or a hazard to health or safety associated with a live or dead animal or animals, or otherwise to deal with an animal or animals.	Chief Executive Officer	
	Pwr		Column 2 - In what circumstances? A person is keeping or dealing with (or failing to deal with) an animal or animals (whether the animal or animals are alive or dead) so as to cause, or to be likely to cause, a nuisance or a hazard to health or safety.	Chief Executive Officer	
	Pwr		A person is the owner or occupier of land where an animal or animals are located which may cause, or be likely to cause, a nuisance or a hazard to health or safety, or otherwise to become a pest.	Chief Executive Officer	
	Pwr		Examples—	Chief Executive Officer	
	Pwr		1 - The slaughtering of animals in a town or urban situation.	Chief Executive Officer	
	Pwr		2 - Keeping an excessive number of insects, birds or other animals.	Chief Executive Officer	
	Pwr		3 - Keeping bees in close proximity to other property.	Chief Executive Officer	
	Pwr		4 - Keeping animals so as to generate excessive noise, dust or odours, or to attract pests or vermin.	Chief Executive Officer	

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
	Pwr		5 - Keeping an aggressive animal, or keeping an animal in a situation where it cannot be adequately contained or may cause danger to the public.	Chief Executive Officer
	Pwr		6 - Failing to deal with a wasp's nest	Chief Executive Officer
	Pwr		Column 3 - To whom? (3) The owner or occupier of land or any person apparently engaged in promoting or conducting an activity.	Chief Executive Officer
	S		4. Inappropriate use of vehicle	
	Pwr		Column 1 - To do or to refrain from doing what? To refrain from using a caravan or vehicle as a place of habitation.	Chief Executive Officer
	Pwr		Column 2 - In what circumstances? A person is using a caravan or vehicle as a place of habitation in circumstances that—	Chief Executive Officer
	Pwr		(a) present a risk to the health or safety of an occupant; or	Chief Executive Officer
	Pwr		(b) cause a threat of damage to the environment; or	Chief Executive Officer
	Pwr		(c) detract significantly from the amenity of the locality.	Chief Executive Officer
130	S	255	Procedures to be followed	
130.3	Pwr	255(3)	The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act to:	Chief Executive Officer
130.3.1	Pwr		make an order in accordance with the terms of the original proposal; or	Chief Executive Officer
130.3.2	Pwr		make an order with modifications from the terms of the original proposal; or	Chief Executive Officer
130.3.3	Pwr		determine not to proceed with an order.	Chief Executive Officer
130.4	Pwr	255(5)	The power pursuant to Section 255(5) of the Act to:	Chief Executive Officer
130.4.1	Pwr		include two or more orders in the same instrument; or	Chief Executive Officer

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
130.4.2	Pwr		direct two or more persons to do something specified in the order jointly.	Chief Executive Officer
130.8	Pwr	255(11)	The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order or, on the Delegate's own initiative, the power to revoke an order if satisfied that it is appropriate to do so.	Chief Executive Officer
130.9	Pwr		If the Delegate, in the circumstances of a particular case, considers -	Chief Executive Officer
130.9.1	Pwr		that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or	Chief Executive Officer
130.9.2	Pwr		that an emergency situation otherwise exists,	Chief Executive Officer
	Pwr	255(12)	the Delegate has the power pursuant to Section 255(12) of the Act to:	Chief Executive Officer
130.9.3	Pwr		proceed immediately to make an order under Section 255 without giving notice under Section 255(1); and	Chief Executive Officer
130.9.4	Pwr		require immediate compliance with an order despite Section 255(6)(a) of the Act.	Chief Executive Officer
132	S	257	Action on Non-Compliance	
132.1	Pwr	257(1)	The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	Chief Executive Officer
132.2	Pwr	257(2)	The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	Chief Executive Officer
132.3	Pwr	257(3)	The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action under Section 257 of the Act as a debt from the person who failed to comply with the requirements of the order.	Chief Executive Officer
132.4	Pwr	257(5)	The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council under Section 257 of the Act, 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 and 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.	Chief Executive Officer
132.4.1	Pwr		the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and	Chief Executive Officer
132.4.2	Pwr		if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.	Chief Executive Officer
133	S	259	Policies Concerning Orders	

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
133.1	Pwr	259(1)	The power and duty 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').	Chief Executive Officer
133.2	Pwr	259(2)	The power and duty pursuant to Section 259(2) of the Act to -	Chief Executive Officer
132.2.1	Pwr		prepare a draft Orders Policy; and	Chief Executive Officer
133.2.2	Pwr		by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Delegate (being at least four weeks).	Chief Executive Officer
133.4	Pwr	259(4)	The power to draft amendments to the Orders Policy for the consideration and adoption of the Council at any time, pursuant to Section 259(4) of the Act.	Chief Executive Officer
134	S	260	Appointment of Authorised Persons	
134.1	Pwr	260(1)	The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	Chief Executive Officer
134.2	Pwr	260(2)	The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and as specified in the instrument of appointment.	Chief Executive Officer
134.3	Pwr	260(3)	The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card –	Chief Executive Officer
134.3.1	Pwr		containing a photograph of the authorised person; and	Chief Executive Officer
134.3.2	Pwr		identifying any conditions or limitations imposed under Section 260(2) of the Act.	Chief Executive Officer
134.4	Pwr	260(5)	The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation, on the appointment.	Chief Executive Officer
135	S	270	Internal Review of Council Actions- Procedures for Review of Decisions and Requests for Services	
135.00	Pwr	270(a1)	The power and duty pursuant to Section 270(a1) of the Act to develop and maintain policies, practices and procedures in accordance with Section 270(a2) of the Act for dealing with:	Chief Executive Officer
135.00.1	Pwr		any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and	Chief Executive Officer
135.00.2	Pwr		complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	Chief Executive Officer
135.0	Pwr	270(a2)	The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:	Chief Executive Officer

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
135.0.1	Pwr		dealing with the relevant requests or complaints in a timely, effective and fair way; and	Chief Executive Officer
135.0.2	Pwr		using information gained from the Council's community to improve its services and operations.	Chief Executive Officer
135.1	Pwr	270(1)	Without limiting the duty pursuant to Section 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act to establish procedures for the review of decisions of -	Chief Executive Officer
135.3	Pwr	270(4)	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if -	Chief Executive Officer
135.3.1	Pwr		the application is made by an employee of the Council and relates to an issue concerning his or her employment; or	Chief Executive Officer
135.3.2	Pwr		it appears that the application is frivolous or vexatious; or	Chief Executive Officer
135.3.3	Pwr		the applicant does not have a sufficient interest in the matter.	Chief Executive Officer
135.4	Pwr	270(5)	The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	Chief Executive Officer
135.5	Pwr	270(6)	The power pursuant to Section 270(6) of the Act to amend the policies, practices and procedures established under Section 270 of the Act.	Chief Executive Officer
135.6	Pwr	270(8)	The power and duty pursuant to Section 270(8) of the Act to prepare a report for the consideration of the Council that relates to –	Chief Executive Officer
135.6.1	Pwr		the number of applications for review made under Section 270; and	Chief Executive Officer
135.6.2	Pwr		the kinds of matters to which the applications relate; and	Chief Executive Officer
135.6.3	Pwr		the outcome of applications under Section 270; and	Chief Executive Officer
135.6.4	Pwr		such other matters as may be prescribed by the Regulations.	Chief Executive Officer
135.7	Pwr	270(9)	The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of 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
136	S	271	Mediation, Conciliation and Neutral Evaluation	

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
136.1	Pwr	271(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
136A	S	271A	Review and Investigations Initiated by Provision of Information to Minister	
136A.1	Pwr	271A(1)	The power and duty pursuant to Section 271A(1) of the Act to, upon a request from the Minister made in accordance with Section 271A(2) of the Act, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	Chief Executive Officer
136A.2	Pwr	271A(3)	The power pursuant to Section 271A(3) of the Act to provide information upon a request from the Minister even if the information:	Chief Executive Officer
136AA.2.1	Pwr		was given to the Council in confidence; or	Chief Executive Officer
136AA.2.X	Pwr		relates to a matter dealt with on a confidential basis under Part 3 of Chapter 6 of the Act; or	Chief Executive Officer
136AA.2.2	Pwr		is held on a confidential basis under Part 4 of Chapter 6 of the Act.	Chief Executive Officer
136B	S	272	Minister may refer investigation of Council to Ombudsman	
136B.1	Pwr	272(2)	The power pursuant to Section 272(2) of the Act to, at the request of the Minister, explain the Council's actions to, and make submissions to, the Minister.	Chief Executive Officer
136B.2	Pwr	272(6b)	The power pursuant to Section 272(6b) of the Act to, at the request of the Minister, make submissions to the Minister in relation to a matter under investigation under Section 272 of the Act.	Chief Executive Officer
136C	S	273	Action on a Report	
136C.1	Pwr	273(3)	The power pursuant to Section 273(3) of the Act to, before the Minister takes action under Section 273(2)(b) or (c) of the Act, make submissions to the Minister on the report on which the action is based.	Chief Executive Officer
136C.X	Pwr	274(1)	The power pursuant to Section 274(1) of the Act to investigate a matter relating to a subsidiary referred by the Minister to the Council under Section 274 of the Act and to prepare a report (for consideration and adoption by the Council) for the Minister on the outcome of the investigation.	Chief Executive Officer
136D	S	274	Deliberately left blank	
136D.1			Deliberately left blank	
136D.2			Deliberately left blank	
136E	S	275	Action on a Report	
136E.1	Pwr	275(2)	The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	Chief Executive Officer
137	S	276	Special Jurisdiction	

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
137.1	Pwr	276(1) and (2)	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 –	Chief Executive Officer
137.1.1	Pwr		proceedings to try the title of a member to an office;	Chief Executive Officer
137.1.2	Pwr		proceedings to try the right of a person to be admitted or restored to an office;	Chief Executive Officer
137.1.3	Pwr		proceedings to compel restoration or admission;	Chief Executive Officer
137.1.4	Pwr		proceedings to compel the Council to proceed to an election, poll or appointment;	Chief Executive Officer
137.1.5	Pwr		proceedings to try the validity of a rate or service charge;	Chief Executive Officer
137.1.6	Pwr		proceedings to try the validity of a by-law;	Chief Executive Officer
137.1.7	Pwr		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.	Chief Executive Officer
138	S	279	Service of Documents by Councils	
138.1	Pwr	279	Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service pursuant to Section 279 of the Act.	Chief Executive Officer
139	S	280	Service of Documents on Councils	
139.1	Pwr	280(1)(c) and (d)	The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	Chief Executive Officer
140	S	281	Recovery of Amounts from Lessees or Licensees	
140.1	Pwr	281(1)	Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	Chief Executive Officer
141	S	282	Ability of Occupiers to Carry out Works	
141.1	Pwr	282(1)	Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	Chief Executive Officer
142	S	294	Power to Enter and Occupy Land	
	Pwr	294(3)(a)	The power pursuant to Section 294(3)(a) of the Act to enter into an agreement with the owner or occupier of land regarding the rate of the rent to be paid by the Council.	Chief Executive Officer

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
143	S	296	Reclamation of Land	
143.1	Pwr	296(1)	Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	Chief Executive Officer
143.2	Pwr	296(2)	The power pursuant to Section 296(2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities under Section 296(1) of the Act.	Chief Executive Officer
144	S	297	Property in Rubbish	
144.1	Pwr	297	The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	Chief Executive Officer
145	S	298	Power to Act in an Emergency	
145.1	Pwr	298(1)	Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	Chief Executive Officer
146	S	299	Vegetation Clearance	
146.1	Pwr	299(1)	The power pursuant to Section 299(1) of the Act on application of the owner or occupier of the land (the "relevant land"), to make an order requiring the owner or occupier of adjoining land to remove or cut back vegetation encroaching on the relevant land.	Chief Executive Officer
Schedule 1A				
151	S	Clause 16	Authority May Issue Order	
151.2	Pwr	16(5)	The power pursuant to Clause 16(5) of Schedule 1A of the Act to make submissions to the Authority in relation to the matter before the Authority takes action under Clause 16(4) of Schedule 1A of the Act.	Chief Executive Officer
151.3	Pwr	16(6)	The power pursuant to Clause 16(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 for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (at a rate agreed by the Authority and the Delegate).	Chief Executive Officer
152	S	Clause 21	Special Powers in Relation to Land	
152.1	Pwr	21(1)	The power, pursuant to Clause 21(1) of Schedule 1A of the Act and in accordance with Clause 21(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or required by an order under Clause 16 of Schedule 1A of the Act, to	Chief Executive Officer
152.1.1	Pwr		enter and occupy any land; and	Chief Executive Officer

City of Onkaparinga Delegations Register Part 3 Acts I - Q

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
152.1.2	Pwr		construct, maintain or remove any infrastructure; and	Chief Executive Officer
152.1.3	Pwr		excavate any land; and	Chief Executive Officer
152.1.4	Pwr		inspect, examine or survey any land and for that purpose: a) fix posts, stakes or other markers on the land; and b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and c) remove samples for analysis; and	Chief Executive Officer
152.1.5	Pwr		alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and	Chief Executive Officer
152.1.6	Pwr		hold water in a watercourse or lake or by any other means; and	Chief Executive Officer
152.1.7	Pwr		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	Chief Executive Officer
152.1.8	Pwr		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	Chief Executive Officer
152.1.9	Pwr		undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and	Chief Executive Officer
152.1.10	Pwr		undertake any testing, monitoring or evaluation; and	Chief Executive Officer
152.1.11	Pwr		undertake any other activity of a prescribed kind.	Chief Executive Officer

LOCAL GOVERNMENT ACT 1999
City of Onkaparinga Delegations Register Part 3 Acts I - Q

SCHEDULE OF CONDITIONS	
'A'	
Paragraph(s) in instrument to which conditions/limitations apply	Conditions and Limitations applicable to the role of the Chief Executive Officer
	**Also within the limitations of section 44(3) of the <i>Local Government Act 1999</i>
ALL	The Chief Executive Officer in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.
Section 37(b)	The Chief Executive Officer is authorised to enter into a single contract under section 37(b) amounting to a value of no greater than \$500,000, except where the contract relates to a Council Solutions purchasing arrangement, or the Council has resolved otherwise.
Section 37(b)	Where the Chief Executive Officer authorises another officer, employee or agent of the Council to enter into a contract on behalf of the Council, the contract value will be in accordance with the financial delegation given under section 137 of the Act as reflected in the financial delegations register.
Section 137	The Chief Executive Officer is delegated general authority to expend up to \$500,000 in any single transaction and is delegated the further general authority to expend in excess of this amount and without limitation in relation to any of the following instances: <ul style="list-style-type: none"> · where the expenditure relates to a Council Solutions purchasing arrangement, or · where the expenditure relates to the operations of the council in respect of the Adelaide and Mt Lofty NRM Board, the LGA Workers Compensation Scheme, the LGA Mutual Liability Scheme, the LGA Asset Mutual Fund, payroll and/or any payments made in respect of loans, or · in relation to any other matter in respect of which the Council has so resolved
Section 137	All other officers are authorised to expend budgeted funds as allocated in the financial delegations register and approved by the Chief Executive Officer.
Section 166	This duty and power may only be exercised under delegation where an entitlement previously approved by the Council for the financial year, varies, ceases altogether or no-longer applies during the course of the financial year due to changes to a particular ratepayer's eligibility for the rebate or property ownership or structure.
Section 219	Where an objection to a change of road name is received, the matter will be considered by the Council and not under delegation.

Local Government Act 1999 - SCHEDULE C
City of Onkaparinga - Delegations Register Part 1 Acts I - Q

Financial Delegations Register			
Review Date: 26 March 2014 Limits are exclusive of GST			
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)
Chief Executive Officer		500,000	500,000
Executive Assistant to the CEO		5,000	
Manager	Strategy & Sustainability	30,000	30,000
Principal Advisor	Strategic	30,000	30,000
Senior	Strategic Planner	5,000	5,000
Project Officer	Sustainability	2,000	2,000
Project Support Officer		2,000	2,000
People, Governance & Regulatory Services			
Director	People and Compliance	30,000	100,000
Executive Assistant	to Director People and Compliance	2,000	2,000
Auditor	Internal	10,000	10,000
Manager	Culture & People	30,000	30,000
Team Leader	Human Resources	5,000	5,000
Coordinator	Learning & Development	5,000	10,000
Senior	Human Resources Advisor	2,000	2,000
Officer	Recruitment/Human Resources	5,000	
Officer	Recruitment/Human Resources	5,000	10,000
Officer	Human Resources	2,000	
Team Leader	Organisational Development	5,000	5,000
Manager	Risk & Compliance	30,000	30,000
Advisor	Governance	5,000	5,000
Team Leader	Governance & Admin Support	10,000	10,000
Senior Project Officer		5,000	5,000
Project Officer	Community Safety	2,000	2,000
Coordinator	Administration	2,000	2,000
Coordinator	Business Services	2,000	2,000
Officer	Business Services	2,000	2,000
Officer	Business Services	2,000	2,000
Senior Governance Officer	Governance & Admin Support	2,000	2,000
Officer	Governance	2,000	2,000
Officer	Governance	2,000	2,000
Officer	Governance	2,000	2,000
Officer	Governance	2,000	2,000
Executive Assistant	to the Mayor	2,000	2,000
Officer	Risk Management	5,000	5,000
Manager	Development Services	30,000	30,000
Team Leader	Building & Compliance	5,000	5,000
Acting Team Leader	Planning	5,000	5,000
Officer	Development Support	2,000	2,000
Manager	Community Safety	30,000	30,000
Team Leader	Community Health	5,000	5,000
Coordinator	Immunisation Clinical	2,000	5,000
Team Leader	Community Rangers	5,000	10,000
Ranger	Senior	2,000	5,000
Officer	Emergency Management	2,000	5,000
Community Relations			
Director	Community Relations	50,000	50,000
Executive Assistant	to Director Community Relations	2,000	2,000
Manager	Libraries & Customer Service	30,000	30,000
Team Leader	Collection Management	5,000	5,000
Coordinator	Collection Management	2,000	2,000

This is Schedule C under the Local Government Act 1999 as referred to in the City of Onkaparinga Delegations Register

Local Government Act 1999 - SCHEDULE C
City of Onkaparinga - Delegations Register Part 1 Acts I - Q

Financial Delegations Register				
Review Date: 26 March 2014 Limits are exclusive of GST				
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)	Reason for Variance from Standard Limit
Coordinator	Collection Management	2,000	2,000	Limit in line with Corporate Purchase Card
Coordinator	Independent Learning Centre	2,000	1,000	Limit in line with Corporate Purchase Card
Library Officer	Collection Management	2,000	2,000	Limit in line with Corporate Purchase Card
Officer	Noarlunga Library	500	2,000	Limit in line with Corporate Purchase Card
Officer	Library	2,000	2,000	
Officer	Library	2,000	2,000	
Librarian	Young Peoples	2,000	1,000	Limit in line with Corporate Purchase Card
Librarian	School Services	2,000	1,000	Limit in line with Corporate Purchase Card
Team Leader	Hub Library	5,000	5,000	-
Team Leader	Library Operations	5,000	10,000	Higher limit required for approval of invoices relating to building and annual software maintenance
Team Leader	Aldinga/Willunga Libraries	5,000	5,000	
Coordinator	Aldinga Library	2,000	1,000	Limit in line with Corporate Purchase Card
Team Leader	Seaford Library	5,000	5,000	-
Team Leader	Woodcroft Library	5,000	5,000	-
Coordinator	Woodcroft Library	2,000	1,000	Limit in line with Corporate Purchase Card
Librarian	Systems & Training	2,000	2,000	
Librarian	Systems & IT Project	2,000	1,000	Limit in line with Corporate Purchase Card
Coordinator	Art Centre	2,000	2,000	
Officer	Woodcroft Library	2,000	2,000	-
Coordinator	Public Library - Hub	2,000	2,000	
Library Officer	Collection Management	2,000	2,000	-
Team Leader	Arts & Cultural Development	5,000	10,000	Higher limit required for payment of art works for the City's collection and payment for accommodation re Festival participant costs
Library Officer	Arts & Cultural Development	1,000	1,000	
Project Officer	Arts & Cultural Development	2,000	2,000	
Casual Officer	Arts Centre	2,000	2,000	-
Team Leader	Customer Service	5,000	5,000	-
Coordinator	Customer Team Development	5,000	5,000	
Coordinator	Customer Team Development	5,000	5,000	
Coordinator	Customer Team Development	5,000	5,000	
Coordinator	Customer Team Systems	5,000	5,000	
Officer	Customer Service	2,000	2,000	-
Manager	Marketing, Arts & Engagement	30,000	30,000	-
Team Leader	Marketing	5,000	5,000	
Coordinator	Events	2,000	5,000	Higher limit required for events coordination
Graphic Designer		2,000	2,000	-
Officer	Media and Public Relations	10,000	10,000	-
Officer	Online Communications	2,000	2,000	General department purchases
Project Officer	Marketing & Communications	2,000	2,000	-
Officer	Grants & Sponsorship	2,000	2,000	
Project Officer	Events	2,000	2,000	
Project Officer	Public Art	2,000	2,000	
Advisor	Internal Communications	5,000	5,000	
Team Leader	Engagement & Grants	10,000	10,000	
Officer	Communications Engagement	2,000	2,000	-
Officer	Community Engagement	2,000	2,000	
Project Officer	Community Engagement	2,000	2,000	-
Manager	Visitor Information Centre	5,000	5,000	
Coordinator	Volunteer	1,000	1,000	Limit in line with Corporate Purchase Card
Manager	Community Capacity	30,000	30,000	
	Social Planner	2,000	5,000	Higher limit required for approval of funding agreements, responsibility for budgets and purchasing
Coordinator	HALO	5,000	5,000	

This is Schedule C under the Local Government Act 1999 as referred to in the City of Onkaparinga Delegations Register

Local Government Act 1999 - SCHEDULE C
City of Onkaparinga - Delegations Register Part 1 Acts I - Q

Financial Delegations Register				
Review Date: 26 March 2014 Limits are exclusive of GST				
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)	Reason for Variance from Standard Limit
Team Leader	Community Centres	5,000	5,000	-
Officer	Community Development	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Neighbourhood Centres	2,000	2,000	-
Community Development Officer	Aldinga Community Centre	2,000	2,000	-
Coordinator	Over 50's Centres	2,000	2,000	-
Coordinator	Over 50's Centres	2,000	2,000	-
Community Development Officer	Youth	2,000	2,000	-
Team Leader	Community Programs	5,000	5,000	-
Coordinator	Transport & Social Support	2,000	2,000	-
Officer	Collaboration Project	2,000	2,000	-
Coordinator	Respite Services	2,000	2,000	-
Officer	Disability Network	2,000	2,000	-
Coordinator	Senior Disability	2,000	2,000	-
Officer	Community Transport	2,000	2,000	-
Project Officer	Community Transport	2,000	2,000	-
Program Coordinator	Community Transport	2,000	2,000	-
Officer	Volunteer Development	2,000	2,000	-
Coordinator	Kookaburra Club	2,000	2,000	-
Program Coordinator	Kookaburra Club	2,000	2,000	-
Team Leader	Recreation	5,000	10,000	Higher limit required for budgets
Senior Officer	Recreation Services	5,000	5,000	-
Officer	Recreation Services	2,000	2,000	-
Support Officer	Recreation	2,000	2,000	-
Team Leader	Community Development	5,000	5,000	-
Officer	Community Leadership	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
Community Development Officer	Ageing Communities	2,000	2,000	-
Community Development Officer	Youth	2,000	2,000	-
Community Development Officer	Children & Families	2,000	2,000	-
Coordinator	Generations	2,000	2,000	-
Community Development Officer	Youth	2,000	2,000	-
Community Development Officer	Youth	2,000	2,000	-
Community Development Officer	Youth	2,000	2,000	-
Community Development Officer	Neighbourhoods	2,000	2,000	-
City Operations				
Director	City Operations	500,000	500,000	-
Executive Assistant	to the Director of City Operations	2,000	2,000	-
Team Leader	Administration	5,000	5,000	-
Coordinator	Administration - FOC	2,000	2,000	-
Officer	Administration - FOC	2,000	5,000	Higher limit required for sign off invoices for Dreamsafe & WormsSA, which can be over the usual \$2,000
Officer	Administration - FOC	2,000	2,000	-
Officer	Administration - FOC	2,000	2,000	-
Officer	Administration - FOC	2,000	5,000	Higher limit required for sign off invoices for Dreamsafe & WormsSA, which can be over the usual \$2,000
Officer	Administration - FOC	2,000	2,000	-

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Financial Delegations Register		Review Date: 26 March 2014 Limits are exclusive of GST	
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)
			Reason for Variance from Standard Limit
Officer	Administration Support	2,000	2,000
Project Officer	Administration - FOC	2,000	2,000
Manager	Fleet & Waste	50,000	50,000
Team Leader	Waste & Recycling	5,000	5,000
Leading Worker	Waste	2,000	2,000
Officer	Waste & Recycling Education	2,000	2,000
Officer	Administration Support	2,000	2,000
Team Leader	Fleet & Stores	5,000	10,000
Coordinator	Plant	2,000	2,000
Leading Worker	Workshop (mechanics)	2,000	5,000
Workshop	Mechanic	2,000	2,000
Officer	Administration - Fleet & Plant	2,000	10,000
Administration Support	Fleet & Plant	2,000	2,000
Team Member	Stores	5,000	5,000
Team Member	Stores	5,000	5,000
Manager	Civil Infrastructure	50,000	100,000
Team Leader	Civil Maintenance	5,000	30,000
Leading Worker	Signs & Urban Furniture	10,000	10,000
Leading Worker	Civil Maintenance	2,000	5,000
Leading Worker	Civil Maintenance	2,000	5,000
Leading Worker	Concrete/Paving	2,000	5,000
Leading Worker	Concrete/Paving	2,000	2,000
Leading Hand	Signs/Sign Shop	2,000	5,000
Signwriter		2,000	2,000
Technical Officer	Infrastructure Maintenance	2,000	10,000
Technical Officer	Infrastructure Maintenance	2,000	30,000
Technical Officer	Contracts	5,000	20,000
Technical Officer	Contracts	5,000	20,000
Technical Officer	Infrastructure Maintenance	2,000	10,000
Leading Worker	Sealed/Unsealed roads	2,000	10,000
Leading Hand	Sealed & Unsealed Roads	2,000	2,000
Team Member	Sealed/Unsealed Roads	2,000	2,000
Team Leader	Technical Services	5,000	30,000
Senior Design Officer		2,000	2,000
Landscape Advisor		2,000	2,000
Traffic Engineer Design		2,000	2,000
Survey Officer		2,000	2,000
Team Leader	Construction	5,000	30,000
Leading Worker	Construction	2,000	2,000
Leading Worker	Construction	2,000	20,000
Leading Worker	Construction	500	500
Leading Worker	Construction	2,000	2,000
Leading Hand	Construction	500	500
Leading Hand	Construction	500	500
Team Member	Construction	500	500
Team Member	Projects	500	500
Officer	Contract Surveillance	2,000	10,000
Project Officer	Construction	2,000	20,000
Project Officer	Construction	2,000	20,000
Project Officer	Construction	2,000	20,000
Project Officer	Construction	2,000	20,000

This is Schedule C under the Local Government Act 1999 as referred to in the City of Onkaparinga Delegations Register

Local Government Act 1999 - SCHEDULE C
City of Onkaparinga - Delegations Register Part 1 Acts I - Q

Financial Delegations Register				
Review Date: 26 March 2014 Limits are exclusive of GST				
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)	Reason for Variance from Standard Limit
Manager	Finance	30,000	30,000	
Team Leader	Finance & Community Administration	2,000	2,000	General department purchases
Officer	Administration	2,000	2,000	
Officer	Administration	2,000	2,000	
Officer	Administration Support	2,500	2,000	Limit in line with Corporate Purchase Card limit
Officer	Administration	2,000	2,000	
Administration Coordinator	Library	2,000	5,000	
Administration Officer	Library	5,000	5,000	
Team Leader	Financial Accounting	5,000	5,000	
Team Leader	Management Accounting	5,000	5,000	
Team Leader	Revenue	5,000	5,000	
Manager	Property & Commercial	50,000	500,000	Council Solutions, Procurement Australia and other recognised and approved procurement alliances or collaborative purchasing ventures
Officer	Administration	2,000	2,000	
Work Group Coordinator	Open Space	2,000	10,000	
Team Leader	Property Transactions	10,000	10,000	Higher limit required for budgets
Senior Officer	Property	5,000	5,000	
Officer	Property Services	2,000	2,000	
Officer	Property Services	2,000	2,000	
Property Officer	Permits and Licences	2,000	2,000	
Property Officer	Transactions	2,000	2,000	
Business Analyst	Property	2,000	2,000	
Team Leader	Procurement Services	10,000	30,000	Higher limit required for purchase of bulk fuel
Officer	Procurement Services	2,000	5,000	Higher limit required for Procurement activities
Officer	Contracts	1,000	1,000	Limit in line with Corporate Purchase Card limit
Engineer	Contracts	5,000	10,000	Higher limit required for Contract Management
Officer	Supply Support	5,000	5,000	
Team Leader	Economic Development	10,000	10,000	
Advisor	Economic Development	50,000	50,000	
Economic Development Officer	Employment	2,000	2,000	
Economic Development Officer	Food and Wine	2,000	2,000	
Team Leader	Commercial Management & Water Business Unit	2,000	30,000	Higher limit required for project costs, associated orders and contracts
Project Officer	WPS	5,000	20,000	Higher limit required for project management costs / associated orders.
Project Leader	WPS	2,000	10,000	To enable invoice approval for Major Projects, where Budgets have received prior approval from Council
Project Leader	Green Buildings Initiative	2,000	20,000	Higher limit required for project management costs / associated orders.
Officer	CWMS	2,000	5,000	Higher limit required for Contract Payments & Variations and Panel Contracts
Asset Planner	Contract Surveillance - WPS	2,000	5,000	Higher limit required for Contract Payments & Variations, Panel Contracts
Officer	Contract Surveillance - WPS	2,000	2,000	
Manager	Knowledge Management	50,000	50,000	
Team Leader	Technology Support	5,000	10,000	Higher limit required for purchase of IT goods and services
Team Leader	Business Systems	5,000	10,000	Higher limit required for purchase of IT goods and services
Coordinator	Records Management	2,000	2,000	
Manager	Development Projects & Policy	30,000	30,000	
Officer	Business Services	2,000	2,000	
Project Leader		2,000	10,000	To enable invoice approval for Major Projects, where Budgets have received prior approval from Council
Team Leader	Projects	5,000	30,000	Higher limit required for project costs, orders and contracts associated with Major Projects
Project Leader		20,000	20,000	Higher limit required for projects
Project Leader		2,000	20,000	To enable invoice approval for Major Projects, where Budgets have received prior approval from Council

This is Schedule C under the Local Government Act 1999 as referred to in the City of Onkaparinga Delegations Register

Local Government Act 1999 - SCHEDULE C
City of Onkaparinga - Delegations Register Part 1 Acts I - Q

Financial Delegations Register				
Review Date: 26 March 2014 Limits are exclusive of GST				
Position	Description	Standard Limit (\$)	Endorsed Limit (\$)	Reason for Variance from Standard Limit
Project Leader		2,000	10,000	To enable invoice approval for Major Projects, where Budgets have received prior approval from Council
Project Leader		2,000	20,000	To enable invoice approval for Major Projects, where Budgets have received prior approval from Council
Project Leader		2,000	20,000	Higher limit required for Project Management
Project Leader		2,000	20,000	Higher limit required for Contract Payments & Variations

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxx 014** the following powers and functions under the **Native Vegetation Act 1991** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION			
	Duty	SECTION	DESCRIPTION
	S	15	Delegation of powers and functions
	Pwr	15(5a)	The power pursuant to section 15(2) of the Act to consent in writing to a request by the Native Vegetation Council ('the Council') for delegation of certain powers and functions to a local council.
	S	21	The Fund
	Pwr	21(3a)	The power pursuant to Section 21(3a) of the Act to retain a fee paid Council for an application to clear native vegetation if the local council is acting under delegation from the Council.
	S	23	Heritage Agreements
	Pwr	23(1)	The power pursuant to section 23 of the Act to consider a Heritage Agreement request from the Minister
	S	23	Proposal for revegetation of land
	Pwr	23 F	The power pursuant to 23F to submit a proposal for revegetation to the Council.
	S	24	Financial assistance to landowners
	Pwr	24(1)	The power pursuant to section 24(1), for land that is subject to a heritage agreement, to request financial or other assistance from the Council to
	Pwr		a) manage the land, native vegetation on the land or any animals living on or visiting the land
	Pwr		b) preserving or enhancing native vegetation on the land
	Pwr		c) establishing native vegetation on the land
	Pwr		d) undertaking research in relation to the preservation, enhancement or management of native vegetation on the land or of animals living on or visiting the land
	Pwr	24(1a)	The power to apply for financial assistance in establishing native vegetation on land in accordance with the proposal which has been approved by the Council under Division 2.
	S	28	Application for consent
	Pwr	28(1)	The power, subject to subsection (2), as the owner of land to request consent to clear native vegetation.

INSTRUMENT OF DELEGATION	
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the <i>Natural Resources Management Act 2004</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>	
<p>3. In this delegation: 'Council' means the Council. 'constituent council' has the meaning given in Section 3 of the Act, namely:-</p> <p>(a) in relation to a regional Natural Resources Management board ("NRM board"), or the region of a regional NRM board, a Council whose area, or part of whose area, comprises or is included in the region of the regional NRM board;</p> <p>(b) in relation to a Natural Resources Management group ("NRM group"), or the area of an NRM group, a Council whose area, or part of whose area, comprises or is included in the area of the NRM group</p>	

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	29	Collaboration with NRM board
1.1	Pwr	29(4)(d)	The power pursuant to Section 29(4)(d) of the <i>Natural Resources Management Act 2004</i> ("the Act") to work collaboratively with a regional NRM board in the performance of its functions.
2	S	30	General powers
2.1	Pwr	30	The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to –
2.1.1	Pwr		a) performing the functions of the NRM group under the Act or any other Act; or
2.1.2	Pwr		b) assisting in the administration of the Act; or
2.1.3	Pwr		c) furthering the objects of the Act
3	S	33	Special Vesting of Infrastructure
3.1	Pwr	33(7)	The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.
4	S	36	Approval of Delegation by NRM board to Council Officers
4.1	Pwr	36(1)(c)	The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.
5	S	41	Use of Facilities
5.1	Pwr	41	The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.
6	S	42	Boards Power to Provide Financial Assistance etc
6.1	Pwr	42(2)	The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out –
6.1.1	Pwr		the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and
6.1.2	Pwr		the purpose or purposes for which and the manner in which the assistance will be used; and

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
6.1.3	Pwr		the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.
7	S	43	Assignment of Responsibility for Infrastructure
7.1	Pwr	43(2)	The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.
7.2	Pwr	43(3)	The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.
8	S	44	Appointment of Body to act as a Board
8.1	Pwr	44(4)(c)	The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.
9	S	45 and 46	Establishment of Areas
9.1	Pwr	45(5)	The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.
9.2	Pwr	46(5)	The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.
10	S	48	Composition of NRM groups
10.1	Pwr	48(2)(b) (i)	The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.
11	S	52	Functions of Groups
11.1	Pwr	52(2)(c)	The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.
12	S	53	Acting in Conjunction with NRM Group
12.1	Pwr	53(2)	The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:
	Pwr		a) performing its functions under the Act or any other Act
	Pwr		b) assisting in the administration of the Act or
	Pwr		c) furthering the objects of the Act
	Pwr		pursuant to Section 53(1) of the Act.
13	S	55	Power of Delegation
13.1	Pwr	55(2)	The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
14	S	60	Use of Facilities
14.1	Pwr	60	The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.
			Chief Executive Officer
15	S	61	Appointment of Body to Act as Group
15.1	Pwr	61(4)(c)	The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.
			Chief Executive Officer
16	S	67	Regional Authorised Officers
16.1	Pwr	67(10)	The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board
			Chief Executive Officer
17	S	74	State NRM Plan
17.1	Pwr	74(8)	The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.
			Chief Executive Officer
19	S		Deliberately left blank
19.1			<i>Deliberately left blank</i>
20	S	79	Preparation of Plans and Consultation
20.1	Pwr	79(6)(a) (vii)	The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.
			Chief Executive Officer
20.2	Pwr	79(8)	The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.
			Chief Executive Officer
21	S	80	Submission of Plan to Minister
21.1	Pwr	80(5)	The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan – a copy of that part or those parts as amended.
			Chief Executive Officer
22	S	81	Review and Amendment of Plans
22.1	Pwr	81(7)(a) (ii)	The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.
			Chief Executive Officer
23	S	82	Time for Implementation of Plans
23.1	Pwr	82(2)	The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.
			Chief Executive Officer
24	S	92	Contributions by Constituent Councils
24.2	Pwr	92(7)	The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.
			Chief Executive Officer
26	S		Deliberately left blank
26.1			<i>Deliberately left blank</i>
26.2			<i>Deliberately left blank</i>
26.3			<i>Deliberately left blank</i>
26.4			<i>Deliberately left blank</i>
27	S	96	Cost of Councils
27.1	Pwr	96(1)	The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.
			Chief Executive Officer
29	S	136	Requirement for notice of certain applications

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
29.1	Pwr	136(3)	The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.	Chief Executive Officer
29.3	Pwr	136(11)	The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.	Chief Executive Officer
30	S	171	By-Laws	
30.1	Pwr	171(7)(a)	The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.	Chief Executive Officer
30.2	Pwr	171(7)(c)	The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.	Chief Executive Officer
31	S	201	Orders made by ERD Court	
31.1	Pwr	201(5)	The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.	Chief Executive Officer
32	S	205	Management Agreements	
32.1	Pwr	205(3)	The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.	Chief Executive Officer
33	S	208	Service of notices or other documents	
33.2	Pwr	208(3)	The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.	Chief Executive Officer
34	S	Sch 4 S46	Vesting of Property	
34.1	Pwr	46(1)(d)	The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated by the proclamation.	Chief Executive Officer
35	S	Sch 4, S54	Special Provisions relating to the repeal of the Water Resources Act 1997	
35.2			<i>Deliberately left blank</i>	
36	S		Special Provisions related to levies	
36.1			<i>Deliberately left blank</i>	
36.2			<i>Deliberately left blank</i>	
36.3			<i>Deliberately left blank</i>	
NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005				
37	S	REG 35		
37.1	Pwr	35(2)	The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ("the Regulations"), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.	Chief Executive Officer
NATURAL RESOURCES MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES) REGULATIONS 2004				
38	S		Contributions by Councils	
38.1			<i>Deliberately left blank</i>	

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the <i>Private Parking Areas Act 1986</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	Chief Executive Officer
1	S	9	Agreements by owner of private parking area and council for the area	
1.1	Pwr	9(1)	The power pursuant to Section 9(1) of the Act to make an agreement with the owner of a private parking area in the Council area for the enforcement of the provisions of Part 3 of this Act in relation to that private parking area.	Chief Executive Officer

City of Onkaparinga

Delegations Register Part 4 Acts R - Z

Adopted by Council

Preamble

Section 44 of the *Local Government Act 1999* allows a Council to delegate (within certain stated conditions or exemptions) its powers, duties or functions to a Council Committee, a Council subsidiary, to the Chief Executive Officer, Other Acts and Authorisations that empower Councils to undertake certain functions and activities also include provisions to delegate powers e.g. *Development Act 1993* and Ministerial notices etc.

Policy and/or Operational delegations are also made by Council to assist with the efficient implementation of Council decisions.

This mechanism of delegation allows the Council to focus on policy and strategy and enables day to day operations to be carried out by the Administration.

Section 101 of the *Local Government Act 1999* establishes the authority of the Chief Executive Officer to sub-delegate their powers or functions.

All delegations made by the Council can be revoked at any time and do not, except in limited circumstances, prevent the Council from acting in a matter itself. Also, an officer to whom a delegation has been made may choose not to exercise that delegation and bring a matter direct to Council for direction.

City of Onkaparinga Delegations Register

The delegations register reflects the delegated authority from Council to the Chief Executive Officer.

For the purposes of conducting its governing, regulatory and service activities effectively and efficiently, Council has in place a process of delegation in accordance with Section 44 of the *Local Government Act 1999*.

The City of Onkaparinga Delegations Register comprises of:

- § Statutory delegations (i.e. powers and functions specifically referable to a Section of an Act or a Regulation).
- § A 'Policy/Operations' component, which reflects Council delegations as a result of resolutions or policies without any specific link to an Act.
- § Direct delegations/authorisations made to Council such as those provided by the Minister of Transport and the Board of the Environment Protection Authority.

Annual Review

The Delegations Register is reviewed by Council at least once in every financial year as set out in Section 44(6) of the *Local Government Act 1999*.

Availability of the Delegations Register

The Delegations Register can be viewed on Council's website or is available for inspection at the Principal Office of the Council during ordinary office hours. Hard copy documents are available from the Manager, Governance.

www.onkaparingacity.com

IMPORTANT NOTES

Delegations, Sub-Delegations and Financial Delegations are managed by the Governance Unit.

About this document

This **Preamble** contains important explanatory notes describing how to use and interpret the document

Instruments - list the delegations made by Council to the CEO and the sub-delegations made by the CEO to staff under each Act or Regulation

Schedule A - lists the limitations and conditions of the delegations imposed on the Chief Executive Officer under specific Acts

Schedule B - lists the limitations and conditions of the sub-delegations imposed on staff under specific Acts

Note: Standard conditions apply for most Acts and are found after this preamble.

Where different conditions or limitations apply, Schedules will follow the applicable Instrument

Abbreviations

CD - Council cannot delegate

ND - Council has not delegated

Pwr - Power

City of Onkaparinga Delegations Register

<p align="center">SCHEDULE OF CONDITIONS</p> <p align="center">'A'</p>	
<p>Paragraph(s) in instrument to which conditions/limitations apply</p>	<p>Conditions and Limitations applicable to the role of the Chief Executive Officer</p> <p align="center"><i>**Also within the limitations of section 44(3) of the Local Government Act 1999</i></p>
All	<p>The Delegate in exercising any power, duty or function under delegation from the council shall do so in a manner which is consistent with any Council resolution and/or Policy or Procedure that may be in place and relevant to the power, duty or function being exercised at that time.</p>

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014 the following powers and functions under the <i>Roads (Opening and Closing) Act 1991</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	5	Commencement Of Road Process
1.1	Pwr		The power pursuant to Section 5 of the <i>Roads (Opening and Closing) Act 1991</i> ("the Act") to commence a road process in relation to a road or proposed road within the area of the Council.
4	S	11	Dealings in Land after Commencement of Road Process
4.1	Pwr	11(a)(ii)	The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the Real Property Act 1886), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.
4.2	Pwr	11(b)(iii)	The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the Real Property Act 1886), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.
5	S	12	Power to make Preliminary Agreements
5.1	Pwr	12(1)	The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.
7	S	15 - 20	Making of Road Process Order
7.5	Pwr	18(1)	The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.
7.6	Pwr	18(2)(d)	The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.
10	S	33	Acquisition of Additional Land under Land Acquisition Act
10.1	Pwr	33(1)	The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
10.1.1	Pwr		consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and
10.1.2	Pwr		proceed to acquire the land, whether or not the land is required in connection with the proposed road.
10.2	Pwr	33(4)	The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxx 2014 the following powers and functions under the Road Traffic Act 1961 ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	18	Direction as to installation etc of traffic control devices
1.2	Pwr	18(7)	The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.
2	S	31	Action to deal with false devices or hazards to traffic
2.1	Pwr	31(2)	The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.
3	S	40P	Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed
3.2	Pwr	40P(4)	The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.
3.4	Pwr	40P(6)	The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.
4	S	163ZC	Compensation Orders for Damage to Road Infrastructure
4.1	Pwr	163ZC (2)	The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.
4A	S	163ZD	Assessment of Compensation
4A.1	Pwr	163ZD(2)	The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:
4A.1.1	Pwr		any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and
4A.1.2	Pwr		any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and
4A.1.3	Pwr		any other certificate of the Council as the road authority, such as a certificate:
4A.1.3.1	Pwr		estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
4A.1.3.2	Pwr		estimating the cost of remedying the damage; or	Chief Executive Officer
4A.1.3.3	Pwr		estimating the extent of the offender's contribution to the damage.	Chief Executive Officer
5	S	174C	Exemptions	
5.1	Pwr	174C(1)	The power pursuant to Section 174C(1) of the Act to exempt any person, or any persons of specified class, or any specified vehicle, or any vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of such fee and to such other conditions (if any) as the Delegate thinks fit and specifies in the exemption.	Chief Executive Officer
ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999				
6	S	Reg 6B	Event Management Plan	
6.1	Pwr	6B(2)	The power pursuant to Regulation 6B(2) of the <i>Road Traffic (Miscellaneous) Regulations 1999</i> to consult with an applicant in the preparation of an event management plan to be provided to the Council for the purpose of a temporary road closure under Section 33 of the Act.	Chief Executive Officer
6.2	Pwr	6B(2)	The power pursuant to Regulation 6B(2) of the <i>Road Traffic (Miscellaneous) Regulations 1999</i> to consult with the Minister in the preparation of an event management plan to be provided to the Council for the purpose of a temporary road closure under Section 33 of the Act.	Chief Executive Officer
ROAD TRAFFIC (ROAD RULES – ANCILLARY & MISCELLANEOUS PROVISIONS) REGULATIONS 1999				
7	S	Reg 14	Permit Zones	
7.1	Pwr	14(2)	The power pursuant to Regulation 14(2) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999</i> to determine- –	Chief Executive Officer
7.1.1	Pwr		the class of permits required for vehicles to stop in a permit zone established by the Council;	Chief Executive Officer
7.1.2	Pwr		the persons entitled to such permits;	Chief Executive Officer
7.1.3	Pwr		any fees to be paid for such permits;	Chief Executive Officer
7.1.4	Pwr		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),	Chief Executive Officer
	Pwr		and to vary any such determination.	Chief Executive Officer
7.2	Pwr	14(3)	The power pursuant to Regulation 14(3) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999</i> to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.	Chief Executive Officer
8	S	Reg 19	Parking and Parking Ticket-Vending Machines or Parking Meters	
8.1	Pwr	19(2)	The power pursuant to Regulation 19(2) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999</i> 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.	CD

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xxx day of xxxx 2014**, the following powers and functions under the **Safe Drinking Water Act 2011** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the Local Government Act 1999 as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION			
Duty	SECTION	DESCRIPTION	
S	5	Drinking water providers to be registered	
Pwr	5(2)	The power pursuant to Section 5(2)(a) and (b) of the <i>Safe Drinking Water Act 2011</i> (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
S	8	Conditions of registration	
Pwr	8(3)	The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	Chief Executive Officer
S	9	Suspension of registration	
Pwr	9(5)	The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	Chief Executive Officer
Pwr	9(6)	The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	Chief Executive Officer
Pwr	9(10)	The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.	Chief Executive Officer
S	10	Appeals	
Pwr	10(1) (a-d)	The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to appeal to the District Court 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.	Chief Executive Officer
S	12	Drinking water providers to prepare, implement and review risk management plans	
Pwr	12(1)(a-c)	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 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.	Chief Executive Officer
Pwr	12(3)	The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	Chief Executive Officer
S	14	Related matters	
Pwr	14(2)	The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.	Chief Executive Officer

LEGISLATION			
Duty	SECTION	DESCRIPTION	
Pwr	14(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.	Chief Executive Officer
Pwr	14(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 appeal to the District Court against the requirement.	Chief Executive Officer
S	34	Appointment of authorised officers	
Pwr	34(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
Pwr	34(2)	The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council.	Chief Executive Officer
S	35	Certificates of authority	
Pwr	35(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.	Chief Executive Officer
Pwr	35(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.	Chief Executive Officer
S	37	Seizure orders	
Pwr	37(3) (a)	The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to: (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 (ii) order that the thing seized be forfeited to the Council.	Chief Executive Officer
	37(3) (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.	Chief Executive Officer
S	38	Notices	
Pwr	38(2)	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: (a) securing compliance with a requirement imposed by or under the Act; or (b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.	Chief Executive Officer
Pwr	38(6)	The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.	Chief Executive Officer
S	39	Action or non-compliance with a notice	
Pwr	39(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.	Chief Executive Officer
Pwr	39(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.	Chief Executive Officer
Pwr	39(4)	The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.	Chief Executive Officer
Pwr	39(5)	The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	Chief Executive Officer

LEGISLATION			
Duty	SECTION	DESCRIPTION	
S	40	Action in emergency situations	
Pwr	40(5)	The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	Chief Executive Officer
S	41	Specific power to require information	
Pwr	41(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.	Chief Executive Officer
S	42	Appeals	
Pwr	42(3)	The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.	Chief Executive Officer
S	52	Annual reports by enforcement agencies	
Pwr	52(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

INSTRUMENT OF DELEGATION
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the 2nd day of July 2013 the following powers and functions under the South Australian Public Health Act 2011 and Regulations ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	18	Power to Require Reports
1.1	Pwr	18(2)	The power pursuant to Section 18(2) of the <i>South Australian Public Health Act 2011</i> (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2	Pwr	18(3)	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.
1.3	Pwr	18(5)	The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister
2	S	22	Risk of Avoidable Mortality or Morbidity
2.1	Pwr	22(2)	The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2	Pwr	22(3)	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	Pwr		any steps already being taken by the Council that may be relevant in the circumstances; and
2.2.2	Pwr		any plans that the Council may have that may be relevant in the circumstances; and
2.3	Pwr		any steps that the Council is willing to take in the circumstances; and
2.4	Pwr		any other matter relating to the Council that appears to be relevant.
3	S	39	Cooperation Between Councils
3.1	Pwr	39(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
3.2	Pwr	39(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.
3.3	Pwr	39(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.
4	S	40	Power of Chief Public Health Officer to Act
4.1	Pwr	40(2)	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer
5	S	41	Council Failing to Perform a Function Under Act
5.1	Pwr	41(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
5.2	Pwr	41(6)	The power pursuant to Section 41(6) of the Act to:

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
5.2.1	Pwr		make written submissions to the Minister in relation to the matter within a period specified by the Minister; and	Chief Executive Officer
5.2.2	Pwr		request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and	Chief Executive Officer
5.2.3	Pwr		appoint a delegation representing the Council to discuss the matter with the Minister.	Chief Executive Officer
6	S	42	Transfer of Function of Council at Request of Council	
6.1	Pwr	42(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
6.2	Pwr	42(10)	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.	Chief Executive Officer
6.3	Pwr	42(11)	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
6.4	Pwr	42(11)	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
7	S	44	Local Authorised Officers	
7.1	Pwr	44(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
7.2	Pwr	44(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
7.3	Pwr	44(4)	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	Chief Executive Officer
7.4	Pwr	44(6)	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	Chief Executive Officer
7.5	Pwr	44(7)	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:	Chief Executive Officer
7.5.1	Pwr	44	makes an appointment under Section 44 of the Act; or	Chief Executive Officer
7.5.2	Pwr	44	revokes an appointment under Section 44 of the Act.	Chief Executive Officer
7.6	Pwr	44(9)	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.	Chief Executive Officer
8	S	46	Identity Cards	
8.1	Pwr	46(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:	Chief Executive Officer
8.1.1	Pwr		containing the person's name and a photograph of the person; and	Chief Executive Officer
8.1.2	Pwr		stating that the person is an authorised officer for the purposes of the Act; and	Chief Executive Officer
8.1.3	Pwr		setting out the name or office of the issuing authority.	Chief Executive Officer
9	S	49	Specific Power to Require Information	
9.1	Pwr	49(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
10	S	51	Regional Public Health Plans	

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
10.1	Pwr	51(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).	Chief Executive Officer
10.2	Pwr	51(10)	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
10.3	Pwr	51(11)	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:	Chief Executive Officer
10.3.1	Pwr		prepare a draft of the proposal; and	Chief Executive Officer
10.3.2	Pwr	51(12)	when the draft plan is completed, subject to Section 51(12) of the Act:	Chief Executive Officer
10.3.2.1	Pwr		give a copy of it to: (a) the Minister; and (b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and (c) any relevant public health partner authority under Section 51(23); and (d) any other body or group prescribed by the regulations; and	Chief Executive Officer
10.3.2.2	Pwr		take steps to consult with the public.	Chief Executive Officer
10.4	Pwr	51(12)	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
10.5	Pwr	51(13)	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
10.6	Pwr	51(15)	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
10.7	Pwr	51(16)	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	Chief Executive Officer
10.8	Pwr	51(17)	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).	Chief Executive Officer
10.9	Pwr	51(18)	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
10.10	Pwr	51(19)	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
10.11	Pwr	51(20)	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.	Chief Executive Officer
10.12	Pwr	51(21)	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
11	S	52	Reporting on Regional Public Health Plans	
11.1	Pwr	52(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.	Chief Executive Officer
12	S	66	Action to Prevent Spread of Infection	
12.1	Pwr	66(6)	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

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Instrument No.	Duty	SECTION	DESCRIPTION
12.2	Pwr	66(9)	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.
13	S	92	Notices
13.1	Pwr	92(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:
13.1.1	Pwr		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
13.1.2	Pwr		averting, eliminating or minimising a risk, or a perceived risk, to public health.
13.2	Pwr	92(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:
13.2.1	Pwr		have regard to:
13.2.1.1	Pwr		the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	Pwr		the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	Pwr		any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty, and such other matters as the Delegate thinks fit; and
13.2.2	Pwr		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:
13.2.2.1	Pwr		stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	Pwr		stating the reasons for the proposed action; and
13.2.2.3	Pwr		inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).
13.3	Pwr	92(2)(b)(iii)	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	Pwr	92(3)	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:
13.4.1	Pwr		issue a notice in accordance with the terms of the original proposal; or
13.4.2	Pwr		issue a notice with modifications from the terms of the original proposal; or
13.4.3	Pwr		determine not to proceed further under Section 92.
13.5	Pwr	92(4)	The power pursuant to Section 92(4) of the Act to:
13.5.1	Pwr	92(2)(b)	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
13.5.2	Pwr	92(3)(b)	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	Pwr	92(5)	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:

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Instrument No.	Duty	SECTION	DESCRIPTION	
13.6.1	Pwr		in the form of a written notice served on the person to whom it is issued; and	Chief Executive Officer
13.6.2	Pwr		specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and	Chief Executive Officer
13.6.3	Pwr		directing 2 or more persons to do something specified in the notice jointly; and	Chief Executive Officer
13.6.4	Pwr		without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:	Chief Executive Officer
13.6.4.1	Pwr		is the owner or occupier of the premises; or	Chief Executive Officer
13.6.4.2	Pwr		has the management or control of the premises; or	Chief Executive Officer
13.6.4.3	Pwr		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	Chief Executive Officer
13.6.5	Pwr		stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and	Chief Executive Officer
13.6.6	Pwr		imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:	Chief Executive Officer
13.6.6.1	Pwr		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;	Chief Executive Officer
13.6.6.2	Pwr		a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;	Chief Executive Officer
13.6.6.3	Pwr		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;	Chief Executive Officer
13.6.6.4	Pwr		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;	Chief Executive Officer
13.6.6.5	Pwr		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;	Chief Executive Officer
13.6.6.6	Pwr		a requirement that the person undertake specified tests or monitoring;	Chief Executive Officer
13.6.6.7	Pwr		a requirement that the person furnish to a relevant authority specified results or reports;	Chief Executive Officer
13.6.6.8	Pwr		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;	Chief Executive Officer
13.6.6.9	Pwr		a requirement prescribed under or for the purposes of the regulations; and	Chief Executive Officer
13.6.7	Pwr		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.	Chief Executive Officer
13.7	Pwr	92(9)	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
13.8	Pwr	92(15)	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
14	S	93	Action on Non-compliance with Notice	
14.1	Pwr	93(1)	The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer

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Instrument No.	Duty	SECTION	DESCRIPTION
14.2	Pwr	93(2)	The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.
14.3	Pwr	93(4)	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.
14.4	Pwr	93(5)	The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.
15	S	94	Action in Emergency Situations
15.1	Pwr	94(5)	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.
16	S	95	Reviews – Notices Relating to General Duty
16.1	Pwr	95(13)	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	Pwr	95(15)	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	Pwr		dismiss or determine any proceedings that appear:
16.2.1.1	Pwr		to be frivolous or vexatious; or
16.2.1.2	Pwr		to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	Pwr		bring any proceedings to an end that appear:
16.2.2.1	Pwr		to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	Pwr		to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	Pwr		bring any proceedings to an end for any other reasonable cause.
17	S	96	Appeals
17.1	Pwr	96(3)	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.
SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013			
18	S	Reg 5	(LEGIONELLA) REGULATIONS 2013
18.1	Pwr	5(3)	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the registration fee specified in Schedule 1 to the Council, register the high risk manufactured water system to which the application relates.
18.2	Pwr	5(6)	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the renewal fee specified in Schedule 1 to the Council, renew the registration of the high risk manufactured water system to which the application relates.
19	S	Reg 6 & 15	Register of High Risk Manufactured Water Systems
19.1	Pwr	6(2)	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.
19.2	Pwr	6(3)	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	Pwr		the type of water system; and
19.2.2	Pwr		the address of the premises on which the water system is installed; and

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Instrument No.	Duty	SECTION	DESCRIPTION
19.2.3	Pwr		the location of the water system on the premises; and
19.2.4	Pwr		the full name and residential and business addresses of the owner of the premises; and
19.2.5	Pwr		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 the Delegate thinks fit.
19.3	Pwr	15(2)	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:
19.3.1	Pwr		requiring the owner, within the period specified in the notice:
19.3.1.1	Pwr		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
19.3.1.2	Pwr		to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896: (a) of at least 1 sample of water taken from a cooling water system; and (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
19.4	Pwr		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.
20	S	Reg 16	Power of Council to Require Microbiological Testing in Other Circumstances
20.1	Pwr	16(1)	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	Pwr		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
20.1.2	Pwr		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, to give the owner of the premises written notice:
20.1.3	Pwr		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
20.1.4	Pwr		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.
21	S	Reg 21	Fees
21.1	Pwr	21 (3)	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.
21.2	Pwr	21 (4)	The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.
21.3	Pwr	21 (5)	The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013			
22	S	Reg 6	Relevant Authority
22.1	Pwr	6(1)(b)	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.
23	S	Reg 8	Public Notification of Proposed Community Wastewater Management System
23.1	Pwr	8(1)	The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.
24	S	Reg 9	Connection to Community Wastewater Management System

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Instrument No.	Duty	SECTION	DESCRIPTION	
24.1	Pwr	9(1)	The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:	Chief Executive Officer
24.1.1	Pwr		to connect the system to the community wastewater management system; and	Chief Executive Officer
24.1.2	Pwr		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:	Chief Executive Officer
24.1.2.1	Pwr		the connection; and	Chief Executive Officer
24.1.2.2	Pwr		if necessary, consequential alterations to the on-site wastewater system.	Chief Executive Officer
24.2	Pwr	9(4)	The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.	Chief Executive Officer
24.3	Pwr	9(6)	The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).	Chief Executive Officer
24.4	Pwr	9(6)	The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	Chief Executive Officer
24.5	Pwr	9(7)	The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the 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.	Chief Executive Officer
25	S	Reg 10	Exemptions	
25.1	Pwr	10(3)	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
25.2	Pwr	10(4)	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
26	S	Reg 15	Exemptions From Prescribed Codes	
26.1	Pwr	15(3)	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
26.2	Pwr	15(5)	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
27	S	Reg 23	Application	
27.1	Pwr	23(2)	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
28	S	Reg 24	Determination of Application	
28.1	Pwr	24(1)	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:	Chief Executive Officer
28.1.1	Pwr		if the applicant fails to satisfy the Delegate of either or both of the following:	Chief Executive Officer
28.1.1.1	Pwr		that the technical specifications for the wastewater works comply with the prescribed codes;	Chief Executive Officer
28.1.1.2	Pwr		that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or	Chief Executive Officer
28.1.2	Pwr		for any other sufficient reason.	Chief Executive Officer

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Instrument No.	Duty	SECTION	DESCRIPTION
28.2	Pwr	24(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.
29	S	Reg 25	Conditions of Approval
29.1	Pwr	25(2)	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	Pwr		any 1 or more of the following prescribed expiable conditions:
29.1.1.1	Pwr		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;
29.1.1.2	Pwr		a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	Pwr		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;
29.1.1.4	Pwr		a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	Pwr		a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	Pwr		a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or
29.1.2	Pwr		any other conditions including any 1 or more of the following:
29.1.2.1	Pwr		a condition that requires decommissioning of the wastewater system: (a) after a specified trial period; or (b) in specified circumstances; or (c) on written notice to the operator of the system;
29.1.2.2	Pwr		a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	Pwr		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;
29.1.2.4	Pwr		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);
29.1.2.5	Pwr		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;
29.1.2.6	Pwr		a condition that otherwise specifies requirements relating to: (a) the installation of the waste watersystem; or (b) the decommissioning of the wastewater system; or (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 (d) the operation, servicing and maintenance of the wastewater system; or (e) the reuse or disposal of wastewater from the wastewater system.
29.2	Pwr	25(3)	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	Pwr		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
29.2.2	Pwr		operates by reference to the manuals referred to in a product approval for the wastewater system; and

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29.2.3	Pwr		operates by reference to a specified code as in force at a specified time or as in force from time to time.	Chief Executive Officer
29.3	Pwr	25(6)	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.	Chief Executive Officer
29.4	Pwr	25(7)	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:	Chief Executive Officer
29.4.1	Pwr		the operator consents; or	Chief Executive Officer
29.4.2	Pwr		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.	Chief Executive Officer
30	S	Reg 26	Expiry of Approval	
30.1	Pwr	26(2)	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.	Chief Executive Officer
31	S	Reg 27	Registers of Wastewater Works Approvals	
31.1	Pwr	27(3)	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
31.2	Pwr	27(6)	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
32	S	Reg 29	Requirement to Obtain Expert Report	
32.1	Pwr	29(1)	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	Chief Executive Officer
32.2	Pwr	29(3)	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.	Chief Executive Officer
32.3	Pwr	29(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
33	S	Reg 33	Fees	
33.1	Pwr	33(1)	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if the Delegate considers that appropriate in the circumstances.	Chief Executive Officer
33.2	Pwr	33(2)	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.	Chief Executive Officer

City of Onkaparinga Delegations Register Part 4 Acts R -Z

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxx 2014**, the following powers and functions under the **States Records Act 1997** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

Legislation				
Instrument No.	Duty	SECTION	DESCRIPTION	
1	S	13	Maintenance of official records	
1.1	Duty	13	The duty pursuant to Section 13 of the Act to ensure that the official records in the Council's custody are maintained in good order and condition.	Chief Executive Officer
2	S	15	Surveys of official records and record management	
2.1	Duty	15(2)	The duty pursuant to Section 15(2) of the Act to afford the Manager of State Records reasonable cooperation and assistance in the conduct of a survey of the Council's official records and record management practices.	Chief Executive Officer
3	S	18	Voluntary transfer to State Records' custody	
3.1	Pwr	18	The power pursuant to Section 18 of the Act to deliver any of the Council's records into the custody of State Records.	Chief Executive Officer
4	S	19	Mandatory transfer to State Records' custody	
4.1	Duty	19(1)	The duty pursuant to Section 19(1) of the Act to deliver the Council's records into the custody of State Records:	Chief Executive Officer
4.1.1	Duty		when the Council ceases to require access to the record for current administrative purposes; or	Chief Executive Officer
4.1.2	Duty		during the year occurring 15 years after the record came into existence,	Chief Executive Officer
4.1.3	Duty		whichever first occurs.	Chief Executive Officer
4.2	Pwr	19(5)	The power pursuant to Section 19(5) of the Act to make application for a variation or a revocation of an exemption from the requirement that the Council's records be delivered into the custody of State Records.	Chief Executive Officer
5	S	20	Restriction under other Acts on disclosure of information	
5.1	Duty	20(1)	The duty pursuant to Section 20(1) of the Act to advise the Manager of State Records of any restriction imposed by any other Act or law, upon disclosure of the contents of any of the Council records which are to be delivered into the custody of State Records.	Chief Executive Officer
6	S	23	Disposal of official records by agency	

City of Onkaparinga Delegations Register Part 4 Acts R -Z

Legislation			
Instrument No.	Duty	SECTION	DESCRIPTION
6.1	Duty	23(1)	The duty pursuant to Section 23(1) of the Act not to dispose of the Council's official records except in accordance with a determination made by the Manager of State Records with the approval of the State Records Council.
6.2	Pwr	23(2)	The power pursuant to Section 23(2) of the Act to request the Manager of State Records to make a determination under Section 23(1) as to the disposal of official records, and the power to approve of the determination.
7	S	25	Agency's access to records in custody of State Records
7.1	Pwr	25	The power pursuant to Section 25 of the Act to obtain access to, and make or direct use of any of the Council's official records in the custody of State Records.
8	S	26	Public access to records in custody of State Records
8.1	Pwr	26(1)	The power pursuant to Section 26(1) of the Act to determine that access to a Council record (other than by the Council) is not subject to any restrictions other than those determined by the Manager of State Records under Section 26(2) of the Act.

INSTRUMENT OF DELEGATION
<p>In exercise of the power contained in Section 9 of the <i>Supported Residential Facilities Act 1992</i> and, in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxx 2014, the following powers and functions under the <i>Supported Residential Facilities Act 1992</i> ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A in the Instrument of Delegation under the <i>Supported Residential Facilities Act 1992</i>. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in Schedule A 'Conditions' in the Instrument of Delegation under the <i>Supported Residential Facilities Act 1992</i>.</p>

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	21	Appointment of Authorised Officers
1.1	Pwr	21(1)	The power pursuant to Section 21(1) of the <i>Supported Residential Facilities Act 1992</i> ("the Act") to appoint a person to be an authorised officer under the Act;
1.2	Duty	21(2)	The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3	Pwr	21(4)	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.
2	S	24 and 25	Application for a Licence
2.1	Pwr	24(3)	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;
2.2	Pwr	24(5)	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;
2.3	Pwr	24(9)	The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and
2.4	Duty	24(10)	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 appeal rights that the applicant has under the Act.
2.5	Duty	25(1)	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;
2.6	Duty	25(2)	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;
2.7	Duty	25(3)	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;
2.8	Duty	25(4)	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.
3	S	27 and 28	Renewal of Licence
3.1	Pwr	27(3)	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;
3.2	Duty	27(4)	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	Pwr	28	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.
4	S	29	Licence Conditions
4.1	Pwr	29(2)	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;
4.2	Duty	29(3)	Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:-
4.2.1	Duty		if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
4.2.2	Duty		if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	Duty		the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	Duty	29(4)	The duty pursuant to Section 29(4) of the Act in formulating or varying a condition, to take into account any relevant guideline published by the Advisory Committee.
5	S	30	Transfer of Licence
5.1	Duty	30(4)	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.
6	S	31	Cancellation of Licence
6.1	Pwr	31(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;
6.2	Duty	31(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;
6.3	Pwr	31(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
6.4	Pwr	31(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.
7	S	32 and 33	Appeals
7.1	Pwr	32(5)	The power pursuant to Section 32(5) of the Act where the Delegate is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as the Delegate thinks fit.
7.2	Pwr	32(7)	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.
7.3	Duty	33(1)	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
8	S	34	Appointment of Manager
8.1	Pwr	34(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.
8.2	Pwr	34(2)	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
9	S	35	Death of Licensee
9.1	Pwr	35	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.
10	S	39	Rescision of Resident Contract by Proprietor
10.1	Pwr	39(2)(b)	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
11	S	43	Disputes
11.1	Pwr	43(2)	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;
11.2	Pwr	43(6)	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;
11.3	Duty	43(7)	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;
11.4	Pwr	43(9)	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.
11.5	Pwr	43(11)	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	Pwr	43(12)	The power, pursuant to Section 43(12) of the Act -

LEGISLATION				
Instrument No.	Duty	SECTION	DESCRIPTION	
11.6.1	Pwr		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;	Chief Executive Officer
11.6.2	Pwr		to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	Chief Executive Officer
11.6.3	Pwr		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	Chief Executive Officer
11.7	Duty	43(13)	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	Chief Executive Officer
12	S	47	Attendance by Health Service Providers etc.	
12.1	Pwr	47(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
13	S	49	Complaints	
13.1	Pwr	49(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
13.2	Pwr	49(2)	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	Chief Executive Officer
13.3	Pwr	49(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
13.4	Pwr	49(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
14	S	57	Exemptions	
14.1	Pwr	57(5) and (6)	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 -	Chief Executive Officer
14.2	Pwr		that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	Chief Executive Officer
14.3	Pwr		that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,	Chief Executive Officer
14.4	Pwr		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.	Chief Executive Officer
SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009				
15	S	Reg 4	Licensing scheme	
15.1	Duty	4(1)	The duty pursuant to Regulation 4(1) of the <i>Supported Residential Facilities Regulations 2009</i> ("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
16	Duty	4(2)	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.	Chief Executive Officer
17	S	Reg 5	Prospectus	
17.1	Pwr	5(2)	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
18	S	Reg 14	Notification of certain events	
18.1	Pwr	14(1)(b)	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
19	S	Reg 17	Acting managers	
19.1	Pwr	17(2)	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
20	S	Reg 18	Management of nursing homes	
20.1	Pwr	18(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

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
21	Pwr	18(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 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.
22	S	Reg 21	Facilities, hygiene, maintenance etc
22.1	Pwr	21(1)(b)	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.
23	Pwr	21(3)(e)	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.
24	S	Reg 24	Communication facility
24.1	Pwr	24(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.
25	S	Reg 26	Indemnity fund
25.1	Duty	26(2)	The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.

INSTRUMENT OF DELEGATION	
<p>In exercise of the powers contained in Section 44 of the <i>Local Government Act 1999</i> and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the xx day of xxxxxxx 2014, the following powers and functions under the Unclaimed Goods Act 1987 ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the <i>Local Government Act 1999</i> as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.</p>	

LEGISLATION			
Instrument No.	Duty	SECTION	DESCRIPTION
1	S	5	Unclaimed Goods
1.1	Pwr	5(1)(b)	The power pursuant to Section 5(1)(b) of the <i>Unclaimed Goods Act 1987</i> (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.
1.2	Pwr	5(1)(c)	The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.
1.3	Duty	5(2)	The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -
1.3.1	Duty		states the address at which the goods are available for collection; and
1.3.2	Duty		contains a brief description of the goods; and
1.3.3	Duty		states the times at which, or the hours between which, the goods will be available for collection at that address; and
1.3.4	Duty		is made -
1.3.4.1	Duty		by post addressed to the last known address of the bailor; or
1.3.4.2	Duty		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.
1.4	Duty	5(3)	The duty pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.
2	S	6	Sale or Disposal of Unclaimed Goods
2.1	Pwr	6(1)	The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date -
2.1.1	Pwr		sell the goods; or
2.1.2	Pwr		if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods.
2.2	Pwr	6(2)	The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.
2.3.1	Duty		give notice of the application to the Commissioner of Police; and
2.3.2	Duty		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.
2	S	6	Sale or Disposal of Unclaimed Goods cont.
2.4	Pwr	6(5)	The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to

2.4.1	Pwr		sell the goods by public auction; and	Chief Executive Officer
2.4.2	Pwr		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 -	Chief Executive Officer
2.4.2.1	Pwr		to the Commissioner of Police; and	Chief Executive Officer
2.4.2.2	Pwr		to the bailor.	Chief Executive Officer
2.5	Pwr	6(6)	The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.	Chief Executive Officer
3	S	7	Claim Made by Bailor After Commencement of Proceedings Under this Act	
3.1	Duty	7(1)	The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	Chief Executive Officer
3.2	Pwr	7(2)	The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -	Chief Executive Officer
3.2.1	Pwr		the reasonable costs incurred by the Council in proceeding under the Act;	Chief Executive Officer
3.2.2	Pwr		the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;	Chief Executive Officer
3.2.3	Pwr		the amount of any lien that the Council has over the goods.	Chief Executive Officer
3.3	Pwr	7(3)	The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.	Chief Executive Officer
4	S	8	Proceeds of Sale	
4.1	Pwr	8(1)	The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -	Chief Executive Officer
4.1.1	Pwr		retain from those proceeds -	Chief Executive Officer
4.1.1.1	Pwr		the reasonable costs of the sale and of proceeding under the Act;	Chief Executive Officer
4.1.1.2	Pwr		the reasonable costs of storing and maintaining the goods prior to sale;	Chief Executive Officer
4.1.1.3	Pwr		the amount of any lien that the Council had over the goods; and	Chief Executive Officer
4.1.2	Pwr		pay the balance to the Treasurer.	Chief Executive Officer

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xx day of xxxxx 2014**, the following powers and functions under the **Water Industry Act 2012** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
	S	6	Water Planning	
1.1	Pwr	6(6)	The power pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in relation to a proposal:	Chief Executive Officer
1.1.1	Pwr		to create the State Water Demand and Supply Statement; or	Chief Executive Officer
1.1.2	Pwr		to undertake a comprehensive review of the State Water Demand and Supply Statement,	Chief Executive Officer
1.2	Pwr		to make written representations on the proposal to the Minister.	Chief Executive Officer
2	S	19	Application for Licence	
2.1	Pwr	19(1)	The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	Chief Executive Officer
3	S	24	Licence fees and returns	
3.1	Pwr	24(2)	The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to:	Chief Executive Officer
3.1.1	Pwr		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	Chief Executive Officer
3.1.2	Pwr		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.	Chief Executive Officer
4	S	28	Variation of Licence	
4.1	Pwr	28(2)	The power pursuant to Section 28(2) of the Act to:	Chief Executive Officer
4.1.1	Pwr		make application to the Commission to vary the terms or conditions of the Council's licence;	Chief Executive Officer
4.1.2	Pwr		agree to the variation of the terms or conditions of the Council's licence;	Chief Executive Officer
4.1.3	Pwr		make representations to the Commission about the proposed variation.	Chief Executive Officer
5	S	29	Transfer of Licence	
5.1	Pwr	29 (1)	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	Chief Executive Officer
5.2	Pwr	29(4)	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
6	S	32	Surrender of Licence	
6.1	Pwr	32(1)	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.	Chief Executive Officer
6.2	Pwr	32(3)	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	Chief Executive Officer
7	S	33	Suspension or cancellation of Licences	
7.1	Pwr	33(3)	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.	Chief Executive Officer
8	S	36	Standard terms and conditions for retail services	
8.1	Pwr	36(1)	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	Chief Executive Officer
8.2	Pwr	36(2)	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	Chief Executive Officer
8.3	Pwr	36(3)	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	Chief Executive Officer
8.4	Pwr	36(5)	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	Chief Executive Officer
9	S	37	Customer hardship policies	
9.1	Pwr	37(3)	The power pursuant to Section 37(3) of the Act to:	Chief Executive Officer
9.1.1	Pwr		adopt a customer hardship policy published by the Minister under Section 37 of the Act; or	Chief Executive Officer
9.1.2	Pwr		with the written approval of the Commission, adopt such a policy with modifications.	Chief Executive Officer
10	S	38	Power to take over operations	
10.1	Pwr	38(2)	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	Chief Executive Officer
11	S	39	Appointment of operator	
11	Pwr	39(3)	The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.	Chief Executive Officer
12	S	41	Appointment of water industry officer	
12.1	Pwr	41(1)	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	Chief Executive Officer
12.2	Pwr	41(2)	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	Chief Executive Officer
13	S	42	Conditions of appointment	
13.1	Pwr	42(1)	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	Chief Executive Officer
13.2	Pwr	42(2)	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	Chief Executive Officer
14	S	43	Identity cards	
14.1	Pwr	43(1)	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
15	S	44	Power to enter land to conduct investigations	
15.1	Pwr	44(1)	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	Chief Executive Officer
15.2	Pwr	44(3)	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	Chief Executive Officer
15.2.1	Pwr		give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and	Chief Executive Officer
15.2.2	Pwr		minimise the impact of work carried out by the Council on activities of others on the land; and	Chief Executive Officer
15.2.3	Pwr		comply with the conditions of the authorisation.	Chief Executive Officer
16	S	45	Power to carry out work on land	
16.1	Pwr	45(1)	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	Chief Executive Officer
16.1.1	Pwr		to construct, install, improve or add to any water/sewerage infrastructure; or	Chief Executive Officer
16.1.2	Pwr		to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or	Chief Executive Officer
16.1.3	Pwr		to lay pipes and install, operate or inspect pumps and other equipment; or	Chief Executive Officer
16.1.4	Pwr		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	Chief Executive Officer
16.1.5	Pwr		to obtain or enlarge a supply of water; or	Chief Executive Officer
16.1.6	Pwr		to protect, improve or restore the quality of water; or	Chief Executive Officer
16.1.7	Pwr		to protect any infrastructure or equipment connected with any water service or sewerage service; or	Chief Executive Officer
16.1.8	Pwr		to perform any other function brought within the ambit of Section 45 of the Act by the regulations.	Chief Executive Officer
16.2	Pwr	45(3)	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	Chief Executive Officer
16.2.1	Pwr		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	Chief Executive Officer
16.2.2	Pwr		secure the authority's agreement to the carrying out of the work;	Chief Executive Officer
16.3	Pwr	45(3)(b)	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.	Chief Executive Officer
16.4	Pwr	45(5)	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	Chief Executive Officer
16.5	Pwr	45(7)	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
16.6	Pwr	45(9)	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	Chief Executive Officer
16.7	Pwr	45(11)	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	Chief Executive Officer
16.8	Pwr	45(12)	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	Chief Executive Officer
16.9	Pwr	45(14)	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	Chief Executive Officer
16.10	Pwr	45(16)	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	Chief Executive Officer
16.11	Pwr	45(17)	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	Chief Executive Officer
16.12	Pwr	45(19)	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	Chief Executive Officer
17	S		Acquisition of land	
17.1	Pwr	46(1)	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969.	Chief Executive Officer
18	S	48	Requirement to connect to infrastructure	
			<i>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).</i>	Chief Executive Officer
18.1	Pwr	45(2)	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.	Chief Executive Officer
18.2	Pwr	48(6)	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.	Chief Executive Officer
18.3	Pwr	48(9)	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
18.4	Pwr	48(10)	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
18.5	Pwr	48(12)	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer
18.6	Pwr	48(13)	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
19	S	49	Encroachments	
19.1	Pwr	49(1)	The power pursuant to Section 49(1) of the Act to consent to a person:	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
19.1.1	Pwr		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	Chief Executive Officer
19.1.2	Pwr		creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or	Chief Executive Officer
19.1.3	Pwr		obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or	Chief Executive Officer
19.1.4	Pwr		excavating or altering any land or structure supporting any water/sewerage infrastructure.	Chief Executive Officer
19.2	Pwr	49(2)	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	Chief Executive Officer
19.2.1	Pwr		at any reasonable time, enter land and carry out an inspection of any place; and	Chief Executive Officer
19.2.2	Pwr		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.	Chief Executive Officer
19.3	Pwr	49(3)	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Chief Executive Officer
19.4	Pwr	49(4)	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer
19.5	Pwr	49(6)	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer
19.6	Pwr	49(7)	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	Chief Executive Officer
20	S	50	Protection of infrastructure and equipment	
20.1	Pwr	50(2)	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	Chief Executive Officer
20.1.1	Pwr		at any reasonable time, enter any land and carry out an inspection of any place; and	Chief Executive Officer
20.1.2	Pwr		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.	Chief Executive Officer
20.2	Pwr	50(3)	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	Chief Executive Officer
20.3	Pwr	50(4)	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	Chief Executive Officer
20.4	Pwr	50(7)	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Chief Executive Officer
20.4.1	Pwr		on application to a court convicting the person of an offence against Section 50 of the Act; or	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
20.4.2	Pwr		by action in a court of competent jurisdiction.	Chief Executive Officer
21	S	51	Notice of work that may affect water/sewerage infrastructure	
21.1	Pwr	51(4)	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	Chief Executive Officer
21.1.1	Power		on application to a court convicting the person of an offence against Section 51 of the Act; or	Chief Executive Officer
21.1.2	Power		by action in a court of competent jurisdiction.	Chief Executive Officer
22	S	52	Duty to give notice before paving a road etc	
22.1	Pwr	52(1)	The power pursuant to Section 52(1) of the Act, before the Council begins:	Chief Executive Officer
22.1.1- 22.1.6	Pwr		to first lay the pavement or hard surface in any road; or to relay the pavement or hard surface in any road; or to widen or extend the pavement or hard surface in any road; or to alter the level of any road; or to construct or alter any footpaths, gutters, kerbing or water tables in any road; or to construct or alter any drainage work in any road,	Chief Executive Officer
	Pwr		in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).	Chief Executive Officer
22.2	Pwr	52(2)	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	Chief Executive Officer
22.3	Pwr	52(3)	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:	Chief Executive Officer
22.3.1	Pwr		unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;	Chief Executive Officer
22.3.2	Pwr		in prescribed circumstances – an amount determined under the regulations.	Chief Executive Officer
22.4	Pwr	52(6)	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	Chief Executive Officer
23	S	53	Unlawful abstraction, removal or diversion of water or sewage	
23.1	Pwr	53(2)	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	Chief Executive Officer
23.2	Pwr	53(3)	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:	Chief Executive Officer
23.2.1	Pwr		on application to a court convicting the person of an offence against this Section; or	Chief Executive Officer
23.2.2	Pwr		by action in a court of competent jurisdiction.	Chief Executive Officer
24	S	54	24. Water meters	

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
24.1	Pwr	54(1)	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to:	Chief Executive Officer
24.1.1	Pwr		allow a person authorised by the Council to enter land and fix a meter supplied by the Council;	Chief Executive Officer
24.1.2	Pwr		ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.	Chief Executive Officer
24.2	Pwr	54(1)	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.	Chief Executive Officer
24.3	Pwr	54(3)	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	Chief Executive Officer
24.4	Pwr	54(10)	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	Chief Executive Officer
24.5	Pwr	54(11)	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.	Chief Executive Officer
24.6	Pwr		<i>deliberately left blank (duplicated power)</i>	
24.7	Pwr	54(12)	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:	Chief Executive Officer
24.7.1	Pwr		on application to a court convicting the person of an offence against this section; or	Chief Executive Officer
24.7.2	Pwr		by action in a court of competent jurisdiction.	Chief Executive Officer
24.8	Pwr	54(13)	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.	Chief Executive Officer
25	S	55	Discharge of unauthorised material into water infrastructure	
25.1	Pwr	55(3)	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:	Chief Executive Officer
25.1.1	Pwr		on application to a court convicting the person of an offence against this Section; or	Chief Executive Officer
25.1.2	Pwr		by action in a court of competent jurisdiction.	Chief Executive Officer
26	S	56	Discharge of unauthorised material into sewerage infrastructure	
26.1	Pwr	56(3)	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	Chief Executive Officer
26.1.1	Pwr		on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
26.1.2	Pwr		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.	Chief Executive Officer
26.2	Pwr	56(4)	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	Chief Executive Officer
26.3	Pwr	56(5)	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.	Chief Executive Officer
26.4	Pwr	56(7)	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	Chief Executive Officer
26.5	Pwr	56(9)	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	Chief Executive Officer
27	S	57	Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure	
27.1	Pwr	57(1)	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:	Chief Executive Officer
27.1.1	Pwr		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	Chief Executive Officer
27.1.2	Pwr		to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
27.2	Pwr	57(1)	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:	Chief Executive Officer
27.2.1- 27.2.4	Pwr		install or construct in such locations as are specified in the notice; connect to the infrastructure; alter or replace; maintain, repair or cleanse; remove, block or disconnect,	Chief Executive Officer
	Pwr		such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.	Chief Executive Officer
27.3	Pwr	57(3)	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	Chief Executive Officer
27.4	Pwr	57(5)	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	Chief Executive Officer
27.5	Pwr	57(6)	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	Chief Executive Officer
27.6	Pwr	57(8)	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	Chief Executive Officer
28	S	58	Power to disconnect drains to restrict services	

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
28.1	Pwr	58(1)	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:	Chief Executive Officer
28.1.1	Pwr		is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or	Chief Executive Officer
28.1.2	Pwr		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,	Chief Executive Officer
	Pwr		to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	Chief Executive Officer
28.2	Pwr	58(2)	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	Chief Executive Officer
29	S	59	Power to restrict or discontinue water supply	
29.1	Pwr	59(1)	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	Chief Executive Officer
29.1.1	Pwr		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	Chief Executive Officer
29.1.1.1				
29.1.1.2	Pwr		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	Chief Executive Officer
29.1.1.3	Pwr		that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and	Chief Executive Officer
29.1.2	Pwr		that action under Section 59(1) of the Act is justified in the circumstances,	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
29.2	Pwr	59(1) and (3)	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:	Chief Executive Officer
29.2.1	Pwr		lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);	Chief Executive Officer
29.2.2	Pwr		prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;	Chief Executive Officer
29.2.3	Pwr		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;	Chief Executive Officer
29.2.4	Pwr		prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;	Chief Executive Officer
29.2.5	Pwr		for such time or times as the delegate thinks proper, discontinue the supply of water.	Chief Executive Officer

LEGISLATION			
Instrument No.	Power	SECTION	DESCRIPTION
29.3	Pwr	59(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.
29.4	Pwr	59(4)	The power pursuant to Section 59(4) of the Act, to:
29.4.1	Pwr		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
29.4.2	Pwr		vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.
30	S	60	Power to require the use of devices to reduce flow
30.1	Pwr	60(1)	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.
30.2	Pwr	60(2)	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:
30.2.1	Pwr		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
30.2.2	Pwr		to use the device to reduce flow in those pipes during the periods specified in the notice.
30.3	Pwr	60(5)	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.
30.4	Pwr	60(6)	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.
31	S	64	Disconnection in an emergency
	Pwr	64	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.
32	S	68	Responsibilities of water industry entity
32.1	Pwr	68(1)	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:
32.1.1	Pwr		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	Pwr		obtain the approval of the Technical Regulator to the plan and any revision; and
32.1.3	Pwr		comply with the plan as approved from time to time; and
32.1.4	Pwr		audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator
33	S	69	Responsibilities of Customers

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
33.1	Pwr	69(3)	The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	Chief Executive Officer
34	S	80	Enforcement notices	
34.1	Pwr	80(2)(h)	The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	Chief Executive Officer
35	S	82	Warning notices and assurances	
35.1	Pwr	82(1)(b)(ii)	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	Chief Executive Officer
35.2	Pwr	82(2)(b)(ii)	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	Chief Executive Officer
36	S	83	Injunctions	
36.1	Pwr	83(1)	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.	Chief Executive Officer
36.2	Pwr	83(8)	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	Chief Executive Officer
37	S	84	Review of decisions by Commission or Technical Regulator	
37.1	Pwr	84(1)	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	Chief Executive Officer
37.1.1	Pwr		the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or	Chief Executive Officer
37.1.2	Pwr		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	Chief Executive Officer
37.1.3	Pwr		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	Chief Executive Officer
37.1.4	Pwr		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 sewerage from a place, or to restrict the provision of a service.	Chief Executive Officer
38	S	85	Appeals	
38.1	Pwr	85(1)	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to appeal to the District Court:	Chief Executive Officer
38.1.1	Pwr		in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;	Chief Executive Officer
38.1.2	Pwr		in relation to an enforcement notice issued under Part 8 Division 4 of the Act	Chief Executive Officer
39	S	92	Water conservation measures	
39.1	Pwr	92(5)	The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	Chief Executive Officer
WATER INDUSTRY REGULATIONS 2012				
40	S	11	Information as to amounts already paid for retail services etc	

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
40.1	Pwr	11(1)	The power pursuant to Regulation 11(1) of the <i>Water Industry Regulations 2012</i> (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	Chief Executive Officer
40.2	Pwr	11(2)	The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	Chief Executive Officer
40.3	Pwr	11(3)	The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	Chief Executive Officer
41	S	12	Certificate as to encumbrance	
41.1	Pwr	12(1)	The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council.	Chief Executive Officer
42	S	13	Protection of infrastructure – planting of trees etc on public land	
42.1	Pwr	13(9)	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.	Chief Executive Officer
42.2	Pwr	13(b)	The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	Chief Executive Officer
43	S	14	Protection of infrastructure – action in relation to trees and shrubs	
43.1	Pwr	14(1)	The power pursuant to Regulation 14(1) of the Regulations, if:	Chief Executive Officer
43.1.1	Pwr		a tree or shrub has been planted in contravention of Regulation 13; or	Chief Executive Officer
43.1.2	Pwr		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,	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
43.2	Pwr	14(2)	The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action	Chief Executive Officer
43.3	Pwr	14(3)	The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	Chief Executive Officer
44	S	15	Protection of infrastructure – damage caused by trees or shrubs	
44.1	Pwr	15	The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	Chief Executive Officer
44.1.1	Pwr		the owner for the time being of the land on which the tree or shrub is, or was, situated; or	Chief Executive Officer
44.1.2	Pwr		in the case of land under the care, control or management of a Council – that Council.	Chief Executive Officer
45	S	16	Access to sewerage infrastructure	
45.1	Pwr	16(2)	The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	Chief Executive Officer
46	S	17	Power to restrict or discontinue water supply	

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
46.1	Pwr	17(1)	The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	Chief Executive Officer
46.1.1	Pwr		obtain the approval of the prescribed authority before acting; and	Chief Executive Officer
46.1.2	Pwr		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):	Chief Executive Officer
46.1.2.1	Pwr		if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and	Chief Executive Officer
46.1.2.2	Pwr		in all cases:	Chief Executive Officer
a)	Pwr		on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and	Chief Executive Officer
b)	Pwr		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	Chief Executive Officer
c)	Pwr		in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.	Chief Executive Officer
47	S	18	Notices under Section 59 – Permits	
47.1	Pwr	18(1)	The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.	Chief Executive Officer
48	S	23	Fittings etc to be flush with road surface	
48.1	Pwr	23(2)	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.	Chief Executive Officer
48.2	Pwr	23(2)(b)	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	Chief Executive Officer
48.3	Pwr	23(3)	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person	Chief Executive Officer
49	S	34	Pipes must not lie across allotment boundaries	
49.1	Pwr	34(1)	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	Chief Executive Officer
49.2	Pwr	34(4)	The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i>), 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
49.3	Pwr	34(7)	The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work	Chief Executive Officer
50	S	36	Water meters – estimates	
50.1	Pwr	36	The power pursuant to Regulation 36 of the Regulations if:	Chief Executive Officer

LEGISLATION				
Instrument No.	Power	SECTION	DESCRIPTION	
50.1.1	Pwr		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	Chief Executive Officer
50.1.2	Pwr		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,	Chief Executive Officer
	Pwr		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.	Chief Executive Officer
51	S	38	Charge where land not connected or service to land reduced or discontinued	
51.1	Pwr	38	The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	Chief Executive Officer
51.1.1	Pwr		the land is not connected to infrastructure by which a retail service is provided by the Council; or	Chief Executive Officer
51.1.2	Pwr		the provision of a retail service to the land by the Council has been reduced or discontinued.	Chief Executive Officer

INSTRUMENT OF DELEGATION

In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Onkaparinga ('the Council') on the **xxx day of xxxx 2014** the following powers and functions under the **Work Health and Safety Act 2012** ('the Act') are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council ('the Delegate'), and to any person acting in that office, subject to the conditions and limitations specified in Schedule A of this Instrument, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated in Schedule A to this Instrument.

LEGISLATION			
Duty	SECTION	DESCRIPTION	
S	51	Determination of work groups	
Pwr	51(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.	Chief Executive Officer
S	52	Negotiations for agreement for work group	
Pwr	52(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.	Chief Executive Officer
Pwr	52(4)	The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	Chief Executive Officer
S	54	Failure of negotiations	
Pwr	54(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.	Chief Executive Officer
S	55	Determination of work groups of multiple businesses	
Pwr	55(2)	The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	Chief Executive Officer
Pwr	55(3)	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.	Chief Executive Officer
S	56	Negotiation of agreement for work groups of multiple businesses	
Pwr	56(3)	The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	Chief Executive Officer

LEGISLATION			
Duty	SECTION	DESCRIPTION	
S	58	Withdrawal from negotiations or agreement involving multiple businesses	
Pwr	58(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.	Chief Executive Officer
Pwr	58(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.	Chief Executive Officer
S	65	Disqualification of health and safety representatives	
Pwr	65(1)	The power pursuant to Section 65(1) of the Act, to make an application to the Senior Judge of the IRC for a review committee to disqualify a health and safety representative on the ground that the representative has:	Chief Executive Officer
Pwr		(a) exercised a power or performed a function as a health and safety representative for an improper purpose; or	Chief Executive Officer
Pwr		(b) used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,	Chief Executive Officer
Pwr		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.	Chief Executive Officer
S	70	General obligations of person conducting business or undertaking	
Pwr	70(1)	The power pursuant to Section 70(1) of the Act, to	Chief Executive Officer
Pwr		(a) 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	Chief Executive Officer
Pwr		(b) confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and	Chief Executive Officer
Pwr		(c) allow any health and safety representative for the work group to have access to information that the Council has relating to:	Chief Executive Officer
Pwr		(i) hazards (including associated risks) at the workplace affecting workers in the work group; and	Chief Executive Officer
Pwr		(ii) the health and safety of the workers in the work group; and	Chief Executive Officer
Pwr		(d) 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:	Chief Executive Officer
Pwr		(i) an inspector; or	Chief Executive Officer
Pwr		(ii) the Council or the Council's representative; and	Chief Executive Officer
Pwr		(e) with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:	Chief Executive Officer
Pwr		(i) an inspector; or	Chief Executive Officer
Pwr		(ii) the Council or the Council's representative; and	Chief Executive Officer
Pwr		(f) provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.	Chief Executive Officer

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LEGISLATION			
Duty	SECTION	DESCRIPTION	
Pwr		(g) allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and	Chief Executive Officer
Pwr		(h) permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and	Chief Executive Officer
Pwr		(i) provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	Chief Executive Officer
S	71	Exceptions for obligations under Section 70(1)	
Pwr	71(5)	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.	Chief Executive Officer
S	72	Obligation to train health and safety representatives	
Pwr	72(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.	Chief Executive Officer
Pwr	72(3)	The power pursuant to Section 72(3) of the Act to:	Chief Executive Officer
Pwr		(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	Chief Executive Officer
Pwr		(b) pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	Chief Executive Officer
Pwr	72(6)	The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	Chief Executive Officer
S	73	Obligation to share costs if multiple businesses or undertakings	
Pwr	73(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:	Chief Executive Officer
Pwr		(a) the costs of the representative exercising powers and performing functions under the Act; and	Chief Executive Officer
Pwr		(b) the costs referred to in Section 72(3)(b) of the Act,	Chief Executive Officer
Pwr		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.	Chief Executive Officer
Pwr	73(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.	Chief Executive Officer
S	75	Health and safety committees	
Pwr	75(2)	The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.	Chief Executive Officer
S	76	Constitution of committee	
Pwr	76(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.	Chief Executive Officer

LEGISLATION			
Duty	SECTION	DESCRIPTION	
Pwr	76(5)	The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.	Chief Executive Officer
S	82	Referral of issue to regulator for resolution by inspector	
pwr	82(2)	The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	Chief Executive Officer
S	87	Alternative work	
Pwr	87	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
S	89	Request to regulator to appoint inspector to assist	
Pwr	89	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
S	100	Request for review of provisional improvement notice	
Pwr	100(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
S	141	Application for assistance of inspector to resolve dispute	
Pwr	141	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
S	142	Authorising authority may deal with a dispute about a right of entry under this Act	
Pwr	142(4)	(4) The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	Chief Executive Officer
S	180	Return of seized things	
Pwr	180(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

LEGISLATION			
Duty	SECTION	DESCRIPTION	
S	Sect 181	Access to seized things	
Pwr	181(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
S	224	Application for internal review	
Pwr	224(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:	Chief Executive Officer
Pwr		(a) the prescribed time after the day on which the decision first came to the Council's notice; or	Chief Executive Officer
Pwr		(b) such longer period as the regulator allows.	Chief Executive Officer
S	229	Application for external review	
Pwr	229(1)	The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to the Senior Judge of the IRC for review (an external review), in accordance with Section 229(2) of the Act, of:	Chief Executive Officer
Pwr		(a) a reviewable decision made by the regulator; or	Chief Executive Officer
Pwr		(b) a decision made, or taken to have been made, on an internal review.	Chief Executive Officer

**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL
USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF
EXEMPTIONS FOR EVENTS**

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

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCATION OF PREVIOUS INSTRUMENT

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

INSTRUMENT OF GENERAL APPROVAL

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

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

A. Traffic Control Devices

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

A.1 Authorisation of other Officers

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

A.2 Conformity with the *Road Traffic Act*

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

A.3 Conformity with the Australian Standards and the Code

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

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

A.4 Notification to adjoining Councils

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

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

A.5 Notification to the Commissioner of Highways

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

A.6 Consultation on traffic signals

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

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

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

A.7 Traffic Impact Statement

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

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

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

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

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

- (a) specifically listed in the Code requiring separate approval; or
- (b) not contained in or referred to in the Australian Standards or the Code; or
- (c) not complying with clause A.3.

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

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

B. Speed Limits at Works on Roads

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

- a work area; or
- a work site

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

B.1 Authorisation of other Officers

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

B.3 Conformity with the *Road Traffic Act*

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

B.4 Conformity with the SA Standards

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

B.5 Persons who may act on behalf of Council

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

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

B.6 Training and Accreditation

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

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

B.7 Record Keeping

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

C. Traffic Control Devices at Works on Roads

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

C.1 Authorisation of other Officers

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

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

C.2 Conformity with the Road Traffic Act

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

C.3 Conformity with the Code, and SA Standards

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

C.4 Persons who may act on behalf of Council

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

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

C.5 Training and Accreditation

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

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

C.6 Record Keeping

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

D. Temporary Parking Controls

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

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and 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.

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 Clause 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

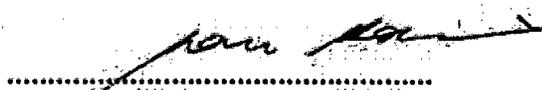
SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;

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

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9.3 **Aldinga Airfield request to transfer LMA approval to new maintenance operator**

This is a new proposal, concept or issue.

Director:	Steve Mathewson, Director Finance and Commercial
Report Author:	Steve Tilbrook, Team Leader Planning
Contact Number:	8384 0710
Attachments:	<ol style="list-style-type: none">1. April 8, 2014 request to transfer LMA approval (1 page)2. June 19, 2012 Council meeting minutes (3 pages)3. June 19, 2012 Council agenda item 9.1 – Aldinga airfield LMA request (16 pages)4. Resonate Acoustics noise mitigation management plan (23 pages)5. Sonus acoustic engineer approval of noise mitigation management plan (2 pages)6. Aldinga airfield aerial photo of the site (1 page)

1. **Purpose**

Council has received a request (attachment 1) to effectively transfer an existing approval granted pursuant to a Land Management Agreement (LMA) to allow maintenance of aircraft that are not permanently located at Aldinga airfield from Pulse Aero Pty Ltd to Aldinga Aircraft Maintenance Pty Ltd. The latter company proposes to operate under the existing restrictions placed on the Council approval of June 19, 2012 and operate exactly as Pulse Aero Pty Ltd has since the approval was given.

Legal advice confirms that a fresh Council decision is required to effectively transfer the approval to a new entity, by revoking the original and granting a new permission.

2. **Recommendations**

1. **That:**

- a. **Pursuant to Clause 3.4(f) of registered Land Management Agreement 7372584 and the joint request of Aldinga Aviation Pty Ltd and Aldinga Aircraft Maintenance Pty Ltd dated 8 April 2014:**
 - i. **Council revoke the previous approval issued to Pulse Aero; and**
 - ii. **subject to the conditions below, grant a new approval to Aldinga Aircraft Maintenance Pty Ltd to undertake maintenance of not more than five aircraft per week (averaged over each calendar month) which aircraft are not permanently located at Aldinga airfield.**
 - b. **The approval hereby granted to Aldinga Aircraft Maintenance Pty Ltd is subject to the condition that maintenance of all aircraft must comply with the approved noise mitigation management plan prepared by Resonate Acoustics dated 16 May 2012.**
-

3. Background

At its meeting of June 19, 2012 Council approved Pulse Aero to carry out maintenance of an average of 5 aircraft per week (over a month) that are not permanently located at Aldinga airfield (attachment 2). The June 19, 2012 Council report (attachment 3) for the original Pulse Aero Pty Ltd consideration of this matter provides background.

Council also resolved that a noise mitigation management plan be approved by an independent acoustic expert. A noise mitigation management plan (attachment 4) was submitted by Pulse Aero and subsequently endorsed (attachment 5) by Sonus acoustic engineers.

The requirements of the noise mitigation management plan will also form part of the new approval of Council should Council decide to allow the effective transfer.

We have received no complaints regarding the maintenance business since its operation at the airfield was approved by Council on 19 June 2012. As the operation is proposed to continue as endorsed by Council it is considered unlikely that complaints will arise in the future.

4. Financial Implications

Nil apart from staff time and the cost of legal advice.

5. Risk and Opportunity Management

Risk	
Identify	Mitigation
Community resistance due to some residents opposing the original Pulse Aero application to Council.	Residents opposed to the original proposal raised concern of acoustic impacts. An independent acoustic engineer has endorsed the noise mitigation management plan. The acoustic impacts comply with Environment Protection Authority criteria.

Opportunity	
Identify	Maximising the opportunity
Economic and employment opportunities for the district	Aldinga Aircraft Maintenance Pty Ltd will continue to employ local people and purchase from local suppliers for use in its operation.

The political risk has been addressed and the economic benefit to the region established and therefore it is suggested to proceed as per the recommendations.

Richard MacLean
13 Adnunda Place
Beaumont SA 5066

8 April 2014

To: Steve Tilbrook
Team Leader (Planning)
City Development
Onkaparinga City Council.

Re: Pulse Aero Maintenance Approval at Aldinga Airfield.

Dear Steve,

I seek Councils approval to vary the current LMA for Pulse Aero Pty. Ltd. to carry out maintenance on domiciled and non-domiciled aircraft at the currently approved premises on Aldinga Airfield.

I have reached agreement with Steve Davis, Director of Pulse Aero Pty. Ltd. to purchase the rights of the Aldinga division of their business under a new Company name of Aldinga Aircraft Maintenance Pty. Ltd. (of which I am sole Director) trading as Aldinga Aero.

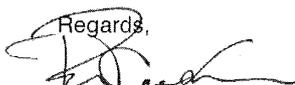
The new business would carry on maintenance in an identical format as that already approved by the current LMA with the same staff, premises and requirements as outlined by the Pulse Aero Pty. Ltd. approval.

As a current shareholder and hangar owner at Aldinga Airfield I have the approval of Aldinga Aviation Pty. Ltd. to take over the maintenance business, should Council agree and we seek Council consent under the LMA to effectively transfer Pulse Aero's permission by revoking that permission and granting a new permission in identical terms to Aldinga Aircraft Maintenance Pty. Ltd.

Steve Davis and Pulse Aero have agreed to continue as consultants to the aircraft maintenance business at Aldinga and would therefore have regular roles with interaction between the two companies as required.

Should Council have any queries about the foregoing please do not hesitate in contacting either Steve Davis or myself.

Regards,



Richard MacLean
0412-334955

City of Onkaparinga
Minutes of the Council meeting held on 19 June 2012

Deputy Mayor Schulze reconvened the meeting at 9.10pm with all members present that were present before the adjournment.

9.1 Aldinga Airfield LMA request

Cr Nash made a Personal Explanation as a member of Council's Development Assessment Panel (DAP). The DAP will be required to make a decision about a Development Application from Pulse Aero. In order to prevent any perception of bias on my part in that decision making process, I will withdraw from the Chamber.

Cr Nash left the chamber at 9.13pm.

Cr R Brown made a Personal Explanation as a member of Council's Development Assessment Panel (DAP). The DAP will be required to make a decision about a Development Application from Pulse Aero. In order to prevent any perception of bias on my part in that decision making process, I will withdraw from the Chamber.

Cr R Brown left the chamber at 9.13pm.

Cr Wenham MOVED:

- 1. That Council refuse the application by Pulse Aero to carry out maintenance on aircraft that are not permanently located at Aldinga Airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement number 7372584.*

Seconded by Cr Olsen.

Cr Webster left his seat in the chamber at 9.43pm.

At 10.02pm Cr Greaves MOVED that the meeting continue until 11.00pm.

Seconded by Cr Swann.

CARRIED

Cr Jamieson left his seat in the chamber at 10.04pm.

Cr Jamieson resumed his seat in the chamber at 10.04pm.

Cr Webster resumed his seat in the chamber at 10.10pm.

Cr Wenham was granted leave of the meeting for an extension of time to speak.

LOST

City of Onkaparinga
Minutes of the Council meeting held on 19 June 2012

Cr Chapman called a Division.

For

<i>Cr Chapman</i>	<i>Cr Wenham</i>	<i>Cr de Jonge</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>
<i>Cr Knight</i>	<i>Cr Richardson</i>			

Against

<i>Cr Swann</i>	<i>Cr Greaves</i>	<i>Cr Parslow</i>	<i>Cr Gunn</i>	<i>Cr Webster</i>
<i>Cr Jamieson</i>	<i>Cr S Brown</i>			

The MOTION was LOST on the casting vote of the Deputy Mayor as the Chair of the meeting.

Cr Parslow MOVED:

That:

- a. Council approve the application by Pulse Aero to carry out maintenance on an average of 5 aircraft per week over a month that are not permanently located at Aldinga airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement numbered 7372584, and pursuant to the remaining obligations under the Land Management Agreement and conditions.*
- b. The approval be conditional upon a noise mitigation management plan being prepared within three months of the date of Council's decision, for approval by Council staff having regard to advice from an acoustic consultant, the management plan to include a methodology to ensure the location and orientation of aircraft are maintained. In the event that an appropriate noise mitigation management plan is not submitted or is not suitable for approval, the issue of permission under clause 3.4(f) of the Land Management Agreement be returned to Council for further consideration.*

Seconded by Cr Webster.

Cr Chapman MOVED an AMENDMENT.

That:

- a. Council approve the application by Pulse Aero to carry out maintenance on an average of 5 aircraft per week over a month that are not permanently located at Aldinga airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement numbered 7372584, and pursuant to the remaining obligations under the Land Management Agreement and conditions.*
- b. The approval be conditional upon a noise mitigation management plan being prepared within three months of the date of Council's decision, for approval by Council staff having regard to advice from an acoustic*

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consultant, the management plan to include a methodology to ensure the location and orientation of aircraft are maintained. In the event that an appropriate noise mitigation management plan is not submitted or is not suitable for approval, the issue of permission under clause 3.4(f) of the Land Management Agreement be returned to Council for further consideration.

- c. *That Council seek further advice to devise a way that Pulse Aero's movements can be regulated.*

Seconded by Cr Olsen.

Cr Webster MOVED that the AMENDMENT be PUT.

Seconded by Cr Greaves.

CARRIED

The AMENDMENT was PUT and LOST.

Cr Jamieson MOVED that the MOTION be PUT.

Seconded by Cr Gunn.

CARRIED

The MOTION was PUT and CARRIED.

Cr Chapman called a Division.

For

<i>Cr Swann</i>	<i>Cr Greaves</i>	<i>Cr de Jonge</i>	<i>Cr Parslow</i>	<i>Cr Gunn</i>
<i>Cr Webster</i>	<i>Cr Jamieson</i>	<i>Cr S Brown</i>		

Against

<i>Cr Chapman</i>	<i>Cr Wenham</i>	<i>Cr Bray</i>	<i>Cr Olsen</i>	<i>Cr Knight</i>
<i>Cr Richardson</i>				

CARRIED

9.2 Aldinga Airfield Reference Group update

Cr Jamieson MOVED:

- 1 *That the Director City Development and relevant staff meet with the EPA and CASA to discuss the site, relevant issues and roles and responsibilities.*

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9 Reports of officers

9.1 Aldinga Airfield LMA request

An aircraft maintenance business is seeking approval from Council, pursuant to the requirements of a land management agreement (LMA), to continue to carry out aircraft maintenance on aircraft that are not permanently located at Aldinga Airfield.

This is an update on a previously reported project, concept or issue

Director: Terry Sutcliffe, Director City Development
Report author: Steve Tilbrook, Acting Manager Development Services
Contact number: 8384 0710
Attachments:

1. Land management agreement (5 pages)
2. Aldinga Airfield site plans (2 pages)
3. Noise sensitive area map (1 page)
4. Aldinga Aviation Board consent for Pulse Aero to use Aldinga Airfield and Phylloxera Board comment (1 page)
5. Master plan for Aldinga Airfield (1 page)
6. Environment Protection Authority (EPA) complaints response 7 May 2012 EPA licence response 30 May 2012 (2 pages)
7. Civil Aviation Safety Authority (CASA) complaints response 7 May 2012 (1 page)
8. Council submission to the National Airports Safeguarding Advisory Group (NASAG) on the draft National Airports Safeguarding Framework (3 pages)
9. Minutes of Council decision 19 July 2011 (5 pages)
10. Aldinga Airfield Reference Group terms of reference (2 pages)
11. Application from Pulse Aero/Resonate Acoustics report (22 pages)
12. Sonus acoustic engineers summary of Resonate acoustic report (1 page)
13. City of Onkaparinga analysis of Pulse Aero maintenance activities since 20 July 2011 (1 page)
14. Botten Levinson Lawyers submission on behalf of residents 24 May 2012 (6 pages)

1 Executive summary

1.1 Topic

An aircraft maintenance business is seeking approval from Council, pursuant to the requirements of a Land Management Agreement (LMA), to continue to carry out aircraft maintenance on aircraft that are not permanently located at Aldinga Airfield.

1.2 Context

A land management agreement registered over the Aldinga Airfield includes a clause 'that except in emergencies aircraft maintenance shall only be carried out on the ALA (Authorised Landing Area) on aircraft permanently located thereat and on such other aircraft as may be approved by the Council'.

Pulse Aero is seeking approval from Council in accordance with this clause to continue to carry out maintenance on aircraft that are not permanently located at the airfield, following the trial period previously approved by Council on 19 July 2011.

1.3 Financial implications

There are no financial implications for Council, other than staff resource time within the existing budget.

1.4 Suggested outcome

That Council considers its position on this matter.

2 Recommendations

1. That:

- a. **Council approve the application by Pulse Aero to carry out maintenance on aircraft that are not permanently located at Aldinga airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement numbered 7372584, and pursuant to the remaining obligations under the Land Management Agreement and conditions.**
- b. **The approval be conditional upon a noise mitigation management plan being prepared within three months of the date of Council's decision, for approval by Council staff having regard to advice from an acoustic consultant, the management plan to include a methodology to ensure the location and orientation of aircraft are maintained. In the event that an appropriate noise mitigation management plan is not submitted or is not suitable for approval, the issue of permission under clause 3.4(f) of the Land Management Agreement be returned to Council for further consideration.**

OR

2. **That Council refuse the application by Pulse Aero to carry out maintenance on aircraft that are not permanently located at Aldinga Airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement number 7372584.**

Key factors

3 Discussion

3.1 Background

Aldinga Airfield is located at 174 Colville Road, Aldinga on the corner of Colville and Culley/Dabblebrook Roads.

Site History

A review of council's records and past decisions of the Supreme Court of South Australia has identified a history between the former District Council of Willunga and Aldinga Aviation. The records are not complete with some key information missing, however, the following is a summary of past actions using information we have obtained.

2 October 1976 – Aldinga Aviation wrote to the former District Council of Willunga seeking approval in principal for an Authorised Landing Area (ALA) at 174 (sections 434, part section 600) Colville Road, Aldinga.

18 October 1976 – Council respond to Aldinga Aviation advising it is prepared to provide in principal approval for an ALA subject to complying with the Commonwealth Department of Transport (Air Division) regulations. It appears from correspondence that Aldinga Aviation considered this formal approval of the ALA.

Built form application for hangar and workshop submitted in 1977.

3 July 1977 – Approval for hangar and workshop given, not for ALA.

26 July 1977 – Approval for ALA and erection of hangar and workshop subject to 10 conditions issued.

25 October 1977 – Aldinga Aviation advise they do not accept certain conditions of the 26 July 1977 council decision.

8 August 1979 – Aldinga Aviation advise council that the 26 July 1977 approval and conditions are not binding as they had received approval 18 October 1976 with no conditions. This refers to the in principal approval which was provided, however, this was not formal approval.

Following negotiations between the two parties not providing a result, the District Council of Willunga filed for a claim through the Supreme Court (circa 1985) against Aldinga Aviation for breaching conditions of an approval to use the site for the operation of an ALA for aircraft. A trial for the matter was listed for 12 March 1986, however was never commenced as both parties came to a compromise on conditions which form the current LMA.

Aldinga Aviation had claimed that the District Council of Willunga had no power to issue the approval dated 26 July 1977 as it had provided in-principal approval with no conditions on 18 October 1976. They also claimed therefore, that the approval had no effect, that the council had no power to impose conditions and that Aldinga

Aviation were not in breach of the *Planning and Development Act 1966* by using the land as an airfield.

The District Council of Willunga claimed the consent issued 26 July 1977 was lawful, that ten conditions were imposed with the consent and that they were lawful and that Aldinga Aviation were in breach of the *Planning and Development Act 1966* in not complying with the conditions of consent.

Following years of negotiation between the two parties, the Supreme Court proceedings were discontinued on 19 March 1991, and an agreement was reached on 19 June 1992, with the LMA entered into by both parties 9 September 1992. There was no determination by the Court on the validity or otherwise of the 1977 Willunga Council approval.

Land Management Agreement

The LMA places several obligations on the owners of the airfield, including:

- a curfew for flying activities of 'not before sunrise and not after 10.00pm'
- restrictions on flying behaviour
- no gliding unless approved by council
- no maintenance of aircraft that are not permanently located on the site, unless approved by council.

The specific clause being considered in this report is 3.4(f), which states:

that except in emergencies aircraft maintenance shall only be carried out on the ALA (authorised landing area) on aircraft permanently located thereat and on such other aircraft as may be approved by the Council'.

A copy of the LMA is contained in attachment 1.

The LMA does not contain restrictions in relation to volumes of air traffic and because the airfield is neither registered nor certified by the Civil Aviation Safety Authority (CASA) as the airfield falls below several criteria in relation to the types of aircraft used, CASA has no authority. However, the airfield is required to comply with part 139 of the *Civil Aviation Safety Regulations 1998*. This link provides the manual of standards contained in the regulations applicable to this airfield:

http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC_91019

If any of these requirements or criteria are not being complied with, CASA can undertake investigations as appropriate.

A breach of a LMA is considered to be breach of the *Development Act 1993*. Enforcement may therefore be undertaken either under section 84 (via a notice containing specific directions) or section 85 (by seeking a court order containing specific directions) of the Act.

Clause 3.4(e)

Clause 3.4(e) of the LMA states that the approval relates to site plan drawing no. 832B. An extensive search of all available council records, the Lands Title Office and requests to Aldinga Aviation, did not reveal a copy of the plan. Detail of the

site plan would identify the preference for runway 32-14, as called for in clause 3.1 of the LMA and the ALA (authorised landing area) which we consider to be all runways (there are four).

The other clauses of the LMA relate to the flying operations of planes and would not be identified on a site plan. A site plan has been provided by Aldinga Aviation which identifies the four operating runways. Whilst the site plan identifies runway 32-14 as a grassed runway and runway 21-03 as a sealed runway and the LMA identifies a preference for runway 32-14, it could be interpreted that the onsite reality is that runway 21-03 is the preferred runway. Clause 3.1 does not require runway 32-14 to be the main or primary runway and Aldinga Aviation have advised this runway is still used, therefore it is not considered necessary to change this clause of the LMA.

It is also not clear why this clause was included in the LMA in the first place, there is no obvious reason why runway 21-03 could not be the preferred runway. This is something that can be considered by Council at a later date, should Aldinga Aviation request a review of the LMA clause.

A second site plan shows the runways (some numbering) and the airfield in general. This plan has been obtained from development application 145/223/1991 and provides some historical context. The plan was submitted around the time the LMA was created and it is likely a similar plan would have been attached to the LMA. Both site plans can be found in attachment 2.

Clause 3.4(g)

Clause 3.4(g) of the LMA states that maps of geographically and noise sensitive areas should be publicly displayed by the owner and be brought to the attention of all flyers. Staff have received an 'Aldinga Airfield Fly Neighbourly Policy' (attachment 3) from Aldinga Aviation and contracted Sonus Acoustic Engineers to review this in addition to the acoustic report from Pulse Aero (discussed later in this report).

Sonus verbally suggest that there is no inexpensive specialist advice they can provide in this regard. It is necessary to ensure the residential and any other known sensitive areas are correctly shown. If further review is required, the next step is the Australian Noise Exposure Forecast (ANEF) system review, which is required for all new airports and that has been undertaken by Adelaide and Parafield airports. This is a lengthy, costly, in-depth review that includes recording noise levels at adjacent residential areas and establishing noise contours for the site. When an ANEF has been undertaken they are then written into council Development Plans. Given the complexity of this issue, the cost of undertaking the investigation, and that ANEF normally only applies to airfields under CASA control, a further review by Sonus has not been commissioned.

Clause 3.4(g) also requires a geographically sensitive areas map be publicly displayed and brought to the attention of all flyers using the airfield. This map is yet to be finalised. We are currently investigating what is meant by a geographically sensitive area and once defined, Aldinga Aviation will be required to submit a map for our records.

Land owner consent

The Aldinga Aviation Board has considered the proposal for Pulse Aero to undertake maintenance of aircraft, both permanently and temporarily located at the Aldinga Airfield on an ongoing basis. Attachment 4 shows that approval has been granted by the land owner for the proposal.

Relevant information since 19 July 2011

Council's Development Plan identifies the Aldinga Airfield as being located in the Rural Zone. There are no policies in the Development Plan that specifically address the future development of the airfield. This has been identified as an issue needing investigation as part of the Development Plan review process under Section 30 of the *Development Act 1993*, currently being undertaken by council.

The site is subject to the McLaren Vale Protection District Development Plan Amendment (DPA), which first came into effect on 28 September 2011. This introduced a holding pattern for the majority of forms of development, making them non-complying, within the McLaren Vale region. The DPA was replaced by a second version on 19 April 2012, which relaxed controls on minor forms of development such as sheds, verandahs and dwelling additions, returning them to merit forms of development. The revised DPA results in the majority of development forms within the Aldinga Airfield site being merit in nature, but still requiring a detailed assessment against the requirements of the Development Plan.

We are currently considering two development applications for the site:

- Development application 145/233/2011 for variation of condition 12 of development number 145/2594/2008 for a stormwater detention basin sited in the south western corner of allotment 103 (retrospective). The EPA has raised concerns with the application in relation to potential for contamination of water within the basin and potential for bird strike impacts on planes. The applicant is currently responding to these concerns and we are actively ensuring the information is provided in a timely manner.
- Development application 145/1778/2011 for relocation of an existing transportable office building and toilet block in association with an existing airport. Category 3 public notification concluded 30 April 2012, with 25 valid representations submitted, nine against and 16 in favour. The proposal will be considered by council's Development Assessment Panel on 28 June 2012.

We have sought to understand the future development needs of the airfield by requesting a 'master plan'. The information contained in attachment 5 is the information we received from Aldinga Aviation in response to this request, showing existing and future development on the site.

Council has also been contacted by the McLaren Vale Grape, Wine and Tourism Association with concerns regarding the potential for phylloxera to enter the region from aircraft flying in. This concern has been passed on to Aldinga Aviation who have contacted the Phylloxera Board and arranged for an assessment of the airfield to be undertaken. Aldinga Aviation will advise of the recommendations of the Phylloxera Board and any action taken (attachment 4).

The matter can also be discussed when the Aldinga Airfield Reference Group or similar has its first meeting with potential options such as wheel washes for aircraft and other safeguards discussed. It is more appropriately dealt with as a general issue for the Airfield, rather than this LMA consideration of maintenance of aircraft not permanently located on the site, given that it is potentially relevant to all aircraft that use the site, whether permanently located on the site or not.

Complaints

We are also aware of other concerns in the community and wine industry of amenity impacts from the airfield, particularly with concerns about increasing flight numbers. Some of these concerns have been received directly, others identified in local media.

By way of background the relevant authorities for matters concerning Aldinga Airfield are as follows.

The Civil Aviation Safety Authority (CASA) deal with policing flight paths and heights of aircraft, eg once they have left the ground.

The Environment Protection Authority (EPA) are the relevant authority for noise emanating from aircraft flying over populated land and concerns with environmental impacts such as fuel leaks.

Council are the relevant authority for the LMA and Development Act matters.

We have received two complaints specifically relating to breaches of the LMA since the trial period for Pulse Aero was approved 19 July 2011. These have been investigated and have not occurred again to our knowledge since Aldinga Aviation was made aware of them. These complainants mainly related to alleged breaches of the curfew.

Generally, in relation to alleged breaches of a LMA we are required to substantiate the claim first. We then contact the relevant party to remind them of the requirement and to advise that if breaches continue we will take legal action. To date it has not been necessary to take legal action.

We have received many concerns from residents about the increased flight numbers experienced at the airfield. These concerns are outside of the jurisdiction of the LMA as there is no limitation preventing this. As discussed below in the EPA comments, the increased flight movements has resulted in the requirement for an EPA licence (attachment 6) as the flight numbers now exceed 20,000 per annum. This will provide another level of control at the airfield under the *Environment Protection Act 1993*. If further development applications are submitted for the site we will undertake an informal referral to the EPA for comment. Whilst flight numbers now exceed 20,000 per annum, the airfield does not meet the criteria for CASA to control the airfield.

Several matters raised with us relate to flight movements and alleged breaches of the aviation regulations which are the jurisdiction of CASA. Whilst we have informed CASA of these complaints, CASA has advised that complaints of this nature need to be made direct with them, not through council, so that the information is not second hand and the person who witnessed the alleged breach

can provide accurate information. We have passed this information onto several complainants.

We were notified of one complaint raised by several residents relating to a plane that dropped fuel after take-off which was forwarded to CASA, although details of this were not provided by CASA when a complaint register was requested, see below for detail.

Clause 3.4(i) of the LMA requires all flying activities from the land to comply with the Department of Aviation Regulations. Whilst we have been made aware of alleged breaches of the regulations, these have not been able to be substantiated to us nor has council been requested to take action under the LMA. These alleged breaches have been forwarded to the relevant authorities for these matters being CASA and the EPA, and have been considered by these authorities under the relevant legislation.

Environment Protection Authority (EPA) comment

The EPA advised they have no recorded complaints in relation to the Aldinga Airfield or against Pulse Aero (email dated 7 May 2012 attachment 6). The EPA also advised that due to the flight numbers per annum generated by Aldinga Airfield not exceeding 20,000 they have no jurisdiction. However, the acoustic report submitted by Resonate Acoustics (attachment 11) discussed later, identifies that the airfield experiences 21,200 flights per annum.

A subsequent response from the EPA letter dated 30 May 2012 (attachment 6) identifies that based on the flight numbers per annum within the Resonate Acoustics report that an EPA licence is required for the airfield. The EPA will follow up on this as it is a requirement under the *Environment Protection Act 1993*. Any future development applications for the Aldinga Airfield will be referred to the EPA for informal comment.

The EPA letter dated 30 May 2012 also identifies that the EPA do not wish to be represented on the Aldinga Airfield Reference Group, however, they will review the agendas and minutes of meetings and provide a representative if EPA comments are required. This will be discussed in more detail in a separate Council report, Aldinga Airfield Reference Group update.

Civil Aviation Safety Authority (CASA) comment

In an email dated 7 May 2012, CASA has advised that they are unable to provide details of complaints received regarding Pulse Aero and has directed council to two web sites (attachment 7). A review of both web sites has been undertaken and no complaints were registered for the Aldinga Airfield or Pulse Aero over the 12 month trial period, although one complaint in particular relating to a plane dropping fuel after take-off was sent to both council and CASA. It is CASA's responsibility to investigate and take action if necessary on these matters.

CASA also advised that they do not wish to be represented on the Aldinga Airfield Reference Group, however will provide information from time to time if approved by the appropriate CASA manager. This will be discussed in more detail in a separate Council report, Aldinga Airfield Reference Group update.

In February 2012, the Federal Government's Department of Infrastructure and Transport released a draft National Airports Safeguarding Framework for comment. Our submission dated 15 March 2012 is provided in Attachment 8, and supports the intent of the framework for appropriate management of airports and their surrounding environments. It can be a reference for future decisions affecting the airfield and its surrounds, particularly any future Development Plan Amendments that may be initiated by Council.

Previous Council decision

At its meeting of 19 July 2011 Council resolved:

That Council approve the application by Pulse Aero to carry out maintenance on aircraft that are not permanently located at Aldinga airfield, in accordance with the authority permitted under clause 3.4(f) of the Land Management Agreement numbered 7372584, and pursuant to the remaining obligations under the Land Management Agreement with the following conditions:

- *for a 12 month trial period*
- *a log to be kept for council, of Pulse Aero's maintenance specifying aircraft not domiciled at Aldinga airfield*
- *a report to be provided by the proponent on noise mitigation options including aircraft orientation and noise barriers prepared within the 12 month period.*

A copy of the minutes of Council meeting held 19 July 2011 can be found in attachment 9.

Recent Council decisions

On 7 February 2012 Council resolved:

1. *That Council establishes an Aldinga Aviation Reference Group.*
2. *The purpose of the reference group is to:*
 - i) *provide advice to council on matters requiring a decision of Council relating to Aldinga Aviation*
 - ii) *understand each regulatory authority's roles & responsibilities & identify areas that may require change*
 - iii) *report outcomes of meetings to Council.*
3. *The desired membership of Aldinga Aviation Reference Group to be made up of*
 - *CEO City of Onkaparinga, Mark Dowd (Chairperson) and the Director City Development*
 - *up to 2 representatives from Civil Aviation Safety Authority (CASA)*
 - *up to 2 representatives from Environment Protection Authority (EPA).*

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4. That draft terms of reference for Aldinga Aviation Reference Group be provided to the first March meeting of Council including any costs implications to council.

- 5. a) That all matters relating to Aldinga Aviation requiring consideration & or decision of Council no longer be considered in isolation of other matters that relate to the airfield; and*
b) That such matters be referred to Aldinga Aviation Reference Group in the first instance prior to coming before Council.

On 6 March 2012 Council resolved:

Council approve the Terms of Reference for Aldinga Airfield Reference Group forming attachment 1 to the agenda report with the following amendments to the Terms of Reference:

2. Membership

Members of the reference group will comprise:

(dot point 1)

- *City of Onkaparinga represented by the Director City Development*
- *.....*

Chairperson and Convenor

The Director City Development will chair meetings, convene meetings and arrange agendas for the reference group.

6. Reporting

(paragraph 3)

A report will be provided to Council annually in February by the chairperson of the reference group on key outcomes from the reference group meetings in the preceding year.

Attachment 10 contains a copy of the Aldinga Airfield Reference Group's Terms of Reference.

Following the 6 March 2012 Council meeting, letters were sent to the EPA and CASA inviting them to nominate officers to attend meetings of the reference group. This will be discussed in detail in a subsequent Council report titled Aldinga Airfield Reference Group update.

3.2 Proposal

An aircraft maintenance company, Pulse Aero, has established its business at the Aldinga Airfield and has undertaken maintenance of aircraft both permanently and temporarily located at the airfield over the last nine months. Prior to this, it is understood Pulse Aero undertook maintenance solely of aircraft permanently located at the airfield.

Pulse Aero are seeking approval to continue their operations so that it can undertake maintenance on its own planes that are not permanently located at Aldinga and to also undertake maintenance on aircraft owned by other parties that are not permanently located at Aldinga. Pulse Aero has provided some information in support of its request, which is contained in attachment 11.

Council, if it is of a mind to approve the request, may do so without limiting the numbers of non-domiciled aircraft or movements, or may choose to place limits on these numbers as a condition of its approval, Council may choose to negotiate this with the applicant (Pulse Aero), or unilaterally apply a restriction.

The business is housed in an existing hangar and will not require the construction of any additional hangars. Council has received a development application for an external office and toilet block in association with the business, development application 145/1778/2011. Category 3 public notification has been undertaken, and closed 30 April 2012, with 25 valid representations submitted, nine against and 16 in favor. The proposal will be considered by Council's Development Assessment Panel on 28 June 2012.

The proposal to undertake maintenance of aircraft does not require development approval and does not infringe on the conditions of any previous consents.

Positive aspects of proposal

Pulse Aero have employed four people from within the council area and utilise local business for their parts. The business also provides a service to other airfield users. The undertaking of maintenance of aircraft is also not a change in land use as this is considered an expected adjunct to an airfield.

Negative impacts of proposal

Conversely the maintenance business has resulted in additional flight numbers for the airfield, 35 aircraft permanently located and 51 aircraft not permanently located at the site, as well as test flights. Additional amenity impacts through engine run-ups have also resulted from the maintenance of aircraft.

Council resolution 19 July 2011

Dot point two of the Council decision required Pulse Aero to keep a log of maintenance undertaken on aircraft not permanently located at Aldinga. This information details that 35 aircraft permanently located and 51 aircraft not permanently located at the site have been serviced over the last nine months. Aircraft not permanently located at the Aldinga Airfield are those not placed in a hangar and housed at the airfield, eg they fly in, are serviced and fly out.

Pulse Aero is affiliated with another company, Thomson Air from Victoria and 17 of these aircraft are flown to Aldinga for maintenance. These aircraft are considered permanently located at Aldinga for registration purposes under the *Civil Aviation Act 1988*. Therefore the Thomson aircraft are included as domiciled aircraft in attachment 11, summary of maintenance activity table provided by Pulse Aero and attachment 13, Council's summary of the maintenance activity of Pulse Aero. In reality these aircraft fly in, are serviced and fly out and are therefore essentially non-domiciled in terms of their presence at the Aldinga Airfield.

Domiciled aircraft are those permanently located at the Aldinga Airfield. Non-domiciled aircraft are those not permanently located at the airfield with the exception of Thomson Air aircraft as mentioned above. It is noted that the numbers of domiciled and non-domiciled aircraft will be different if Thomson Air aircraft are not considered domiciled at Aldinga.

There is some conjecture whether the Thomson Air aircraft are considered to be domiciled at the Aldinga Airfield, irrespective of this a significant percentage of Pulse Aero's business is for maintenance of aircraft not permanently located on site and therefore the decision of Council will have potential impacts on the business if restrictions upon the aircraft able to be serviced are applied.

Dot point three of the Council decision required the submission of a report detailing noise mitigation options including aircraft orientation and noise barriers prepared within the 12 month period. Pulse Aero engaged Resonate Acoustics to undertake the report (attachment 11).

We then sought comment on this report from Sonus Acoustic Engineers. Some concern was raised with the initial reports and further information was requested by Sonus, which was responded to by Resonate Acoustics. Sonus has considered the final Resonate report and is satisfied it addresses the noise mitigation options outlined in the Council resolution as per the relevant acoustic criteria standards for airfields (attachment 12).

3.3 Legal advice

We have received correspondence from Botten Levinson Lawyers dated 24 May 2012 on behalf of various residents who are land owners/occupiers of land near the airfield advising of concern with council's treatment of the matter (attachment 14).

A summary of their legal advice follows:

- public consultation should be undertaken by council as part of its consideration to approve clause 3.4(f) of the LMA
- the proposal by Pulse Aero to undertake maintenance of aircraft not permanently located at Aldinga Airfield constitutes a change of land use as it is an intensification of use and a new use and requires approval under the *Development Act 1993*.
- the proposal is non-complying and requires category 3 public notification
- a development application for change of land use must be considered before Council can consider the approval under the LMA.

We obtained legal advice from Norman Waterhouse solicitors (who also provided advice to us in 2011) in response to the letter from Botten Levinson. A summary of the legal advice follows:

- There is no legal requirement for council to undertake public consultation for matters relating to a LMA, the following extract is taken from the advice:

‘There is no legal requirement to engage in any public consultation in relation to the entering into, termination, or variation of a LMA. Nor is there any

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requirement under the LMA itself for public notification in relation to the granting of any approval under Clause 3.4(f).'

- The proposal is not considered to be either an intensification or new use on the land and the following extracts are taken from the advice:

Intensification

'I do not believe the intensification argument is correct. It is possible, at least in theory, for an intensification to amount to a change in the use of land, but the cases demonstrate that the necessary threshold of intensification is relatively high. It may be that, in time, such intensification occurs, but that it is not what is proposed now.'

New use

'I do not consider that this argument is correct. A change in the use of land is "a change in the essential nature of the existing use": Prestige Car Sales Pty Ltd v Walkerville Town Corporation (1979) 20 SASR 514.'

'the "essential nature" of the existing use is in my view an airfield with all that encompasses, including maintenance of aircraft at the airfield.'

- Consideration of the non-complying nature and public notification category have not been considered as the proposal is not considered to be development and therefore is not non-complying or requires public notification.
- The LMA approval is not required to be considered before a development application. Our legal advice is:

'If Pulse Aero's proposal does involve development (and I do not believe it does), then that is simply a hurdle to be jumped before Pulse Aero can undertake its activities lawfully. Equally, it requires approval under Clause 3.4(f), which is what is now sought. The two requirements are independent and can be tackled in any order.'

3.4 Ombudsman enquiry

We have been advised by the Ombudsman SA that a complaint has been received regarding Council's dealing of this matter, namely:

- Pulse Aero Pty Ltd has been allowed a 12 month trial to operate an industrial business in a rural zone
- the Council has failed to properly regulate Pulse Aero's activities.

A meeting was held between council staff and an investigating officer from the Ombudsman's Office 31 May 2012 to discuss the matter. Staff advised that we have treated the matter in accordance with our powers under legislation and sought legal advice on the matter. We await the determination of the Ombudsman. An update on this will be provided through Weekly News when received.

3.5 Community engagement

A petition containing 274 signatures and a submission from a resident against the Pulse Aero proposal has been received and is considered in another Council report on the agenda titled, Petition opposing application at Aldinga Airfield.

Council is not required to undertake any form of public notification in its deliberations on this request, either under the *Development Act 1993* or *Local Government Act 1999*. It may however choose to do so informally. However, Council may wish to consider whether any positive or negative precedent might be set in relation to future LMAs if such consultation occurs, and also if consultation will add to Council's understanding of the issue and community views on the issue.

Council has an endorsed community engagement framework which provides guidance on what forms of consultation may be appropriate when issues and concerns are unclear and where several options are available. The objectives, should Council decide to consult in accordance with the framework, would be to:

- obtain community feedback on available options
- provide communities with opportunities to have a say on what they would prefer
- provide opportunities for communities to comment on a proposal.

This process would enable council to engage with residents and businesses that are potentially affected by this proposal and to identify their level of support through written submissions.

Persons who respond to any public consultation that may be undertaken by council in considering this request accrue no formal legal rights of appeal in relation to the eventual decision of the Council to approve (or not) the request. Even the applicant (Pulse Aero)/landowner who may be aggrieved by a refusal to approve the request, or place conditions upon any approval, have no right of appeal against Council's decision. However, parties do have general rights to question or challenge acts and decisions of Council under the *Local Government Act 1999*, through the Ombudsman etc.

3.6 Risk analysis

Key risks	Risk details and analysis	How it is proposed to be managed
Stakeholder relations <ul style="list-style-type: none"> ▪ of not consulting ▪ of consulting 	Resident perception that Council is not listening to their concerns Residents' expectations of ability to influence and appeal Council's decision	Using existing procedures such as the Development Act notification processes to provide community opportunity to participate If community engagement is undertaken, placing a structure around community opportunity to participate that clearly defines processed and rights

3.7 Overview of options:

1. Approval

Pulse Aero will continue to undertake maintenance of aircraft permanently and not permanently located at Aldinga Airfield. The growth of the business is limited due to lack of space on site and the location of aircraft versus the cost of aircraft fuel to travel to Aldinga Airfield. There would be some increase in air traffic movements to and from the airfield with consequential incremental impacts upon surrounding properties. There would also be consequential incremental economic development benefits from increased servicing activities on the site and workforce skills development and retention. Quantification of the incremental impacts and benefits has not been undertaken and may be difficult to measure.

2. Refusal

Pulse Aero will either cease operations all together or continue to maintain aircraft domiciled at the Aldinga Airfield, based upon business viability. The business is permanently established on the site, however, with knowledge of the operating restrictions under the Land Management Agreement. Air traffic impacts upon surrounding properties from the aircraft servicing activities could be expected to be maintained at normal airfield operational levels (noting that there are no current restrictions upon the total number of aircraft movements to and from the airfield).

3. Further consultation

Further consultation could be undertaken by council with residents and business owners seeking comment on the proposal. This would provide a level of input from the community which as per legal advice obtained, is not legally required for Council to make a decision on the Land Management Agreement request. However, given the input received to date from parties interested in this issue, it is questionable whether further consultation on the issue will identify new relevant issues for consideration by Council in reaching a decision. It will also protract determination of the issue, and for these reasons is not recommended.

3.8 Summary

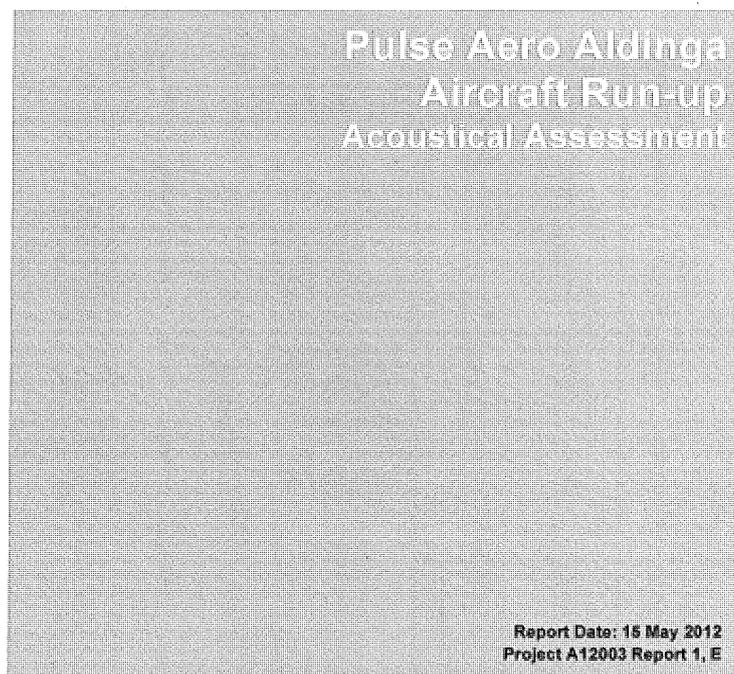
Council may consider several issues during its deliberations, including:

- the potential noise and amenity impacts of increased aircraft activity over the Aldinga area, particularly on local residents, and whether the proposal adds materially to those impacts given that no restrictions exist on the number of aircraft movements
- the potential economic benefit of the proposal to the Aldinga locality, in the form of accommodation for pilots and retention of maintenance staff
- Conversely, the potential impacts upon the business of restrictions upon the aircraft able to be serviced (noting also that this restriction was in place and has been evident prior to the business establishing on the site)
- that the Environment Protection Authority has had no role in the control of noise from aircraft and may only do so if the number of flights from the airfield are confirmed to exceed 20,000 per annum and therefore require an EPA licence

City of Onkaparinga
Agenda for the Council meeting to be held on 19 June 2012

- any submissions received from a public consultation process, should Council decide to undertake consultation.

Direction is required from Council on this request by 19 July 2012, to enable a response to be provided to the proponent in relation to their current temporary approval dependent upon which option Council wishes to pursue of those outlined in the recommendation section of this report.





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Document Information

Project	Pulse Aero Aldinga—Aircraft Run-up
Client	Pulse Aero
Report title	Acoustical Assessment
Project Number	A12003
Author	Matthew Stead Director matthew.stead@resonateacoustics.com 
Checked by	Deb James

Revision Table

Report revision	Date	Comments
Draft	14 February 2012	Draft for comment
A	14 February 2012	Updated with client comments
B	14 February 2012	Updated operating hours
C	14 February 2012	Updated operating hours
D	11 April 2012	Updated run-up location
E	15 May 2012	Updated run-up location and management plan
F	2 November 2012	Clarification of aircraft movements



Glossary

'A' Weighted	A spectrum adaption that is applied to measured noise levels to represent human hearing. A-weighted levels are used as human hearing does not respond equally at all frequencies.
dB	Decibel—a unit of measurement used to express sound level. It is based on a logarithmic scale which means a sound that is 3 dB higher has twice as much energy. We typically perceived a 10 dB increase in sound as a doubling of that sound level.
dB(A)	'A' Weighted sound level in dB.
L ₉₀	Noise level exceeded for 90 % of the measurement time. The L ₉₀ level is commonly referred to as the background noise level.
L _{eq}	Equivalent Noise Level—Energy averaged noise level over the measurement time.
L _{max}	The maximum noise level measured.



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1 Introduction

This report has been prepared as part of the Pulse Aero Engine Run-up at Aldinga Airport development application. This report specifically addresses environmental noise emissions associated with the proposed engine run-up activity in context of the existing noise environment.



2 Background

The Aldinga Airport is located on the corner of Colville Road and Culley Road in Aldinga. The airport and the closest noise sensitive receptors are located within the City of Onkaparinga council area, in a Rural zone. The location of the Aldinga Airport and the closest noise sensitive receptors are shown in Figure 1.



Figure 1 Aerial photo of Aldinga Airport and closest noise sensitive receptors (receptors are highlighted as orange dots)—Google Maps

Note that the current location and orientation of the hangars are not as shown in the Google Maps image. Figure 2 shows the location of the current hangars (except for the hangars highlighted in red which have not yet been constructed). Figure 2 also generally shows the proposed location of the Pulse Aero Engine Run-up test area (yellow dot).

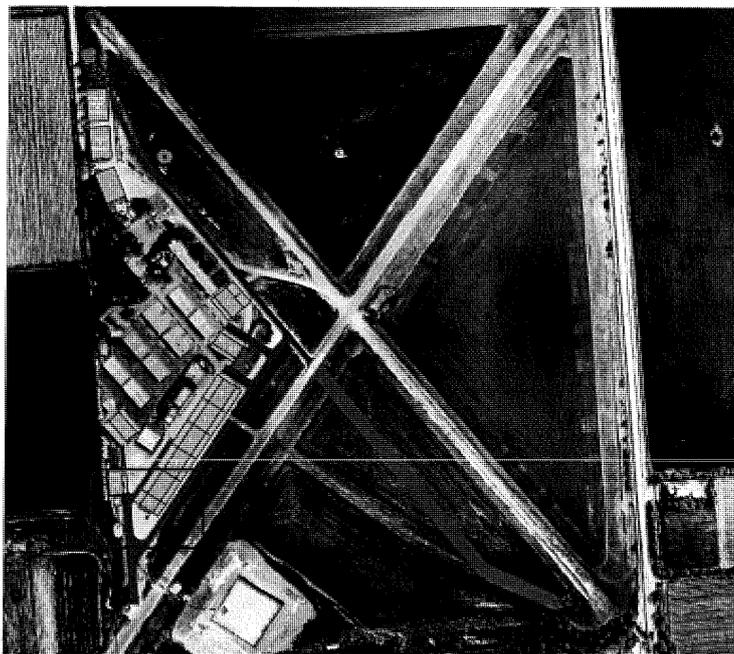


Figure 2 Proposed run-up area location (hangars highlighted in red are not existing and yellow dot is the general location of proposed run-up area). Refer also Section 7 Additional Recommendations.

We understand that the hangars highlighted in red in Figure 2 (to the west of the proposed run-up location) are to be constructed in the near future.

The proposed run-up area is located between hangars that are 23.5 feet high (approximately 7.4 m). Photographs showing the surrounds of the proposed engine run-up area are shown in Figure 3.

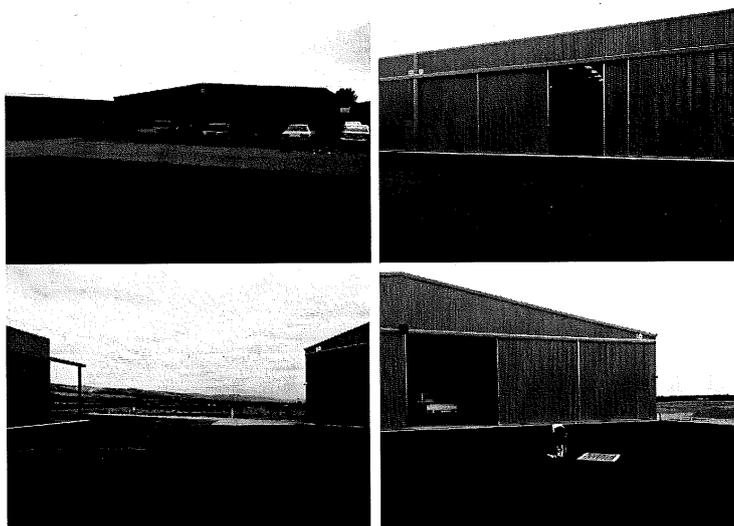


Figure 3 North, East, South and West photographs of the proposed engine run-up area

The closest noise sensitive receptors are located on Hahn and Plains road, which are 580 m and 520 m away from the proposed run-up area respectively.



3 Current and proposed use

The current estimated activity at Aldinga Airport is presented in Table 1 as advised by the primary user, Adelaide Biplanes, on Monday, 30 January 2012. The figures in Table 1 are estimated based on the number of hours each type of aircraft flies multiplied by an average number of circuits each type may do in a typical hour.

Table 1 Estimated movements at Aldinga Airport

Aircraft	Hours per annum	Average movements per hour	Total movements per annum
Evektor Sportstars	2000	12	24000
Sport Cubs	800	12	9600
Cessna 172	700	8	5600
Cirrus	300	4	1200
Piper	100	4	400
Waco movements	–	–	400
Tiger Moth movements	–	–	400
Super Decathlon movements			800
Approximate total movements per annum			42400

Notes: (1) A movement is defined for the purpose of this report as one take-off or one landing.

(2) The movements for turboprop aircraft and private operators have not been included.

We have been advised by Pulse Aero that engine run-up testing will be typically undertaken on the following aircraft:

- Cessna 172
- Piper Navajo
- Beechcraft Bonanza
- Beechcraft Baron.

We understand that it is currently proposed to only undertake engine run-up tests on Cessna 172 and Piper Navajo aircraft. However, we have undertaken an assessment of all types of aircraft should this change in the future.

It is proposed to undertake less than four engine run-ups per day on average for a maximum duration of 30 seconds each with over 95% of ground runs conducted between 8 am and 5 pm Monday to Friday and none between the hours of 10 pm to 7 am.



4 Noise criteria

South Australian environmental noise policy

The *Environment Protection Act 1993* includes a general obligation not to pollute under Section 25, and Section 82 provides that noise pollution leading to environmental nuisance could attract penalties. Assessment of the impact of environmental noise emissions is generally provided for under the *Environment Protection (Noise) Policy 2007* (Noise EPP). However, Schedule 1 of the Noise EPP specifically excludes aircraft noise from regulation under the policy.

Onkaparinga Development Plan

There are no specific requirements in the Onkaparinga Development Plan relating to the control of noise emissions from airports.

Australian Standard 2021

Australian Standard 2021:2000 Acoustics—Aircraft noise intrusion—Building siting and construction generally deals with the impact of aircraft noise on buildings, however, it deals only with noise from take-off, landing and circuit training operations. It does not deal with on ground operations such as engine run-ups.

As there are no specific noise goals to determine whether noise from engine run-up operations are acceptable, we believe that a comparison against the existing noise from the airport due to aircraft take-off will demonstrate whether the noise emissions are reasonable.



5 Noise measurements

As mentioned in Section 3 the engine run-up testing will be typically undertaken the Cessna 172, Piper Navajo and the Beechcraft Bonanza or Baron. Testing was undertaken with a Cessna 172 aircraft as this aircraft type was available at the airfield.

Measurements of engine run-up and take-off of a Cessna 172 were undertaken at the airport on Monday, 30 January 2011. Measurements were taken at 30 m from the plane at locations at shown in Figure 4.

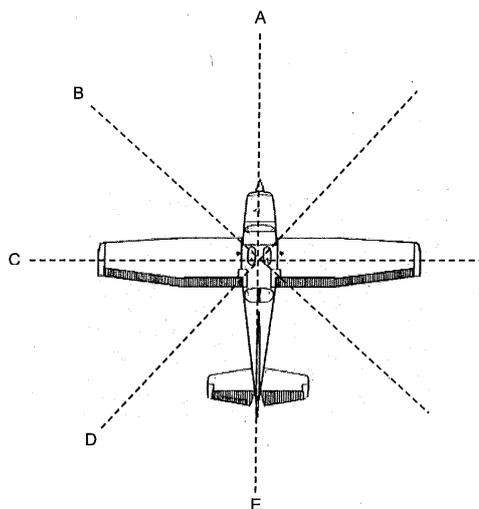


Figure 4 Measurement locations around the aircraft



The measured noise levels are presented in Table 2.

Table 2 Measured noise levels

Activity	Measurement location	Measured noise level dB(A)	
		L _{eq}	L _{max}
Engine run-up ⁽¹⁾	A	100	102
	B	93	95
	C	92	95
	D	93	96
	E	79	86
Take-off ⁽²⁾	C	88	93
Background noise ⁽³⁾	In general area	45	–

- Notes:
- (1) The engine run-up was undertaken for a period representative of 30 seconds
 - (2) The take-off was measured at full power until the aircraft was 500 feet in the air, which was less than 30 seconds
 - (3) The background noise level included noise from roads, general rural activity and gas guns (bird scaring devices). These sources were excluded from this measurement.

The measurement results demonstrate that the noise from the engine run-up is dependent on the direction that the aircraft is facing. A plot illustrating the directivity of the Cessna 172 aircraft during engine run-up operations is presented in Figure 5. This plot can be assumed to be indicative of the directivity pattern for single engine aircraft, and in particular the Beechcraft Bonanza.

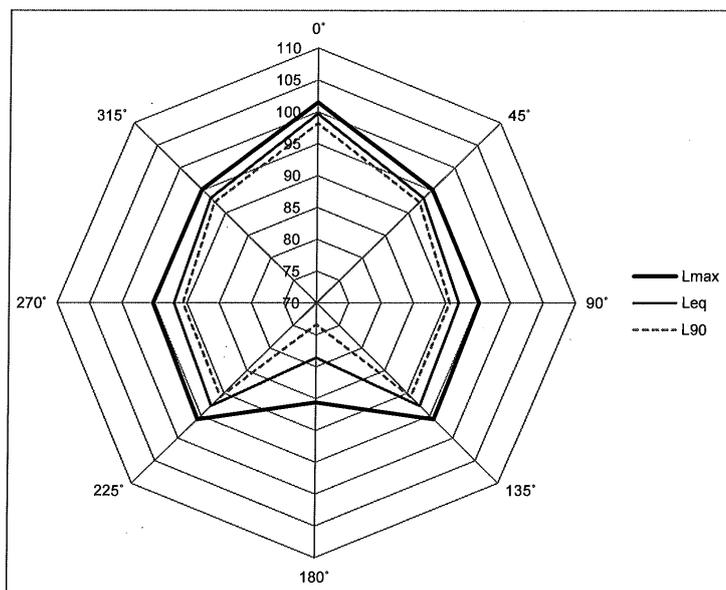


Figure 5 Directivity of the Cessna 172 during engine run-up

For twin engine aircraft, the directivity pattern has assumed to be similar to the Beechcraft 1900D as shown in Figure 6. The image from Figure 6 is from Hodgson, M, Guo, J & Germain, P, 2003 'Active local control of propeller-aircraft run-up noise', Journal of Acoustical Society of America, vol. 114, December 2003, pp. 3201 – 3210. Twin engine aircraft to be tested are the Piper Navajo and the Beechcraft Baron.

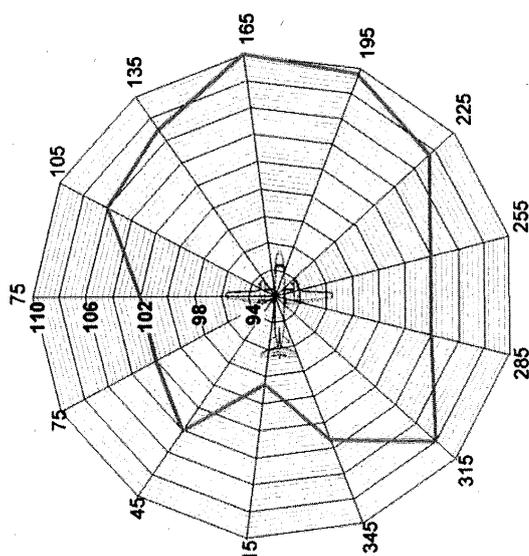


Figure 6 Directivity of a Beechcraft 1900D aircraft



6 Noise predictions

6.1 Measured Cessna 172

Noise during engine run-ups at the closest receptors have been predicted using SoundPlan software. Noise levels have been predicted during engine run-up with the aircraft located to the north east of the bitumised area between the hangars and with the aircraft headed north-east (Refer Figure 7). The predicted noise levels are presented in Table 3 in comparison to predicted noise levels during the aircraft taking off to the north-east. The directivity of the aircraft noise, as indicated in Figure 5 for single engine aircraft, has been considered in the predictions.

Table 3 Predicted (short term < 30 second) noise level at closest receptors for a Cessna 172

Measurement location	Predicted noise level dB(A)			
	Engine run-up		Take-off	
	L _{eq}	L _{max}	L _{eq}	L _{max}
Residence on Plains Road ⁽¹⁾	57	60	63	67
Residence on Hahn Road ⁽²⁾	53	55	68	70

Notes: (1) Residence on Plains Road is located 225 degrees from the front of the aircraft during engine run-ups.

(2) Residence on Hahn Road is located 135 degrees from the front of the aircraft during engine run-ups.

At the closest residences, the noise from engine run-up activity is:

- 6 – 15 dB(A) less than the L_{eq} noise level from take-off
- 7 – 15 dB(A) less than the L_{max} noise level from take-off.

As such, the impact from the proposed engine run-up activity will be far less than the existing aircraft noise of the same type. The hangars located either side of the run-up area provide significant noise attenuation.

Additionally, based on the aircraft movement activity outlined in Section 3, there are approximately 116 aircraft movements per day (this being 58 take-offs and 58 landings per day) compared with four engine run-up tests per day. The impact of noise on a receiver is dependent not only on the level of the noise, but also the duration and frequency of occurrence of the noise in comparison to other existing noise sources. As the occurrence of a single engine run-up is significantly less than existing aircraft movements, the overall noise impact of the engine run-up is further reduced.



6.2 Worst case scenario

Table 4 provides the noise level difference in take-off noise levels for the aircraft that run-up testing may be undertaken on compared with the Cessna 172. These noise level differences can be used to demonstrate the difference between different aircraft types, noting that the comparative impact between take-off and engine run-up will be similar. The source of the noise data in Table 4 is from the European Aviation Safety Agency (EASA).

Table 4 Noise level difference compared to the Cessna 172 in take-off

Aircraft Type	Directivity type	Noise level difference, dB(A)
Piper Navajo	Twin engine	+11 (+4 for directivity at 135 degrees) ⁽²⁾
Beechcraft Bonanza	Single engine	+13
Beechcraft Baron	Twin engine	+14 (+4 for directivity at 135 degrees) ⁽²⁾
Evektor Sportstars ⁽¹⁾	Single engine	+7

Notes: (1) It is not intended to undertake engine run-up tests on Evektor Sportstars; however, details have been provided as they are the most common type of aircraft using the Aldinga Airport (refer to Table 1.

(2) Directivity for the twin engine aircraft is not symmetrical according to Figure 6 and as such we assessed the worst case (at 135 degrees rather than at 225 degrees). Directivity has been calculated by establishing the overall sound power level and levels at particular angles for the twin engine aircraft compared to the single engine aircraft directivity.

Table 4 shows that the Beechcraft Baron is the loudest aircraft that engine run-up tests may be undertaken on. Table 5 shows the predicted noise levels with a Beechcraft Baron during engine run-up tests in comparison to the Evektor Sportstar take-off, which is the type of aircraft most frequently using the Aldinga Airport.

Table 5 Predicted noise level at closest receptors for run-up test for a Beechcraft Baron compared to a take-off from an Evektor Sportstar

Measurement location	Predicted noise level dB(A)			
	Average 4 events per day (up to 1,000 per annum) Engine run-up for Beechcraft Baron		24,000 movements per annum Take-off for Evektor Sportstars	
	L _{eq}	L _{max}	L _{eq}	L _{max}
Residence on Plains Road ⁽¹⁾	75	78	70	74
Residence on Hahn Road ⁽²⁾	71	73	75	77



Table 5 shows that the loudest aircraft to undergo engine run-up will have noise emissions similar to take-off noise levels from the most common aircraft using the airport. As discussed above, as the frequency of the engine run-up tests are far less frequent than aircraft take-off events, the noise impact of the loudest engine run-up testing will be less than typical aircraft take-offs.

The noise impact on the residence on Plains Road will be further reduced with the construction of the hangars to the west of the run-up area.

On this basis, we believe that the all reasonable and practicable noise mitigation has been achieved due to location and orientation of the engine run-up testing and noise emissions from the engine run-up tests at the proposed location and orientation will be similar to existing more frequent activities.



7 Recommendations

To ensure that the noise emissions are acceptable we recommend implementing a management plan for the engine run-up tests. This management plan should note that during engine run-up tests the aircraft should be located to the north east of the bitumised area between hangars F4/F5 and F, and should be pointed in a north east direction. The location and orientation of the aircraft should be as indicated in Figure 7.



Figure 7 Location and orientation of aircraft during engine run-up tests (not to scale)



8 Conclusion

An acoustic assessment has been undertaken for the proposed engine run-up testing at the Aldinga Airport.

This assessment has demonstrated that if the proposed engine run-ups are undertaken to the north east of the bitumised area between the hangars, facing north east, the overall noise impact from the engine run-ups on the most affected residences will be significantly less than that from the existing aircraft movements.

The proposed location of aircraft at this position will provide the most reasonable and practical mitigation of engine run-up noise levels.

To control noise emissions we recommend the implementation of a management plan that specifies the aircraft location and orientation as outlined in this report.

PULSE AERO
Pulse Aero Pty Ltd
ACN 151 053 691 ABN 64 151 053 691
www.pulseaero.com.au info@pulseaero.com.au

Pulse Aero Pty Ltd
Engine Ground Running Procedure

Document date: 14th November 2012

1. Introduction

This document list the procedure designed to minimise environmental noise emissions associated with engine run-up activity at the Aldinga Airfield operated by Pulse Aero Pty Ltd.

This procedure follows guidelines supported by the following documents:

- a) Resonate Acoustic, Pulse Aero Aldinga Aircraft Run-up Acoustical Assessment Project A12003 Report 1,E.
- b) The District Council of Willunga and Aldinga Aviation Limited land management agreement 9th September 1992.

2. Procedure

- a) Engine run-up activity to be carried out between the hours of 7AM and 10PM only, with 95% of run-ups to occur between the hours of 8AM and 5PM.
- b) Aircraft is to be positioned in the following marked location with propellers facing 30° nor nor east.

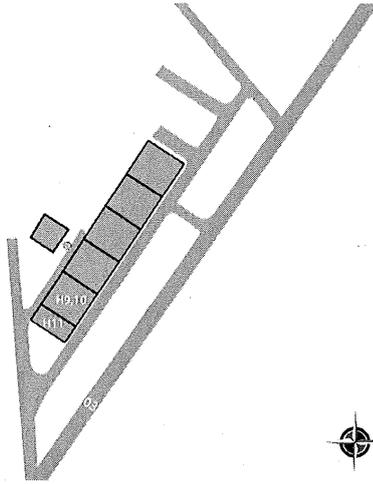


Figure 2 - Aircraft positioning

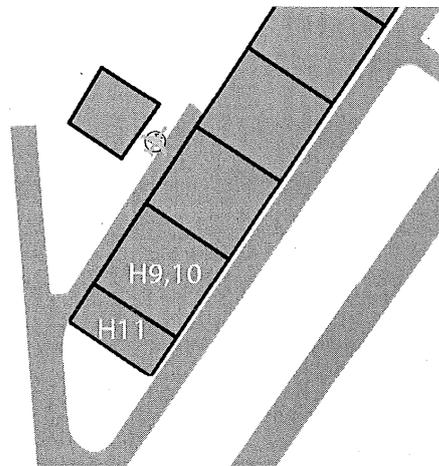


Figure 1 - Aircraft position (zoomed)

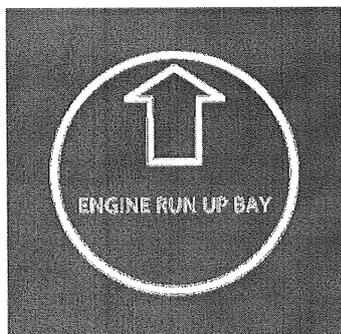


Figure 3 – Markings

- c) Engine run-up activity shall not exceed 30 seconds at full power.

End procedure.

(DWS Doc No 2770736) RE: Invitation to Quote Form.doc

From: Chris Turnbull
To: Steven Tilbrook
Date: 2012/12/20 07:04
Subject: (DWS Doc No 2770736) RE: Invitation to Quote Form.doc
Attachments: image001.jpg

Hi Steve,

I have reviewed the procedure and it now includes all of the requirements from the acoustic report. My only question is whether a log of runups is taken so that records can be inspected to confirm that the number and timing of runups is in accordance with the procedure.

I have not included the invitation to quote form as I do not intend to issue an invoice for this work.

Please let me know if you have any questions or comments.

Chris Turnbull

Principal

0417 845 720

ct@sonus.com.au

Sonus Pty Ltd

www.sonus.com.au

17 Routhven Avenue

ADELAIDE SA 5000

Phone: 08 8231 2100

Fax: 08 8231 4122

Our ref

From: Steven Tilbrook [mailto:Stetil@onkaparinga.sa.gov.au]
Sent: Thursday, 6 December 2012 12:08 PM
To: 'ct@sonus.com.au'
Subject: RE: Invitation to Quote Form.doc

Case: lite Search

Re: Sonus acoustic engineers assessment of Pulse Aero noise mitigation management plan

From: Steve Davis
To: Renee MitchellRichard Kellett, Steven Tilbrook
Date: 2013/06/06 14:17
Subject: Re: Sonus acoustic engineers assessment of Pulse Aero noise mitigation management plan
Attachments: image001.jpg

Hi Steve

Yes we will continue to log our ground runs and make available upon request.

On Thu, Jun 6, 2013 at 1:35 PM, Steven Tilbrook <Stetil@onkaparinga.sa.gov.au> wrote:
Thanks for the response Steve. You will only need to provide them upon request by Council, not on a regular basis. Its basically so that if we receive a complaint that an alleged run-up occurred for seven minutes or something like that we would ask to see your records to see if that was the case or not.

If you agree to continue to log these as part of the noise mitigation management plan then from our perspective the Council resolution of 19 June 2012 is satisfied as our independent acoustic engineer is satisfied.

Please confirm you will continue to record the run-up logs in accordance with the noise mitigation management plan and I will write to you formally finalising the matter.

Thanks

Steve

From: Steve Davis [mailto:steve@pulseaero.com.au]
Sent: Thursday, 6 June 2013 1:28 PM
To: Steven Tilbrook
Subject: Re: Sonus acoustic engineers assessment of Pulse Aero noise mitigation management plan

Hi Steve

Page 1

Attachment 6

Attachment 6: Aldinga Airfield aerial picture of site



10. Nominations to external bodies

Nil.

11. Questions on notice

11.1 Questions on notice - Cr Chapman

With reference to Nobletech Pty Ltd, who own land adjacent to Crown land at Maslin Beach, could you please answer the following questions?

1. **What is Nobletech Pty Ltd's experience as a developer?**
2. Have they developed any other tourism, recreation or Aboriginal or marina developments in the past?
3. Have they developed any similar projects in the City of Onkaparinga?
4. I note from previous information that Mr John Hunt of IE Planning acts on behalf of Nobletech Pty Ltd, but who owns Nobletech, who are on its Board of Directors, what is the size of their staff and where are their offices located?
5. Are Nobletech Pty Ltd looking to have their land and the adjacent Crown land at Maslin Beach rezoned so they can then sell it or are they intending to build a recreation and tourism hub at Maslin beach themselves?

The following response has been provided by the Manager Projects and Development Policy:

1. What is Nobletech Pty Ltd's experience as a developer?

Nobletech has advised that this information is commercial in confidence and they are unable to provide further details.

2. Have they developed any other tourism, recreation or Aboriginal or marina developments in the past?

No.

3. Have they developed any similar projects in the City of Onkaparinga?

No.

4. I note from previous information that Mr John Hunt of IE Planning acts on behalf of Nobletech Pty Ltd, but who owns Nobletech, who are on its Board of Directors, what is the size of their staff and where are their offices located?

Nobletech Pty Ltd is a company whose details are registered with Australian Securities and Investment Commission (ASIC). Company details provided on the on ASIC site are available via the following link:

https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?_adf.ctrl-state=hrlhn1p2r_79. Refer to attached extract from the ASIC website below.

5. Are Nobletech Pty Ltd looking to have their land and the adjacent Crown land at Maslin Beach rezoned so they can then sell it or are they intending to build a recreation and tourism hub at Maslin beach themselves?

Nobletech is considering potential land uses but nothing has been decided at this stage.



View Details

- NOBLETECH PTY LIMITED ACN 10121457:

▼ Company Summary ?

Name: NOBLETECH PTY LIMITED
ACN: 101214573
ABN: [24 101 214 573](#)
Registration date: 2/07/2002
Next review date: 2/07/2014

Status: Registered
Type: Australian Proprietary Company, Limited By Shares
Locality of registered office: HOVE SA 5048
Regulator: Australian Securities & Investments Commission

▼ Information for purchase ?

Purchased information is delivered online unless specified. Payment by credit card only. ?

[Example of paid information](#)

Company extract ?

Current company information

Current and historical company information

Satisfied charges ?

Satisfied charges

Roles & relationships ?

<https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?...> 6/05/2014

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12. Motions

12.1 Notice of Motion (Cr Wenham)

Motion

MOVED Cr Wenham:

- 1. That Council gives consideration to commissioning an independent professional to undertake independent assessments of services nominated for review through the Services Review framework.**
- 2. That Council seek a Report to assist in its consideration that canvasses:**
 - (a) How other Councils have undertaken independent reviews of operational services.**
 - (b) The merits of engaging Council's independent members of Council's Audit, Risk, Value and Efficiency Committee to undertake such review.**
 - (c) Council establishing a committee or working group to manage such a review.**
 - (d) The anticipated costs of undertaking such a review.**

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13. Petitions

13.1 Petition - Flooding & Footpath Issues - Old Coach Road, Maslin Beach

This is a receiving report for a petition.

Director:	Kirk Richardson, Director City Operations
Report Author:	Murray Conahan, Asset Planner Roads
Contact Number:	8384 0666
Attachments:	1. Petition (4 pages) 2. Further email correspondence from resident (1 page) 3. Response email from CEO (1 page)

1. Purpose

A petition has been received containing twenty eight (28) signatures requesting Council investigate stormwater and footpath issues in Maslin Beach.

2. Recommendation(s)

- 1. That the petition be received**
- 2. That the matter be investigated and a further report be presented to Council by August 2014.**
- 3. That the head petitioner be notified of Council's decision.**

3. Background

A letter has been sent to the head petitioner advising that the petition will be received on 13 May 2014 and also advising it is a Council in the Community meeting to be held at Willunga Golf Course. Further to the petition a follow up email was received (attachment 2) with the response provided on 6 May 2014 (attachment 3).

4. Financial Implications

No financial implications.

5. Risk and Opportunity Management

Petitions provide a way of the public informing Council of their needs and concerns and/or provide information that may assist or influence Council's decision.

Attachment 1

100 Old Coach Road
Maslin Beach
SA 5170

Email: phillanddibirkett@outlook.com
Tel: 0403297781

5th May 2014

Via email only

Mr M Dowd, CEO, Onkaparinga Council

Cc Mr J Nirmalaraju, Senior Stormwater Engineer - Judnir@onkaparinga.sa.gov.au
Mr C Haskas, Team Leader, Technical Services - ChrHas@onkaparinga.sa.gov.au
Mr T McLaaren – Maintenance - Termcl@onkaparinga.sa.gov.au

Mr C Picton MP - Kaurna@parliament.sa.gov.au

Dear Mr Dowd

**Re: Issues at Old Coach Road, Maslin Beach.
Flooding and Footpaths**

We attach hereto a copy of a Petition with regards to the flooding and footpaths for your kind attention (this Petition, according to some residents, is one of many that have been presented?). It is ironic, because of my wife's disability in walking, had there been footpaths we would have achieved many more signatures on the Petition, so we have limited to just Old Coach Road and walkers on Old Coach Road!

1. a. **Flooding at Old Coach Road**

We (and our neighbours) have suffered from stormwater running off Council land onto our property which rises to our damp course, the level would be higher if we had not installed, at our expense, a sump and pump to disperse the water. We have been in communication with the Council regarding this for a long time now and, in short, all they can say is that if funds are available 2014/15 or 2015/16 investigations and assessments may commence, but there is no guarantee that any works will be approved! They also advise that inundulation is our responsibility - we think we have mitigated our responsibility for any potential insurance claim and look to the Council for any flood damage suffered.

A fourth attempt by the Council to temporarily remedy the flooding problem was made on the 10th April. Enough is enough, ratepayers, and rightly so, should be angry at this wasted expense - a permanent solution is sought for this longstanding matter.

b. **Health and Safety**

This latest temporary measure by the Council to alleviate the flooding makes Old Coach Road look even more unsightly and motorists are unsure where the road begins and ends. This section of road is zoned

70 kph. Sadly, we were informed that very recently a much loved pet was killed by such a motorist. We can only be thankful that it was not a child. This fourth measure by the Council makes it even harder for pedestrians to walk as it has huge slopes in places. It was suggested to us that pedestrians should walk on the road! My wife nearly had a fall because of this and if she injures herself we shall look to the Council for any medical fees incurred.

2. **Footpaths at Maslin Beach**

What Maslin Beach greatly needs is footpaths so that residents can walk safely with their children, grandchildren, disabled members of the family, the elderly and their pets save walking on the dangerous roads to the beach, play areas or just an old fashioned walk.

A neighbour of ours has four children and is looking forward to another birth(s) (twins run in the family), said that she would love to walk with the children but there are no footpaths so they stay in". This, I believe says it all.

We did bring this matter of footpaths to your attention in March 2013 and you commented in May 2013 as follows : -

"Footpaths

A project has been included in our Project and Capital Works Plan to upgrade property access to the western side of Old Coach Road between Gulf Parade and Oleander Road, Maslin Beach. This project is included as a major project and is currently scheduled for construction from 2015 through to 2017. It is envisaged that consultation with residents regarding design will occur in the year prior to budget allocation and construction. Footpaths and kerbing installation will be considered as part of this project."

Bearing in mind your comments, consultation with the residents is not too far away, or is it? Will it really include footpaths and kerbs for Old Coach Road? And, if so, dare we dream – maybe drainage could be included in this Project?

We did officially complain to the Council as follows but have not received a response:

We would also like to complain officially about the new footpath which was installed recently on Commercial Road, Seaford. We cannot see why a new footpath was required when there was a footpath already in place. (as we have not got one). The funds could easily have been awarded to Old Coach Road where most residents suffer from stormwater flooding from your land and/or a footpath with decent drainage. We would appreciate a response on this please.

3. **Council Land at Maslin Beach**

We have spent all of our time renovating our home and garden, including trying to tidy up the Council land at the front of our property. We have spent many hours trying to level out the land, weeding it, removing stones and even planting trees. Sadly, all of the trees planted were stolen. The front of our property is unsightly and not very welcoming. We have asked the Council to

landscape it and, of course, we would maintain it – this suggestion fell on stony ground. We wish to make a contribution in the appearance of Maslin Beach but we are afraid that our efforts appear to be useless.

With regards to the approaches to the signages “Welcome to Maslin Beach” – what a disgrace, so untidy and overgrown. The Council should be ashamed.

All Council land should be maintained regularly and landscaped where necessary.

We look forward to hearing from you at your earliest convenience.

Yours sincerely

Phill and Dianne Birkett

To: Onkarapringa Council:

We, as residents of Maslin Beach, seek a permanent solution with regards to the stormwater which runs off Council property onto properties in Maslin Beach.

We also seek to have footpaths save walking on the dangerous roads in Maslin Beach with our children, disabled, elderly relatives and pets.

	Name	Address	Email	Tele	Signature
1.	Dianne Greatbatch-Birkett	100 Old Coach Road Maslin Beach SA 5170	phillanddibirkett@ outlook.com		
2.	Phillip Birkett	Ditto	Ditto		
3.	MURRAY PALMER	104 OLD COACH RD			
4.	Robin Paterson	98 Old coach rd	Shunnan-p@ esmokeysa. com		
5.	Kerry Peterson	98 old coach rd			

Attachment 2

100 Old Coach Road
Maslin Beach
SA 5170

Email: phillanddibirkett@outlook.com
Tel: 0403297781

6th May 2014

Via email only

Mr M Dowd, CEO, Onkaparinga Council

Cc Mr J Nirmalaraju, Senior Stormwater Engineer - Judnir@onkaparinga.sa.gov.au
Mr C Haskas, Team Leader, Technical Services - ChrHas@onkaparinga.sa.gov.au
Mr T McLaaren – Maintenance - Termcl@onkaparinga.sa.gov.au
Mr C Picton MP - Kaurna@parliament.sa.gov.au

Dear Mr Dowd

**Re: Issues at Old Coach Road, Maslin Beach.
Flooding and Footpaths**

We refer to our letter of yesterday's date and have received notice that the Council have listed the flooding and footpath issues on the agenda for the next ordinary meeting of the Council at Willunga Golf Club next Tuesday at 7pm.

However, we have not received any response to our complaint as follows :

We would also like to complain officially about the new footpath which was installed recently on Commercial Road, Seaford. We cannot see why a new footpath was required when there was a footpath already in place. (as we have not got one). The funds could easily have been awarded to Old Coach Road where most residents suffer from stormwater flooding from your land and/or a footpath with decent drainage. We would appreciate a response on this please.

Nor have you indicated when consultation with the residents may occur, bearing in mind your comments in May 2013 as follows :

"Footpaths

A project has been included in our Project and Capital Works Plan to upgrade property access to the western side of Old Coach Road between Gulf Parade and Oleander Road, Maslin Beach. This project is included as a major project and is currently scheduled for construction from 2015 through to 2017. It is envisaged that consultation with residents regarding design will occur in the year prior to budget allocation and construction. Footpaths and kerbing installation will be considered as part of this project."

We look forward to hearing from you at your earliest convenience.

Yours sincerely

Phill and Dianne Birkett

From: Mark Dowd
Sent: Tuesday, 6 May 2014 6:09 PM
To: 'Phill and Di Birkett'
Subject: RE: Flooding and footpaths at Old Coach Road, Maslin Beach

Phil and Dianne

Please find below responses to your questions

Commercial Road, Seaford footpath replacement.

The staged replacement of the concrete footpath on sections of Commercial Road Seaford responds to a specific resolution of Council on 18 April 2006 committing us to the project. Recent stages of the project have focused on sections of the existing footpath which are reaching the end of their asset life and are funded by the 'Renewal' sub category of our footpath capital works program.

Works required to address the concerns in the vicinity of your property form part of a major upgrade with the individual elements being dependent on each other e.g. the stormwater and road construction/reconstruction needs to be considered and completed before the footpath can be installed.

Project to upgrade property access on the western side of Old Coach Road, between Gulf Parade and Oleander Road, Maslin Beach.

The upgrade project forms part of Council's Major Projects with funding consideration currently provided to commence works in the 2015/16 financial year and to be completed in 2016/17. At this stage the engineering solution is a significant cost and is currently estimated in excess of \$6m. As I believe advised in May 2013 it is our intention to engage with residents in the 2014/15 financial year. We will also be reviewing the engineering solutions to understand what / if any more economical solutions are available. Our current budget deliberations include \$70,000 to facilitate the review and the resultant detail design requirements which would allow works to commence on the final solution in 2015/16 subject to budget approvals.

As Council has now received a formal petition on the issue we are required to follow a process which includes providing information to Council for their specific consideration. A Council officer will be in touch with you throughout this process.

I hope this answers your question.

Kind Regards

Mark Dowd
Chief Executive Officer
City of Onkaparinga

(08) 8384 0550
Fax (08) 8384 0713
www.onkaparingacity.com



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14. Urgent business

15. Confidential items

Confidential Clause

If Council so determines, Items 15.1 and 15.2 may be considered in confidence under Section 90(2) of the *Local Government Act 1999* on the grounds contained in the Recommendations below.



Mark Dowd
Chief Executive Officer

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15.1 Aldinga Airfield

That:

1.

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.
- b. the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter at the meeting on the following grounds:

Section 90(3)(h) legal advice;

Council is satisfied the information to be received, discussed or considered in relation to this agenda item is legal advice, in that it has been provided by Norman Waterhouse Lawyers on instructions from the Council and Norman Waterhouse Lawyers will be explaining this advice in detail to the Elected Members.

- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.
4. That the matter of the Aldinga airfield report having been considered in confidence under Sections 90(2) and 90(3)(h) of the *Local Government Act 1999* an order be made under the provisions of Section 91(7) and (9) of the *Local Government Act 1999* that the Aldinga Airfield confidential report and the minutes of the council relating to discussion of the subject matter, except attachment 5, be kept confidential until the expiry of the period of six months after the decision of Council.
 5. That attachment 5 shall remain confidential in perpetuity as it contains confidential information provided in confidence by Aldinga Aviation.
 6. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, Council delegates the duty to conduct an annual review of the confidentiality order to the chief executive officer, or their sub-delegate.
 7. That, pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order to the chief executive officer, or their sub-delegate.

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15.2 Chief Executive Officer Performance Management Committee confidential minutes

1. That:

- a. under the provisions of section 90(2) of the *Local Government Act 1999* an order be made that the public be excluded from attendance at the meeting in order to consider this item in confidence.
- b. the Council is satisfied that it is necessary that the public be excluded to enable the Council to receive and consider the information/report at the meeting on the following grounds:

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), in this instance being the employment of the Chief Executive Officer.

The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the employment performance of a person at the meeting would be inconsistent with accepted principles of professional human resource management.

- c. on this basis, the principle that this meeting of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.
- 5. That the matter of the Chief Executive Officer Reappointment having been considered in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the Chief Executive Officer Reappointment and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until April 30, 2015.**

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16. Closure

