



NOTICE

of

SERVICES COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the
Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

TUESDAY, 16 APRIL 2019 AT 7:00PM

**SAM GREEN
ACTING CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 11 April 2019

MEMBERSHIP

PRESIDING MEMBER – CR ANDREW CRAIG

Cr Akram Arifi	Cr Marilyn Baker	Cr Stephen Coppins
Cr Andrew Craig	Cr Veronica Gossink	Cr Shirley Halls
Cr David Kerrison	Cr Clint Marsh	Cr Misty Norris
Cr Jane Onuzans	Cr Peter Rentoulis	Cr Dennis Ryan
Cr Gay Smallwood-Smith	Cr Katrina Stroet	Cr Cathy-Jo Tame

CITY OF PLAYFORD STRATEGIC PLAN

1. Smart Service Delivery Program	
<p>This program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services they require. It means making the most of our community's existing strengths, talents and diversity, and working smarter to connect our community with each other to contribute to overall wellbeing and the economic life of the City.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 1.1 High quality services and amenities 1.2 Improved service delivery 1.3 Working smarter with our community 1.4 Enhanced City presentation, community pride and reputation
2. Smart Living Program	
<p>This program is about Council playing its part to make the City more liveable and connected. As our older suburbs age and our population and urban footprint expands, we will find innovative ways to renew and 'future proof' the liveability of our neighbourhoods. It also means ensuring our community has access to smart technologies.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 2.1 Smart development and urban renewal 2.2 Enhanced City presentation, community pride and reputation 2.3 Liveable neighbourhoods
3. Smart Jobs & Education Program	
<p>This program is about Council leading by example and advocating to other organisations to support the diversification of our local economy and improve the employment prospects for our community. This includes providing the right environment for investment and business attraction and connecting our community up with the right skills and education for the transitioning economy.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 3.1 Growth and diversification of local jobs matched with relevant education and training 3.2 Commercial and industrial growth 3.3 Sustainable economic transformation 3.4 International market connections
4. Smart CBD Program	
<p>This program relates to Council's long term strategy for the redevelopment and expansion of the Elizabeth Regional Centre. In the longer term Elizabeth can expect to be home to a number of facilities and services such as hospitals, a university, significant retail services, medium to high density commercial offices, peak business organisations and high density housing.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 4.1 Expanded range of local services 4.2 Growth and diversification of local jobs in the CBD 4.3 Greater housing choice 4.4 Increased social connections 4.5 Commercial growth
5. Smart Sport Program	
<p>This program is about Council's long term vision to create the Playford City Sports Precinct providing local community, state and national level sporting facilities. It will create a focus on healthy communities and promote greater participation in sport and physical activity. It will also support the renewal of adjoining suburbs.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 5.1 Enhanced community pride and reputation 5.2 Healthy and socially connected community 5.3 Access to elite sporting facilities
6. Smart Health	
<p>In the longer term the Playford will see expansion of the area around the Lyell McEwin Hospital into a key precinct with tertiary training, research, allied health facilities and residential accommodation. It will have potential links to advanced manufacturing in assistive devices in health, aged and disability. This program is about raising the profile and amenity of the precinct and facilitating new investment.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 6.1 Access to quality, local health services 6.2 Increased employment opportunities in health, disability and aged sectors



SERVICES COMMITTEE CHARTER

1 Role

1.1 The Committee's role is to:

- 1.1.1 Act in an advisory capacity to the Council regarding all high level operations.
- 1.1.2 Monitor the Operational performance of the Council as it relates to the delivery of services to standards.

2 Terms of Reference

2.1 The Committee's terms of reference are to consider all matters relating to the:

- 2.1.1 Review and develop operational aspects of Council business.
- 2.1.2 Review and develop the delivery of Council services.
- 2.1.3 Review and develop Council service standards assessed against community need.
- 2.1.4 Review and approve relevant policies where delegation permits.
- 2.1.5 To consider on a regular basis reports on the performance of the Council.

3 Definitions

Act for the purpose of this policy means the *Local Government Act 1999*.

Chief Executive Officer (CEO) means the Chief Executive Officer of a council and includes a deputy or other person acting in the officer of Chief Executive Officer.

Committee includes Section 41 Committees, other Committees and Panels established by Council.

Elected Member means the principal member or a councillor of the Council

Executive Officer is a staff member appointed by the Chief Executive Officer to support a Section 41 Committee, other committee or advisory group.

Independent Members are members on a committee or panel who are not elected but have been appointed by the Council to undertake a similar role as Councillors on Council's Section 41 Committees or the Council Development Assessment Panel. They are external appointees.

Mayor is the person elected as the Principal Member of the Council to represent the local government area as a whole.

Staff includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

4 Delegations

4.1 The Committee has delegation for the following:

4.1.1 Approve Committee's Minutes as a true and accurate record of proceedings.

4.1.2 Develop and approve the Committee's Work Plan.

4.1.3 Appoint a Presiding Member from within the Committee.

4.1.4 Consider and provide a response to LGA Circulars, or other business of an operational nature, in line with the Committee's role.

4.1.5 Consider and approve relevant policies submitted to the Committee in line with the Committee's Role and Terms of Reference. Nothing in this clause prevents the Committee from referring the policy to Council for consideration.

4.1.6 The Committee has the power pursuant to Section 87 (1) of the Act to determine the months of the year that the Committee meets.

4.2 Any other business referred to the Committee in accordance with its Role and Terms of Reference, or where the Committee does not hold the delegated authority, this business may be debated with a recommendation referred to the next Ordinary Council Meeting for consideration.

4.3 The Executive Officer in consultation with the Presiding Member may approve a deputation request for business that falls in-line with the Committee's Role and Terms of Reference. The Committee may resolve to seek further information on the business of a deputation, although no further resolution may be passed for the business of a deputation at the meeting the deputation was provided.

4.4 Petitions are not delegated to the Committee and are only to be presented to Council.

5 Meetings

5.1 The Committee Meeting will be held on the 3rd Tuesday of the month, starting at 7:00pm, with the months of the year to be determined and reviewed by the Committee.

5.2 The Committee Meeting will be held in Council Chambers at the Playford Civic Centre, 10 Playford Boulevard, Elizabeth, unless otherwise determined by the Committee prior to the meeting.

5.3 Committee Meetings may be called, amended or cancelled by the Committee's Executive Officer of the Committee, in consultation with the Presiding Member.

5.4 The agenda will be prepared and distributed to all Committee Members on the Thursday prior to the meeting, with the preference being to distribute electronically.

5.5 Special Meetings of the Committee may be necessary from time to time and may be called in accordance with Section 82 of the Local Government Act 1999. Notice of a Special Committee Meeting may be at a minimum of four (4) hours notice, due to the urgency of the matters on the agenda.

6 Membership

6.1 The Committee shall comprise the Mayor and all Elected Members.

6.2 The Presiding Member will be determined by the Committee.

6.3 The Term of the Presiding Member will be one (1) year, after which they may stand for re-election.

6.4 The term of the Council Committee Members' appointment will be for a period not exceeding the next General Election.

7 Role of the Presiding Member

7.1 Oversee the conduct of Committee Meetings in accordance with the Local Government Act 1999 and Code of Practice for Council, Special and Committee Meetings.

7.2 Ensure all Committee Members have the opportunity to participate in debate and discussions in an open and encouraging manner.

7.3 Where a matter has been debated significantly and no new information is being discussed the Presiding Member may call the meeting to order and ask for the debate to be finalised and a motion be put forward.

8 Role of Committee Members

8.1 Actively participate in debate and discussion in a professional manner at all times.

8.2 Ensure the Member is prepared and informed of meeting matters prior to the meeting.

8.3 Utilise the skills and experience of the Committee Members to effectively carry out the Committee's role.

9 Role of the Executive Officer and Administrative Support

9.1 The Executive Officer is appointed by the CEO to support the administration and operation of the Committee.

9.2 The Executive Officer and relevant staff may provide advice during the meeting in order to aid informed decision making.

9.3 The Committee is appointed a Minute Taker.

10 Reporting and Review

10.1 Council will assess the on-going role and effectiveness of the Committee as part of the Committee Review following a General Election or as required by Council.

10.2 As determined by the Committee, it may communicate with Elected Members and staff on issues of importance to the Council. This communication may be delivered by the Presiding Member or Executive Officer in the form of a presentation to Elected Members, a communiqué, a written memo or a report to Council.

11 Supporting Documentation

- [Local Government Act 1999](#)
- [Code of Practice for Council and Committee Meetings](#)
- [Code of Practice for Public Access to Meetings and Associated Meeting Documents](#)
- [Code of Conduct for Council Members](#)

12 Approval and Change History

Approval Date	Approval by	Change
27 Nov 2012	Council Resolution	Scheduled review.
16 Dec 2014	Council Resolution No. 2008	Alignment to Council Elections 2014, Name change from Assets & Services to Services Committee, change to common format, meeting day changed to second Tuesday of month and other minor amendments
28 Jun 2016	Council Resolution No. 2604	Template & Committee Structure Review
18 Dec 2018	Council Resolution No. 3362	Alignment to Council Elections 2018 and the inclusion of clause 2.1.5 Terminology changed – Council Member replaced with Elected Member Definition of Elected Member updated Committee now delegated to determine meeting schedule

**City of Playford
Services Committee Meeting**

AGENDA

TUESDAY, 16 APRIL 2019 AT 7:00PM

1 ATTENDANCE RECORD

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

2 CONFIRMATION OF MINUTES

RECOMMENDATION

The Minutes of the Services Committee Meeting held 19 March 2019 be confirmed as a true and accurate record of proceedings.

3 DECLARATIONS OF INTEREST

4 DEPUTATION / REPRESENTATIONS

Nil

5 STAFF REPORTS

Matters to be considered by the Committee and referred to Council

Matters which cannot be delegated to a Committee or Staff.

- 5.1 Annual Review of Council Delegations (Attachments) 10
- 5.2 Recording of Council Meetings 87
- 5.3 Dog Registration fees 2019/2020 97
- 5.4 Virginia Main Street - Project Commencement (Briefing) 102

Matters which can be delegated to a Committee or Staff but the Council has decided not to delegate them.

- 5.5 Community Development and Event Grant - 2018/19 Round 2
(Attachment)..... 109

6 INFORMAL DISCUSSION

- 6.1 Planning Development and Infrastructure Act Update 126

7 INFORMAL ACTIONS

8 COMMITTEE WORKPLAN

8.1 Services Committee Work Plan (Attachment) 128

9 CONFIDENTIAL MATTERS

Nil

10 CLOSURE

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL

***Matters which cannot be
delegated to a Committee or
Staff.***

5.1 ANNUAL REVIEW OF COUNCIL DELEGATIONS

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Ms Susie Reichstein

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

- Attachments :**
- 1. Delegations Register - Draft
 - 2. Delegations to the Council Assessment Panel - Draft
 - 3. Sub-Delegation to the Chief Executive Officer under the Road Traffic Act 1961 - Draft
 - 4. Delegations to the Fire Prevention Officer - Draft
 - 5. Schedule of Provisions Not Delegated to the Chief Executive Officer - Draft
 - 6. Minister's Instrument of General Approval and Delegation under Road Traffic Act 22 August 2013
 - 7. Legislation Changes - Updates to Provisions in Delegations Register

PURPOSE

For Council to undertake its annual review of delegations to the Chief Executive Officer as required by the *Local Government Act 1999*, and to be informed of legislative changes that have occurred since the last amendment to the Register.

STAFF RECOMMENDATION

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. Revocations

- 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
- 1.1.1 *Community Titles Act 1996*
 - 1.1.2 *Development Act 1993 and Development Regulations 2008*
 - 1.1.3 *Dog & Cat Management Act 1995*
 - 1.1.4 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
 - 1.1.5 *Expiation of Offences Act 1996*
 - 1.1.6 *Fences Act 1975*
 - 1.1.7 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
 - 1.1.8 *Food Act 2001*
 - 1.1.9 *Freedom of Information Act 1991*
 - 1.1.10 *Land & Business (Sale and Conveyancing) Act 1994*
 - 1.1.11 *Liquor Licensing Act 1997*
 - 1.1.12 *Local Government Act 1999*
 - 1.1.13 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005*
 - 1.1.14 *Roads (Opening & Closing) Act 1991*
 - 1.1.15 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*
 - 1.1.16 *South Australian Public Health Act 2011 along with the South Australian*

- Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013*
- 1.1.17 *Supported Residential Facilities Act 1992*
 - 1.1.18 *Unclaimed Goods Act 1987*
 - 1.1.19 *Work Health and Safety Act 2012*
 - 1.1.20 *Safe Drinking Water Act 2011*
 - 1.1.21 *Water Industry Act 2012 and Water Industry Regulations 2012*
 - 1.1.22 *Real Property Act 1886*
 - 1.1.23 *Strata Titles Act 1988*
 - 1.1.24 *Heavy Vehicle National Law (South Australia) Act 2013*
 - 1.1.25 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
 - 1.1.26 *Electronic Conveyancing National Law (South Australia) Act 2013*
 - 1.1.27 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
 - 1.1.28 *Planning, Development and Infrastructure Act 2016*
 - 1.1.29 *Fines Enforcement and Debt Recovery Act 2017*
- 1.2** Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993 and Development Regulations 2008*.
- 2. Delegations made under the Local Government Act 1999**
- 2.1** In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts contained in the proposed Instruments of Delegation (Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council subject to the Schedule of Conditions and Limitations in each such proposed Instrument of Delegation.
- 2.1.1 *Community Titles Act 1996*
 - 2.1.2 *Dog & Cat Management Act 1995*
 - 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
 - 2.1.4 *Expiation of Offences Act 1996*
 - 2.1.5 *Fences Act 1975*
 - 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
 - 2.1.7 *Freedom of Information Act 1991*
 - 2.1.8 *Land & Business (Sale & Conveyancing) Act 1994*
 - 2.1.9 *Liquor Licensing Act 1997*
 - 2.1.10 *Local Government Act 1999*
 - 2.1.11 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005*
 - 2.1.12 *Roads (Opening and Closing) Act 1991*
 - 2.1.13 *Work Health and Safety Act 2012*
 - 2.1.14 *Road Traffic Act (1961) (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*
 - 2.1.15 *Unclaimed Goods Act 1987*
 - 2.1.16 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018*
 - 2.1.17 *Safe Drinking Water Act 2011*
 - 2.1.18 *Water Industry Act 2012 and Water Industry Regulations 2012*
 - 2.1.19 *Real Property Act 1886*
 - 2.1.20 *Strata Titles Act 1988*
 - 2.1.21 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
 - 2.1.22 *Electronic Conveyancing National Law (South Australia) Act 2013*

- 2.1.23 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- 2.1.24 *Planning, Development and Infrastructure Act 2016*
- 2.1.25 *Fines Enforcement and Debt Recovery Act 2017*
- 2.1.26 *Electricity Act 1996*
- 2.1.27 *Gas Act 1997*

2.2 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 in the Schedule of Conditions and Limitations contained in each such proposed Instrument of Delegation.

3 Delegations made under *Development Act 1993*

3.1 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 proposed Instrument of Delegation (contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.2 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 and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.3 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 proposed Instrument of Delegation (Attachment 2) are hereby delegated on 23 April 2019 to the Council's Assessment Panel, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.

4 Delegations made under *Food Act 2001*

4.1 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 proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council ('the head of the enforcement agency' for the purposes of the *Food Act 2001*), subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Food Act 2001*.

4.2 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 and Limitations contained in the proposed Instrument of Delegation under the *Food Act 2001*.

5 Delegations under *Supported Residential Facilities Act 1992*

5.1 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 (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

5.2 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 and Limitations contained in

the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

6 Authorisations and Sub-delegation under the *Road Traffic Act 1961*

6.1 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') (Attachment 6) the Council revokes previous authorisation and hereby authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

6.2 In accordance with Clause A.7 of the Instrument (marked Attachment 6), the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

6.3 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 proposed Instrument of Sub-Delegation (Attachment 3) is hereby sub-delegated on 23 April 2019 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.

6.4 In accordance with Clause E.2 of the Instrument (marked Attachment 6) , the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

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

7.1 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 proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

- 7.2** 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 and Limitations contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.
- 8 Delegations made under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005***
- 8.1** In exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005* contained in the proposed Instrument of Delegation (Attachment 4) are hereby delegated on 23 April 2019 to the person occupying the position of **Fire Prevention Officer** of the Council, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005*.
- 8.2** Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.
- 9 Delegations under the *Heavy Vehicle National Law (South Australia) Act 2013***
- 9.1** In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant), the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.
- 9.2** 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 and Limitations contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

EXECUTIVE SUMMARY

In order to meet legislative requirements under Section 44(6) of the *Local Government Act 1999*, Council is required to conduct an annual review of its Delegations Register. Senior Council administration has reviewed all Acts and Regulations for which they have delegation from the Chief Executive Officer (CEO) in order to ensure they have the required powers to undertake their duties legally. This report allows Council to meet its legislative requirement to conduct its annual review by revoking and re-delegating its powers and duties to the CEO who can then sub-delegate to Council administration as necessary.

Legislative changes have also been made under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Liquor Licensing Act 1997*, *Local Government Act 1999*, *South Australian Public Health (Fees) Regulations 2018*, *South Australian Public Health (Legionella) Regulations 2013*, *South Australian Public Health (Wastewater) Regulations 2013*, *Supported Residential Facilities Act 1992*, and *Water Industry Act 2012*. These specific changes have been included as a separate document in Attachment 7 to highlight the changes, and have also been included in the Delegations Register (Attachment 1) for approval.

Instruments of Delegation under the *Electricity Act 1996* and *Gas Act 1997* have been made available to Councils by the Local Government Association (LGA) in order to be delegated to the CEO as the Council sees fit. Delegations under the *Electricity Act 1996* and *Gas Act 1997* have not previously been provided and delegated to the CEO. These delegations have been included in the list of legislative changes (Attachment 7) and also included in the Delegations Register (Attachment 1) for Council's approval.

1. BACKGROUND

As per Section 44(6) of the *Local Government Act 1999*, Council is required to keep a record of all delegations (Delegations Register) and this record should be reviewed at least once every financial year. The last annual review was conducted in September 2017, with a review of amendments subsequently undertaken in:

- April 2018;
- June 2018; and
- September 2018.

A review of planning and Council Assessment Panel delegations was also undertaken in January 2019.

At the Services Committee meeting on 19 March 2019 an informal discussion item was presented to Council Members in preparation for the annual review of Council's delegations. Each Council Member was provided with a USB containing the current documents listed below (prior to any Council Resolution for this annual review):

- Delegations Register;
- Ministerial Delegation to the CEO under the *Road Traffic Act 1961*;
- Ministerial Delegation to Staff – General Approval and Delegation - *Road Traffic Act 1961*; and
- Delegation - Powers to the Fire Prevention Officer.

This report presents these documents to Council for review as required under section 44(6) of the *Local Government Act 1999*.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

This report links to Council's Smart Service Delivery Program as it requires Council to undertake its legislative requirement of reviewing the Delegations Register which allows Council administration to then be provided up to date sub-delegations to undertake their duties as required. This in turn allows Council administration to provide improved service delivery to the community and other internal and external customers.

3. PUBLIC CONSULTATION

There is no legislated requirement to consult the public on this matter.

4. DISCUSSION

- 4.1** Delegations allow Council to transfer powers and duties to the CEO; and the CEO can then further sub-delegate powers to relevant staff which enables Council to be efficient in both decision-making and service delivery. Not all powers can be delegated to the CEO and these matters remain with Council for decision. Attachment 1 of this report is a complete overview of all provisions that can be delegated; any provision that is not delegated to the CEO is notated in the Schedule of Conditions and Limitations. For ease of reference, Attachment 5 of this report is a separate schedule of all provisions that are not delegated to the CEO.
- 4.2** The maintenance and annual review of delegations is a requirement of Council under Section 44(6) of the *Local Government Act 1999*. Senior Managers and members of the Executive were provided with the Acts and Regulations relevant to them and their teams to provide comments in regards to any amendments that are required. The changes are reflected within the Delegations Register provided in Attachment 1. The attachments to this report vary from the documents provided to Council Members on 19 March 2019, containing the legislative updates provided by the LGA, as well as suggested amendments by Senior Managers to allow Council to reflect best practice and ensure the delegations are up to date.
- 4.3** The Delegations Register, Sub-Delegation to the CEO under the *Road Traffic Act 1961*, Delegations to the Fire Prevention Officer, and the Minister's Instrument of General Approval and Delegation under the *Road Traffic Act 1961* are made available to the public via the Council's [website](#).
- 4.4** The Council Assessment Panel (CAP) will require delegations from Council in order to undertake powers and duties as the relevant authority to make determinations on complex applications for development which have not been delegated to the Assessment Manager or administration, as well as other matters prescribed by regulations. This report allows Council to approve the delegation of these relevant powers and duties to CAP (Attachment 2) so that the Panel has the relevant powers to make decisions. A review was undertaken by Planning Services in late 2018 and the beginning of 2019, to put forward to Council the necessary powers and duties required to be delegated to the CAP. This was resolved on 22 January 2019 (Resolution 3379) and there are no further changes in regards to these delegations.
- 4.5** In addition to the annual review, the LGA has provided updates to certain delegation Instruments, highlighting changes to delegations as a result of changes to legislation. These changes (Attachment 7) outline new, amended, and deleted provisions under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Liquor Licensing Act 1997*, *Local Government Act 1999*, *South Australian Public Health (Fees) Regulations 2018*, *South Australian Public Health (Legionella) Regulations 2013*, *South Australian Public Health (Wastewater) Regulations 2013*, *Supported Residential Facilities Act 1992*, and *Water Industry Act 2012*. The LGA has also recently provided Instruments of Delegation under the *Electricity Act 1996* and *Gas Act 1997* which have not previously been provided. These changes have occurred since the last amendment to the Delegations Register on 25 September 2018. As a result of these changes there have been variations to delegations to the CEO. The following delegation Instruments have been varied:
- 4.6** *Electricity Act 1996*
- 4.6.1** An Instrument of Delegation under the *Electricity Act 1996* has recently been provided by the LGA. This Instrument has not previously been provided. Under the *Electricity Act 1996*, there are 23 new provisions to be

included in the Delegations Register. These provisions relate to the power to carrying out work on public land; duties in relation to vegetation clearance; vegetation clearance schemes (and disputes); determinations; role of Councils in relation to vegetation clearance; program for undergrounding of powerlines; duty of the electricity entity or council; technical regulator exemptions; and objections relating to vegetation clearance.

- 4.6.2 is recommended that the new provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.7 Gas Act 1997

- 4.7.1 An Instrument of Delegation under the *Gas Act 1997* has recently been provided by the LGA. This Instrument has not previously been provided. Under the *Gas Act 1997*, there are four (4) new provisions to be included in the Delegations Register. These provisions relate to the power to carry out work on public land.

- 4.7.2 It is recommended that the new provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.8 Heavy Vehicle National Law (South Australia) Act 2013

- 4.8.1 Under the *Heavy Vehicle National Law (South Australia) Act 2013* there has been one (1) new provision added, and one (1) provision amended. The new and amended provisions relate to deciding a request for consent.

- 4.8.2 It is recommended that the new and amended provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.9 Liquor Licensing Act 1997

- 4.9.1 Under the *Liquor Licensing Act 1997* there have been three (3) new provisions added. The new provisions relate to the control of consumption etc. of liquor in public places.

- 4.9.2 It is recommended that the new provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.10 Local Government Act 1999

- 4.10.1 Under the *Local Government Act 1999* there has been one (1) provision amended. The amended provision relates to the rights of review.

- 4.10.2 It is recommended that the amended provision be delegated to the CEO as part of this review. This change is specifically highlighted in Attachment 7 and is also included in the Delegations Register (Attachment 1).

4.11 South Australian Public Health (Fees) Regulations 2018, South Australian Public Health (Legionella) Regulations 2013, and South Australian Public Health (Wastewater) Regulations 2013

4.11.1 Under the *South Australian Public Health (Fees) Regulations 2018*, *South Australian Public Health (Legionella) Regulations 2013*, and *South Australian Public Health (Wastewater) Regulations 2013* there have been two (2) new provisions added, and eight (8) amended. The new provisions relate to the refund and recovery of fees. The amended provisions relate to fees, the duty to register high risk manufactured water systems, connection to community wastewater management systems, conditions of approval, and expiry of approval.

4.11.2 It is recommended that the new and changed provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.12 Supported Residential Facilities Act 1992

4.12.1 Under the *Supported Residential Facilities Act 1992* there have been four (4) provisions amended. The amended provisions relate to the application for a licence, renewal of a licence, and a review of a decision or order.

4.12.2 It is recommended that the amended provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.13 Water Industry Act 2012

4.13.1 Under the *Water Industry Act 2012* there have been two (2) provisions amended. The amended provisions relate to enforcement notices and appeals.

4.13.2 It is recommended that the amended provisions be delegated to the CEO as part of this review. These changes are specifically highlighted in Attachment 7 and are also included in the Delegations Register (Attachment 1).

4.14 The inclusion of these amendments allows Council's Delegations Register to reflect the updates to legislation and allow the CEO to sub-delegate as required to ensure staff to have the powers and duties to enact them in a legal manner.

5. OPTIONS

Recommendation

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. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 *Community Titles Act 1996*

1.1.2 *Development Act 1993 and Development Regulations 2008*

1.1.3 *Dog & Cat Management Act 1995*

1.1.4 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*

1.1.5 *Expiation of Offences Act 1996*

1.1.6 *Fences Act 1975*

1.1.7 *Fire and Emergency Services Act 2005 and Fire and Emergency Services*

- Regulations 2005*
 - 1.1.8 *Food Act 2001*
 - 1.1.9 *Freedom of Information Act 1991*
 - 1.1.10 *Land & Business (Sale and Conveyancing) Act 1994*
 - 1.1.11 *Liquor Licensing Act 1997*
 - 1.1.12 *Local Government Act 1999*
 - 1.1.13 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005*
 - 1.1.14 *Roads (Opening & Closing) Act 1991*
 - 1.1.15 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*
 - 1.1.16 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013*
 - 1.1.17 *Supported Residential Facilities Act 1992*
 - 1.1.18 *Unclaimed Goods Act 1987*
 - 1.1.19 *Work Health and Safety Act 2012*
 - 1.1.20 *Safe Drinking Water Act 2011*
 - 1.1.21 *Water Industry Act 2012 and Water Industry Regulations 2012*
 - 1.1.22 *Real Property Act 1886*
 - 1.1.23 *Strata Titles Act 1988*
 - 1.1.24 *Heavy Vehicle National Law (South Australia) Act 2013*
 - 1.1.25 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
 - 1.1.26 *Electronic Conveyancing National Law (South Australia) Act 2013*
 - 1.1.27 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
 - 1.1.28 *Planning, Development and Infrastructure Act 2016*
 - 1.1.29 *Fines Enforcement and Debt Recovery Act 2017*
- 1.2** Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993 and Development Regulations 2008*.
- 2. Delegations made under the Local Government Act 1999**
- 2.1** In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts contained in the proposed Instruments of Delegation (Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council subject to the Schedule of Conditions and Limitations in each such proposed Instrument of Delegation.
- 2.1.1 *Community Titles Act 1996*
 - 2.1.2 *Dog & Cat Management Act 1995*
 - 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
 - 2.1.4 *Expiation of Offences Act 1996*
 - 2.1.5 *Fences Act 1975*
 - 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
 - 2.1.7 *Freedom of Information Act 1991*
 - 2.1.8 *Land & Business (Sale & Conveyancing) Act 1994*
 - 2.1.9 *Liquor Licensing Act 1997*
 - 2.1.10 *Local Government Act 1999*
 - 2.1.11 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005*
 - 2.1.12 *Roads (Opening and Closing) Act 1991*
 - 2.1.13 *Work Health and Safety Act 2012*
 - 2.1.14 *Road Traffic Act (1961) (SA), Road Traffic (Miscellaneous) Regulations*

2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014

- 2.1.15 *Unclaimed Goods Act 1987*
 - 2.1.16 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018*
 - 2.1.17 *Safe Drinking Water Act 2011*
 - 2.1.18 *Water Industry Act 2012 and Water Industry Regulations 2012*
 - 2.1.19 *Real Property Act 1886*
 - 2.1.20 *Strata Titles Act 1988*
 - 2.1.21 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
 - 2.1.22 *Electronic Conveyancing National Law (South Australia) Act 2013*
 - 2.1.23 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
 - 2.1.24 *Planning, Development and Infrastructure Act 2016*
 - 2.1.25 *Fines Enforcement and Debt Recovery Act 2017*
 - 2.1.26 *Electricity Act 1996*
 - 2.1.27 *Gas Act 1997*
- 2.2** 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 in the Schedule of Conditions and Limitations contained in each such proposed Instrument of Delegation.

3 Delegations made under *Development Act 1993*

- 3.1** 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 proposed Instrument of Delegation (contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.
- 3.2** 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 and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.
- 3.3** 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 proposed Instrument of Delegation (marked Attachment 2) are hereby delegated on 23 April 2019 to the Council's Assessment Panel, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.

4 Delegations made under *Food Act 2001*

- 4.1** 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 proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council ('the head of the enforcement agency' for the purposes of the *Food Act 2001*), subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Food Act 2001*.
- 4.2** 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 and Limitations contained in

the proposed Instrument of Delegation under the *Food Act 2001*.

5 Delegations under *Supported Residential Facilities Act 1992*

5.1 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 (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

5.2 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 and Limitations contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

6 Authorisations and Sub-delegation under the *Road Traffic Act 1961*

6.1 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') (Attachment 6) the Council revokes previous authorisation and hereby authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

6.2 In accordance with Clause A.7 of the Instrument (marked Attachment 6), the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

6.3 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 proposed Instrument of Sub-Delegation (Attachment 3) is hereby sub-delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council subject to:

- (iv) the conditions contained in the Instrument; and
- (v) any conditions contained in this Resolution or in the Instrument of Sub-Delegation; and
- (vi) the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

6.4 In accordance with Clause E.2 of the Instrument (marked Attachment 6) , the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- *Derek Langman*
- *Jeremy Lim*
- *Hye-Young Ghang*
- *Neil Langley*
- *Kean Fai Lau*

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

7.1 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 proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

7.2 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 and Limitations contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

8 Delegations made under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005*

8.1 In exercise of the power contained in Section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005* contained in the proposed Instrument of Delegation (Attachment 4) are hereby delegated on 23 April 2019 to the person occupying the position of **Fire Prevention Officer** of the Council, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005* and *Fire and Emergency Services Regulations 2005*.

8.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.

9 Delegations under the *Heavy Vehicle National Law (South Australia) Act 2013*

9.1 In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and Section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant), the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation (Contained within Attachment 1) are hereby delegated on 23 April 2019 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

9.2 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 and Limitations contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

Option 2

Adopt the "Recommendation" (*Insert Recommendation*) with the following amendments:

1. _____
2. _____
3. _____

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

A review of the Delegations Register (Attachment 1) has been undertaken in accordance with the *Local Government Act 1999*. Senior members of Council administration have reviewed the provisions of Acts and Regulations that relate to their position and the positions within their respective teams. This ensures Council has considered powers and duties to be delegated to the CEO to ensure that Council and its administration operate efficiently in its decision-making and delivery of services to the community. This option also ensures Council is compliant with the requirements of Section 44 of the *Local Government Act 1999* to review its Delegations Register on an annual basis.

6.1.2 Financial Implications

There are no financial or resource implications.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

This option provides Council the opportunity to endorse the Delegations Register with amendments as it sees fit. Consideration of legislative requirements must be given to any amendments to specific provisions under each relevant Act and Regulation.

6.2.2 Financial Implications

There are no financial or resource implications.

Attachment 1
Delegations Register Placeholder



This attachment is available for viewing on the City of
Playford public website

<http://www.playford.sa.gov.au/agendasandminutes>

CITY OF PLAYFORD - DELEGATIONS REGISTER
Delegations to the Council Assessment Panel

Development Act 1993		
Provision	Item Delegated	Conditions and Limitations
s33(1)(a)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.1 the provisions of the appropriate Development Plan;	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.
s33(1)(f)	10. Matters Against Which Development Must be Assessed 10.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development): 10.1.6 such other matters as may be prescribed.	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.
s33(3)	10. Matters Against Which Development Must be Assessed 10.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.
s35(3)(a)	12. Special Provisions Relating to Assessment Against Development Plans 12.5 The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.
s39(4)(d)	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	Council has not given delegation to the Chief Executive Officer. Delegated to the Council Assessment Panel.
Development Regulations 2008		
Provision	Item Delegated	Conditions and Limitations
r17(3)	60. Non-Complying Development 60.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to: 60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.
r17(3)	60. Non-Complying Development 60.1.2 resolve to proceed with an assessment of the application.	Delegated to the Chief Executive Officer and the Council Assessment Panel by the Council.

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

BACKGROUND

1. On 22 August 2013 the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation Council (the '**Instrument**' – Appendix 1) 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 Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

Road Traffic Act 1961	
Item Delegated	Conditions and Limitations
<p>POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS</p> <p>2. The power pursuant to Section 33(1) of the Act to declare an event to be an event to which Section 33 of the Act applies and to make orders directing:</p> <p>2.1 that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Delegate, should be closed for the purposes of the event) be closed to traffic for a specified period; and</p> <p>2.2 that persons taking part in the event be exempted, in relation to the specified roads, from the 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.</p>	<p>As per the conditions in Clause G.5 of the Instrument of General Approval and Delegation to Council, dated 22 August 2013, from the Minister for Transport and Infrastructure (the Instrument).</p>

Appendix 1

**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL
USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF
EXEMPTIONS FOR EVENTS**

ROAD TRAFFIC ACT 1961 (SECTIONS 17, 20 & 33)

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCAION OF PREVIOUS INSTRUMENT

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, in accordance with the powers conferred on the Minister by the *Road Traffic Act 1961*, **REVOKE** the previous Instrument issued by the Minister entitled "Notice to Council to use Traffic Control Devices and to close roads and grant exemptions for events" dated 27 April 2009.

INSTRUMENT OF GENERAL APPROVAL

**GENERAL APPROVAL FOR THE INSTALLATION, MAINTENANCE, ALTERATION,
OPERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES**

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 12 of the *Road Traffic Act 1961* ("the Act"), hereby grant the following **GENERAL APPROVALS** to Council:

A. Traffic Control Devices

For the purpose of sections 17(1) and (2) of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate, or remove, or cause to be installed, maintained altered, operated, or removed any traffic control device on, above or near a road which is under its care, control and management subject to the following conditions EXCEPT those traffic control devices specified in Clause A.8 or those dealt with in other clauses of this instrument:

A.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause A of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by any Officer in accordance with Clause A must be done so "for, and on behalf of the Council". Records must be kept of any Authorisations made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

A.2 Conformity with the *Road Traffic Act*

All traffic control devices used pursuant to Clause A must conform to the requirements of the Act and any Rules and Regulations made under the Act.

A.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the applicable Australian Standards, and the provisions contained in the Code and the applicable Australian Standards, as amended from time to time.

The Code refers to and invokes the applicable Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

A.4 Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or is otherwise likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of another Council.

Where a Council uses a traffic control device to effect section 32 of the Act, that is, closing a road for traffic management purposes, and the road runs into the area or along the boundary of another Council, each affected Council must concur with the road closure or part road closure.

A.5 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

A.6 Consultation on traffic signals

If Council wishes the Commissioner of Highways to maintain Council's:

- (a) traffic signals at intersections;
- (b) emergency services traffic signals;
- (c) mid-block traffic signals (pedestrian actuated crossings);
- (d) signals at Koala crossings; or
- (e) signals at Wombat crossings with flashing lights,

then Council must consult with the Commissioner of Highways when proposing to install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program.

A.7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic engineering practitioner.

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation, alteration or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document. The Code provides further guidance on the preparation of Traffic Impact Statements.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road-related areas that do not constitute a public place.

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

- (a) specifically listed in the Code requiring separate approval; or
- (b) not contained in or referred to in the Australian Standards or the Code; or
- (c) not complying with clause A.3.

Council must obtain separate approval to install, maintain, alter, operate or remove, or cause to be installed, altered, operated or removed, any traffic control device specified in this clause.

Council must address applications for approval under this clause to the Commissioner of Highways who will consider the application as the Minister's delegate. The application must include a Traffic Impact Statement, any plans, and relevant supporting documentation.

B. Speed Limits at Works on Roads

For the purpose of section 20(2) of the Act, I grant Council **GENERAL APPROVAL** to place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards

- a work area; or
- a work site

where workers are engaged, or works are in progress at the direction of Council, subject to the following conditions:

B.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause B of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause B must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

B.3 Conformity with the *Road Traffic Act*

The maximum speed to be indicated by signs must be in accordance with section 20 of the Act.

B.4 Conformity with the SA Standards

All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the SA Standards.

B.5 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

B.6 Training and Accreditation

At all times when a worker is present at a work area or work site at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

B.7 Record Keeping

Any person acting on behalf of Council pursuant to Clause B must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

C. Traffic Control Devices at Works on Roads

For the purposes of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove, any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under this Act or any other Act. This approval is subject to the following conditions:

C.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause C of this Instrument. Any Authorisations to any officer must be by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause C must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to

this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

C.2 Conformity with the Road Traffic Act

All traffic control devices must conform to the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

C.3 Conformity with the Code, and SA Standards

All traffic control devices must conform to the requirements of and be installed, displayed, altered, operated or removed in accordance with the provisions contained in the Code, the SA Standards and the applicable Australian Standards.

C.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

C.5 Training and Accreditation

At all times when a worker is present in an area where persons are engaged in work or an area affected by works in progress at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

C.6 Record Keeping

Any person acting on behalf of Council pursuant to Clause C must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

D. Temporary Parking Controls

For the purpose of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under its care, control and management, subject to the following conditions:

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause D must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

D.2 Conformity with the Act

All temporary parking controls must conform with the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

D.3 Conformity with Australian Standards and the Code

All temporary parking controls must conform to the requirements and be installed, displayed, altered, operated or removed in accordance with the provisions contained in any applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

D.4 Information on Signs

A temporary parking control used in accordance with Clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position.

D.5 Limitation of Temporary Parking Controls

A temporary parking control used in accordance with Clause D cannot have effect for a period exceeding 35 days.

D.6 Records of Temporary Parking Controls

Council must keep records of any use of temporary parking controls.

E. TRAFFIC CONTROL DEVICES FOR EVENTS

For the purposes of section 17 of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate or removed, or cause to be installed, maintained altered, operated, or removed, a traffic control device for the purpose of an event other than those specified in Clause A.8 of this Instrument, on, above or near a road which is under its care, control and management subject to the following conditions:

E.1. Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause E of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

E.2. Conformity with Plan

All traffic control devices must be installed in accordance with a Traffic Management Plan prepared by a person who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

Council need not comply with Clause A.7 of this Instrument where using a traffic control device for the purpose of an event.

E.3. Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

E.4 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

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

INSTRUMENT OF DELEGATION TO FIRE PREVENTION OFFICER(S) UNDER THE FIRE AND EMERGENCY SERVICES ACT 2005

Fire and Emergency Services Act 2005			
Provision	Item Delegated	Conditions and Limitations	Delegate
s81(14)	1. Permit to Light and Maintain Fire The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s87(1)	2. Removal of Debris from Roads 2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s87(2)	2. Removal of Debris from Roads 2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to - 2.2.1 burn or remove the flammable debris; and 2.2.2 recover the cost of doing so as a debt due to the Council from the person in default. (Note: only applies in relation to a road in the 'country')	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s94(3)	3. Failure by a Council to Exercise Statutory Powers 3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to 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.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s 94(4)	3. Failure by a Council to Exercise Statutory Powers 3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to: 3.2.1 make written submissions to the Minister in relation to the matter; and 3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s94(5)	3. Failure by a Council to Exercise Statutory Powers 3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Burial and Cremation Act 2013 and Burial and Cremation Regulations			
Provision	Item Delegated	Conditions and Limitations	Delegate
s19	4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria 4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24(1)	9. Closure of Cemeteries and Natural Burial Grounds 9.1 Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if: 9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or 9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s26(2)	11. Conversion of Closed Cemeteries into Public Parks or Gardens 11.1 The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24 s26(8)	11. Conversion of Closed Cemeteries into Public Parks or Gardens 11.2 Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to: 11.2.1 remove memorials to deceased persons; 11.2.2 relocate memorials to deceased persons in the park or garden; 11.2.3 replace memorials to deceased persons with some other form of memorial in the park or garden.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s27(1)	12. Powers of Relevant Authorities in Relation to Closed Cemeteries 12.1 The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden: 12.1.1 construct roads and pathways on the land; and	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Burial and Cremation Act 2013 and Burial and Cremation Regulations			
Provision	Item Delegated	Conditions and Limitations	Delegate
	<p>12.1.2 erect or construct buildings or structures on the land; and</p> <p>12.1.3 construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and</p> <p>12.1.4 erect lighting, seating and any other infrastructure or public amenity; and</p> <p>12.1.5 take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.</p>		
s49	<p>27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds</p> <p>27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:</p> <p>27.1.1 there is no existing relevant authority for the cemetery or natural burial ground; or</p> <p>27.1.2 the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or</p> <p>27.1.3 the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Development Act 1993			
Provision	Item Delegated	Conditions and Limitations	Delegate
s24(1)(a)(i)	<p>4. Council or Minister May Amend a Development Plan</p> <p>4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24(1)(b)(i)	<p>4. Council or Minister May Amend a Development Plan</p> <p>4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24(1)(b)(ii)	<p>4. Council or Minister May Amend a Development Plan</p> <p>4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24(1a)	4. Council or Minister May Amend a Development Plan		Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Development Act 1993			
Provision	Item Delegated	Conditions and Limitations	Delegate
	4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	Council has not given delegation to the Chief Executive Officer	
s24(1)(a)(iv a)	4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s 24(1b)	4. Council or Minister May Amend a Development Plan 4.6 The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s24(2a)	4. Council or Minister May Amend a Development Plan 4.7 The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s27(6)	7. Parliamentary Scrutiny 7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.	Matters arising under Part 3 of the Development Act 1993 relating to Development Plan Amendments are not delegated to the Chief Executive Officer by the Council	Not Delegated to the CEO
s34(8a)	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s39(4)(d)	18. Application and Provision of Information 18.10 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	Council has not given delegation to the Chief Executive Officer. Delegated to the Council Assessment Panel.	Council Assessment Panel, Not Delegated to the CEO
s56A(3)	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the	Council has not given delegation to the	Not Delegated to the CEO

Schedule of Provisions Not Delegated to the Chief Executive Officer – Extracted 27 March 2019

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Development Act 1993			
Provision	Item Delegated	Conditions and Limitations	Delegate
	council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	Chief Executive Officer	
s56A(3)	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(3)(d)	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(3)(e)	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(3)(f)	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(3)(g)	36. Council to Establish Development Assessment Panels 36.6 The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for: 36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or 36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(22)	36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions Not Delegated to the Chief Executive Officer – Extracted 27 March 2019

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Development Act 1993			
Provision	Item Delegated	Conditions and Limitations	Delegate
s56A(27)	36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s56A(28)	36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
Development (Development Plans) Amendment Act 2006			
Provision	Item Delegated	Conditions and Limitations	Delegate
Schedule 1	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
Schedule 1	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
Development Regulations 2008			
Provision	Item Delegated	Conditions and Limitations	Delegate
r9A(1)	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Development Regulations 2008			
Provision	Item Delegated	Conditions and Limitations	Delegate
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:</p> <p>56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and</p> <p>56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and</p> <p>56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and</p> <p>56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).</p>	Council has not given delegation to the Chief Executive Officer. Delegated to the Strategic Planning Committee only.	Strategic Planning Committee , Not Delegated to the CEO
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s25,26	<p>56. Public Consultation - Section 25 & 26</p> <p>56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
r15(10)(c)	<p>58. Application to Relevant Authority [City of Tea Tree Gully only]</p> <p>58.6 If an application relates to a proposed development that involves the division of land in the</p>	This provision relates to City of Tea Tree Gully only	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Development Regulations 2008			
Provision	Item Delegated	Conditions and Limitations	Delegate
	Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the application: 58.6.1 a copy of the application; and 58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.		
Schedule 8	116. Schedule 8 - Development Within the River Murray Floodplain Area 116.1 The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	Council has not delegated to the Chief Executive Officer. Not applicable as it geographically does not apply to City of Playford council area.	Not Delegated to the CEO
Schedule 8	117. Schedule 8 - Development Within the River Murray Tributaries Area 117.1 The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	Council has not delegated to the Chief Executive Officer. Not applicable as it geographically does not apply to City of Playford council area.	Not Delegated to the CEO
Fire and Emergency Services Act 2005			
Provision	Item Delegated	Conditions and Limitations	Delegate
s81(14)	1. Permit to Light and Maintain Fire The power pursuant to Section 81(14) of the Act, with the approval of the Chief Officer of the SACFS, to authorise a person to issue permits under Section 81 of the Act.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s87(1)	2. Removal of Debris from Roads 2.1 The power pursuant to Section 87(1) of the Act, to require a person that has carried out work where flammable debris is left on or in vicinity of the road in the country, to remove the debris from the road.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s87(2)	2. Removal of Debris from Roads 2.2 The power pursuant to Section 87(2) of the Act where a person has failed to comply with Section 87(1) of the Act to - 2.2.1 burn or remove the flammable debris; and 2.2.2 recover the cost of doing so as a debt due to the Council from the person in default.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

	(Note: only applies in relation to a road in the 'country')		
s94(3)	3. Failure by a Council to Exercise Statutory Powers 3.1 The power pursuant to Section 94(3) of the Act to consult with and make submissions to the Chief Officer of the SACFS in relation to 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.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s 94(4)	3. Failure by a Council to Exercise Statutory Powers 3.2 The power pursuant to Section 94(4) of the Act if the Chief Officer of the SACFS makes a recommendation to the Minister under Section 94(2) of the Act to: 3.2.1 make written submissions to the Minister in relation to the matter; and 3.2.2 request at the time that the Delegate makes such written submissions that the Minister discuss the matter with a delegation representing the Council.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO
s94(5)	3. Failure by a Council to Exercise Statutory Powers 3.3 The duty pursuant to Section 94(6) of the Act, if the Minister has published a notice under Section 94(5) of the Act, to receive written reasons from the Minister for his or her decision to withdraw Council's powers and functions under Part 4 of the Act within 14 days of the notice being published.	Not delegated to the Chief Executive Officer	Fire Prevention Officer, Not Delegated to the CEO

Local Government Act 1999			
Provision	Item Delegated	Conditions and Limitations	Delegate
s12(1)	1. Composition and Wards 1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act, 1.1.1 alter the composition of the Council; 1.1.2 divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	Not Delegated to the CEO	Council has not given delegation to the Chief Executive Officer
s12(2)	1. Composition and Wards 1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Local Government Act 1999			
Provision	Item Delegated	Conditions and Limitations	Delegate
	1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; 1.2.2 alter the name of: 1.2.2.1 the Council; 1.2.2.2 the area of the Council; 1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).		
s12(16)(a)	1. Composition and Wards 1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s41(1) s41(2)	9. Committees 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s41(3)	9. Committees 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s41(4)	9. Committees 9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	Council has not given delegation to the Chief Executive Officer	Services Committee, Corporate Governance Committee, Strategic Planning Committee , Not Delegated to the CEO
s41(6)	9. Committees 9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s41(8)	9. Committees 9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s48(aa1)	14. Prudential Requirements for Certain Activities		Not Delegated to the CEO

Schedule of Provisions Not Delegated to the Chief Executive Officer – Extracted 27 March 2019

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Local Government Act 1999			
Provision	Item Delegated	Conditions and Limitations	Delegate
	<p>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</p> <p>14.00.1 acts with due care, diligence and foresight; and</p> <p>14.00.2 identifies and manages risks associated with a project; and</p> <p>14.00.3 makes informed decisions; and</p> <p>14.00.4 is accountable for the use of Council and other public resources.</p>	Council has not given delegation to the Chief Executive Officer	
s90(8a)(a)	<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s90(8c)	<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.</p>	Council has not given delegation to the Chief Executive Officer. Informal Gatherings Policy is adopted by Council only.	Not Delegated to the CEO
s161(1) s161(3)	<p>61. Rebate of Rates - Community Services</p> <p>61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:</p> <p>61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and</p> <p>61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and</p> <p>61.1.3 does not restrict its services to persons who are members of the body.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s165(1), s165(2)	<p>62. Rebate of Rates - Educational Purposes</p> <p>62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</p> <p>62.1.1 occupied by a Government school under a lease or license and being used for</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Local Government Act 1999			
Provision	Item Delegated	Conditions and Limitations	Delegate
	<p>educational purposes; or</p> <p>62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</p> <p>62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</p>		
s181(11)	<p>73. Payment of Rates - General Principles</p> <p>73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:</p> <p>73.7.1 the payment of instalments of rates in advance; or</p> <p>73.7.2 prompt payment of rates.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s198(1)	<p>90. Amendment or Revocation of Management Plan</p> <p>90.1 The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.</p>	Power not delegated to Chief Executive Officer by the Council. (Chief Executive Officer cannot Sub-Delegate this power in accordance with Delegations Register - Cannot approve Stage 1 of revocation of land or adopt or revise a management plan of the Council)	Not Delegated to the CEO
s219(6)	<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s259(4)	<p>133. Councils to Develop Policies</p> <p>133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO
s270(9)	<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.</p>	Council has not given delegation to the Chief Executive Officer	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Natural Resources Management Act 2004			
Provision	Item Delegated	Conditions and Limitations	Delegate
s74(8)	17. State NRM Plan 17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.	In relation to any proposal to create or amend the State NRM Plan, the Minister must prepare a draft of the proposal and take reasonable steps to consult with any Government Department or other agency (including a Commonwealth Department or agency) that has a direct interest in the matter. The Local Government Association will nominate Council if impacted, and this type of Policy decision sits with Ordinary Council. Council has not given delegation to the Chief Executive Officer.	Ordinary Council, Not Delegated to the CEO
Road Traffic Act 1961			
Provision	Item Delegated	Conditions and Limitations	Delegate
s86	8. Council May Determine That Ticket for Parking be Obtained Without Fee 8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act): 8.1.1 determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or 8.1.2 vary or revoke a determination made under Section 86 of the Act.	Not delegated to the CEO as this type of fee must be set by Council as per the Local Government Act 1999.	Not Delegated to the CEO
Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014			
Provision	Item Delegated	Conditions and Limitations	Delegate
r22(2)	15. Parking and Parking Ticket-Vending Machines or Parking Meters 15.1 The power pursuant to Regulation 22(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 if the Council has installed or determined that it will install permissive parking signs to apply to a length of road or an area, to determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters, installed or to be installed in or near the length of	Not delegated to the CEO As it is not applicable to City of Playford. Council decision if required.	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014			
Provision	Item Delegated	Conditions and Limitations	Delegate
	road or area, and the power to vary such fees.		
Roads (Opening and Closing) Act 1991			
Provision	Item Delegated	Conditions and Limitations	Delegate
s34G(1)	10A. Roads Associated with Adelaide Park Lands 10A.1 The power pursuant to Section 34G(1) of the Act to prepare an application to be made by the Council to the Minister to make a road wider, narrower, longer or shorter pursuant to Section 6B of the Act.	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO
s34G(2)	10A. Roads Associated with Adelaide Park Lands 10A.2 The duty pursuant to Section 34G(2) of the Act to ensure that an application pursuant to Section 34G of the Act is accompanied by - 10A.2.1 a preliminary plan of the land subject to the proposed road process, in a form determined or approved by the Surveyor General; and 10A.2.2 such other information as may be required by the Regulations.	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO
s34G(4)	10A. Roads Associated with Adelaide Park Lands 10A.3 The duty pursuant to Section 34G(4) of the Act, if the Minister, after consultation under Section 34G(3) of the Act, determines that the application should be considered to, in accordance with Section 34G(5) of the Act, - 10A.3.1 give public notice, in accordance with the Regulations, of the proposal; and 10A.3.2 give notice of the proposal to any State authority or council specified by the Minister; and 10A.3.3 give notice of the proposal to the Adelaide Park Lands Authority (unless the Authority has already been consulted under Section 34G(3) of the Act and indicated that it has no further comment to make in relation to the matter).	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO
s34G(6)	10A. Roads Associated with Adelaide Park Lands 10A.4 The duty pursuant to Section 34G(6) of the Act to forward to the Surveyor-General, after the expiration of the period that applies under Section 34G(5) of the Act - 10A.4.1 any representation in relation to the proposal made to the Council within the relevant period; and	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Roads (Opening and Closing) Act 1991			
Provision	Item Delegated	Conditions and Limitations	Delegate
	10A.4.2 any response that the Council wishes to make in relation to those representations.		
s34G(9)	10A. Roads Associated with Adelaide Park Lands 10A.5 The power pursuant to Section 34G(9) of the Act, if the Minister is willing to approve the application, to, after consultation with the Surveyor-General, cause survey plans and other documents to be prepared as required by the Registrar-General and submit them to the Minister.	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO
s34G(14)	10A. Roads Associated with Adelaide Park Lands 10A.6 The power and duty pursuant to Section 34G(14) of the Act, after publication of the order, to provide any documentation required by the Registrar-General to the Registrar-General.	Not delegated to the Chief Executive Officer as it is not relevant to City of Playford council area.	Not Delegated to the CEO
Safe Drinking Water Act 2011			
Provision	Item Delegated	Conditions and Limitations	Delegate
s5(2)(a)(b)	5. Drinking water providers to be registered (2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister.	Not delegated to the Chief Executive Officer as Council is not a Registered Water Provider.	Not Delegated to the CEO
s8(3)	8. Conditions of registration (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.	Not delegated to the Chief Executive Officer as Council is not a Registered Water Provider.	Not Delegated to the CEO
s9(5)	9. Suspension of registration (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). (6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter. (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.	Not delegated to the Chief Executive Officer as Council is not a Registered Water Provider.	Not Delegated to the CEO
s10(1)	10. Appeals (1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of: (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;	Not delegated to the Chief Executive Officer as Council is not a Registered Water Provider.	Not Delegated to the CEO

Schedule of Provisions Not Delegated to the Chief Executive Officer – Extracted 27 March 2019

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Safe Drinking Water Act 2011			
Provision	Item Delegated	Conditions and Limitations	Delegate
	(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.		
s12(1)	12. Drinking water providers to prepare, implement and review risk management plans (1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to: (a) prepare a risk management plan in relation to the supply of drinking water to the 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. (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.	Not delegated to the Chief Executive Officer as Council is not a Registered Water Provider.	Not Delegated to the CEO
s14(2)	14. Related matters (2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.	Council has not delegated to the Chief Executive Officer and this provision is not applicable to City of Playford; Council is not a Registered Water Provider.	Not Delegated to the CEO
s14(3)	14. Related matters (3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	Council has not delegated to the Chief Executive Officer and this provision is not applicable to City of Playford; Council is not a Registered Water Provider.	Not Delegated to the CEO

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Safe Drinking Water Act 2011			
Provision	Item Delegated	Conditions and Limitations	Delegate
s14(4)	14. Related matters (4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013.	Council has not delegated to the Chief Executive Officer and this provision is not applicable to City of Playford; Council is not a Registered Water Provider.	Not Delegated to the CEO
Water Industry Act 2012			
Provision	Item Delegated	Conditions and Limitations	Delegate
s37(3)	9. Customer hardship policies 9.1 The power pursuant to Section 37(3) of the Act to: 9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or 9.1.2 with the written approval of the Commission, adopt such a policy with modifications.	Not delegated to the Chief Executive Officer as Council have no Residential Customers relating to this Act.	Not Delegated to the CEO
s51(4)	21. Notice of work that may affect water/sewerage infrastructure 21.1 The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention: 21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or 21.1.2 by action in a court of competent jurisdiction.	Not delegated to the Chief Executive Officer as this provision is not applicable	Not Delegated to the CEO
s57 (1), (2)	27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure 27.1 The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order: 27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or 27.1.2 to prevent the discharge of rainwater, stormwater or 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	Not delegated to the Chief Executive Officer as this provision is not applicable	Not Delegated to the CEO

Schedule of Provisions Not Delegated to the Chief Executive Officer – Extracted 27 March 2019

Schedule of Provisions 'Not Delegated' to the Chief Executive Officer

Water Industry Act 2012			
Provision	Item Delegated	Conditions and Limitations	Delegate
	sewerage infrastructure, 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.		
s58 (1)	28. Power to disconnect drains to restrict services 28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material: 28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or 28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future, to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	Not delegated to the Chief Executive Officer as this provision is not applicable to the City of Playford as Council do not operate sewerage infrastructure.	Not Delegated to the CEO
s58(2)	28. Power to disconnect drains to restrict services 28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	Not delegated to the Chief Executive Officer as this provision is not applicable to the City of Playford as Council do not operate sewerage infrastructure.	Not Delegated to the CEO
Water Industry Regulations 2012			
Provision	Item Delegated	Conditions and Limitations	Delegate
r16 (1), (2)	45. Access to sewerage infrastructure 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.	Not delegated to the Chief Executive Officer as this provision is not applicable to the City of Playford as Council do not operate sewerage infrastructure.	Not Delegated to the CEO

**INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL
USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF
EXEMPTIONS FOR EVENTS**

ROAD TRAFFIC ACT 1961 (SECTIONS 17, 20 & 33)

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCACTION 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 Cause F of this Instrument.

G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

I **DELEGATE** to Council my power in sub-section 33(1) of the Act to declare an event to be an event to which section 33 applies and make orders directing:

- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

G.1 Sub-Delegation to other Officers

Council may sub-delegate the power delegated to Council pursuant to Clause G of this Instrument subject to the following conditions:

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and
2. Any such sub-delegation must be made by instrument in writing by Council resolution; and
3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and
4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and
5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and
6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

G.2 Roads and Road-Related Areas to which Delegation Applies

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act with respect to a road under its care, control and management.

G.3 Conformity with the Road Traffic Act

Council when exercising the powers of the Minister in sub-section 33(1) of the Act must comply with the requirements of section 33 of the Act.

G.4 Exemption from Australian Road Rules

Council can only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause G.5:

1. Rule 221: Using hazard warning lights;
2. Rule 230: Crossing a road — general;
3. Rule 231: Crossing a road at pedestrian lights;
4. Rule 232: Crossing a road at traffic lights;
5. Rule 234: Crossing a road on or near a crossing for pedestrians;
6. Rule 237: Getting on or into a moving vehicle;
7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
8. Rule 250: Riding on a footpath or shared path;

9. Rule 264: Wearing of seat belts by drivers;
10. Rule 265: Wearing of seat belts by passengers 16 years old or older;
11. Rule 266: Wearing of seat belts by passengers under 16 years old;
12. Rule 268: How persons must travel in or on a motor vehicle;
13. Rule 269: Opening doors and getting out of a vehicle etc;
14. Rule 298: Driving with a person in a trailer.

G.5 Conditions on Exemptions from Australian Road Rules

Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:

1. Rule 237: Getting on or into a moving vehicle – provided the speed of the vehicle does not exceed 5 km/h;
2. Rule 264: Wearing of seat belts by drivers – provided the speed of the vehicle does not exceed 25 km/h;
3. Rule 265: Wearing of seat belts by passengers 16 years old or older – provided the speed of the vehicle does not exceed 25 km/h;
4. Rule 266: Wearing of seat belts by passengers under 16 years old – provided the speed of the vehicle does not exceed 25 km/h;
5. Rule 268: How persons must travel in or on a motor vehicle – provided the speed of the vehicle does not exceed 25 km/h;
6. Rule 269: Opening doors and getting out of a vehicle etc – provided the speed of the vehicle does not exceed 5 km/h;
7. Rule 298: Driving with a person in a trailer – provided the speed of the vehicle does not exceed 25 km/h.

G.6 Notification to Commissioner of Highways

Council must notify the Commissioner of Highways of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.7 Notification to Emergency Services and Public Transport Services Division

Council must notify the SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service, the SA Ambulance Service and the Public Transport Services Division of the Department of Planning, Transport and Infrastructure ("DPTI") as appropriate, of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.8 Notification to Traffic Management Centre, Metropolitan Region

Where an event requires intervention by DPTI to ensure the safe and efficient conduct and movement of traffic, Council must ensure that it or the event organiser contacts the Traffic Management Centre, Metropolitan Region (ph: 1800 018 313) no less than 15 minutes prior to the commencement of the event and immediately upon completion of the need for such intervention.

G.9 Notification to Commissioner of Police

Council must notify the Commissioner of Police of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.10 Agreement of Commissioner of Police

If Council proposes to make an order under sub-section 33(1) that involves any motor vehicular traffic, Council must first obtain the agreement of the Commissioner of Police before making an order that exempts a person from any of the following Australian Road Rules: 230, 231, 232, 234 and 238.

G.11 Use of Advance Warning Signs

Where the event will significantly and/or adversely affect a road which is under the care, control and management of the Commissioner of Highways, Council must ensure that the event organisers place advance warning notification signs on the affected roads. The signs must clearly indicate to the public the times and dates of the temporary road closure.

G.12 Effect on Roadside Furniture

Where an event affects any roadside furniture owned or maintained by the Commissioner of Highways or road markings, Council must ensure that it or the event organiser reinstates such furniture or markings to its original condition.

H. DEFINITION OF TERMS

For the purposes of this Instrument, unless a contrary intention appears:
Words defined in section 5 of the Act have the same meaning as in the instrument.

A reference to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Council means a council constituted under the *Local Government Act 1999*;

Code means the Code of Technical Requirements, as amended from time to time (formerly known as the Code of Technical Requirements for the Legal Use of Traffic Control Devices);

Event means event as defined in section 33 of the *Road Traffic Act 1961* namely an organised sporting, recreational, political, artistic cultural or other activity, and includes a street party;

Officer means Council employee

SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;

Work area means work area as defined in section 20(1) of the Act, namely a portion of road on which workers are, or may be, engaged;

Work site means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for any associated purpose.

I. FUTURE VARIATIONS TO THIS INSTRUMENT

This Instrument may be revoked or varied by a subsequent Instrument in writing.


.....
Hon Tom Koutsantonis MP
MINISTER FOR TRANSPORT AND INFRASTRUCTURE
Dated this 22 day of AUGUST 2013

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

The following table outlines new provisions in the Delegations Register under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010.

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
S47(3)(b)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.</p>	
S47(4)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</p>	
S47(7)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
S47(9)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:</p> <p>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and</p> <p>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</p>	
S55(3)	<p>2. Duties in Relation to Vegetation Clearance</p> <p>2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.</p>	
S55A(1)	<p>3. Vegetation Clearance Schemes</p> <p>3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area.</p>	
S55A(2)	<p>3. Vegetation Clearance Schemes</p> <p>3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:</p> <p>3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
	<p>3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;</p> <p>3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;</p> <p>3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;</p> <p>3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;</p> <p>3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;</p> <p>3.2.7 make provision for other related matters.</p>	
S55A(4)(b)	<p>3. Vegetation Clearance Schemes</p> <p>3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.</p>	
S55B(2)	<p>4. Vegetation Clearance Scheme Dispute</p> <p>4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
S55C(2)(c)	<p>4. Vegetation Clearance Scheme Dispute</p> <p>4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.</p>	
S55D	<p>5. Determinations</p> <p>5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.</p>	
S56(1)	<p>6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas</p> <p>6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.</p>	
S56(2)	<p>6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas</p> <p>6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:</p> <p>6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and</p> <p>6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and</p> <p>6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
	6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.	
S58A	7. Program for Undergrounding of Powerlines 7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.	
S58A(5)	7. Program for Undergrounding of Powerlines 7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.	
S58A(8)	7. Program for Undergrounding of Powerlines 7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
R4(4)	8. Duty of Electricity Entity or Council 8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	
R7(3)	9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance 9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	
R8(2)	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.	
R8(5)(b)	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
R10(5)	11. Objections Relating to Vegetation Clearance 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	
R10(6)(b)	11. Objections Relating to Vegetation Clearance 11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.	
R10(8)	11. Objections Relating to Vegetation Clearance 11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Gas Act 1997**

The following table outlines new provisions in the Delegations Register under the Gas Act 1997.

GAS ACT 1997 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
S47(3)(b)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of.</p>	
S47(4)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.2 The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</p>	
S47(7)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister.</p>	
S47(9)	<p>1. Power to Carry Out Work on Public Land</p> <p>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:</p> <p>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and</p> <p>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Heavy Vehicle National Law (South Australia) Act 2013

The following table outlines the changed provision in the Delegations Register under the Heavy Vehicle National Law (South Australia) Act 2013.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013 – Changed Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
S156A(1)	<p>1. Deciding Request for Consent Generally</p> <p>1.4 The power pursuant to Section 156(3)<u>156A(1)</u> of the Act <u>if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority</u>, to decide not to give the consent only if the delegate is satisfied:</p> <p>1.4.1 the mass or dimension authority will, or is likely to:</p> <p>1.4.1.1 cause damage to road infrastructure; or</p> <p>1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and</p> <p>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:</p> <p>1.4.2.1 the damage or likely damage; or</p> <p>1.4.2.2 the adverse effects or likely adverse effects; or</p> <p>1.4.2.3 the significant risks or likely significant risks.</p>	Delegates – Must be authorised by The Office of the National Heavy Vehicle Regulator
s156A(3)	<p>1. Deciding Request for Consent Generally</p> <p>1.5 The power pursuant to Section 156(4)<u>156A(3)</u> of the Act, in deciding whether or not to give the consent, to have regard to:</p> <p>1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or</p> <p>1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.</p>	Delegates – Must be authorised by The Office of the National Heavy Vehicle Regulator

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Heavy Vehicle National Law (South Australia) Act 2013**

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013 – <i>Changed Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
s156A(4)	1. Deciding Request for Consent Generally 1.6 The power pursuant to Section 156(6) <u>156A(4)</u> 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.	Delegates – Must be authorised by The Office of the National Heavy Vehicle Regulator

The following table outlines the new provision in the Delegations Register under the Heavy Vehicle National Law (South Australia) Act 2013.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013 – <i>New Provision</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
S156A(2)	1. Deciding Request for Consent Generally 1.4A The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	Delegates - Must be authorised by The Office of the National Heavy Vehicle Regulator

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Liquor Licensing Act 1997

The following table outlines the new provisions in the Delegations Register under the Liquor Licensing Act 1997.

LIQUOR LICENSING ACT 1997 – New Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
s131(1ab)	6. Control of consumption etc of liquor in public places 6.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.	
s131(1ad)	6. Control of consumption etc of liquor in public places 6.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.	
s131(1c)	6. Control of consumption etc of liquor in public places 6.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.	

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Local Government Act 1999**

The following table outlines the changed provisions in the Delegations Register under the Local Government Act 1999.

LOCAL GOVERNMENT ACT 1999 – <i>Changed Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
S202(1)	<p>94. Alienation of Community Land by Lease or Licence</p> <p>94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), <u>and to make provision in a lease or licence</u> for:</p> <p>94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;</p> <p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>	<p>For casual hire and events permits only. Limitation applies to Manager – Sport & Property, Coordinator Sport & Recreation, Property Leasing Officer, and Sport & Recreation Officer.</p>
s256(1) and (2)	<p>131. Rights of Review</p> <p>131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to <u>appeal</u> seek against a review of the order under the Act, and to include the information specified by the Regulations to the Act.</p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
South Australian Public Health Act 2013

The following table outlines existing provisions in the South Australian Public Health Act 2013 that have changes.

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2013 – <i>Changed Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
r5(3)	18. Duty to Register High Risk Manufactured Water System 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the registration prescribed fees specified in Schedule 4 to the Council, register the high risk manufactured water system to which the application relates.	
r5(6)	18. Duty to Register High Risk Manufactured Water System 18.2 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the renewal prescribed fees specified in Schedule 4 to the Council, renew the registration of the high risk manufactured water system to which the application relates.	
r9(7)	24. Connection to Community Wastewater Management System 24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.	
r25(6)	29. Conditions of Approval 29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee fixed by Schedule 4 , by written notice to the applicant, vary or revoke a condition of a wastewater works approval.	

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
South Australian Public Health Act 2013**

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2013 – <i>Changed Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
r26(2)	30. Expiry of Approval 30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee fixed by Schedule 4 , postpone the expiry of a wastewater works approval for a specified period.	
r21(4)	21. Fees 21.2 The Deliberately power left pursuant blank 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.	
r21(5)	21. Fees 21.3 The Deliberately power left pursuant blank 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.	
r33	33. Fees 33.1 The power Deliberately pursuant left to blank 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.	

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
South Australian Public Health Act 2013**

The following table outlines the new provisions in the Delegations Register under the South Australian Public Health Act 2013.

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2013 – <i>New Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
Clause 2(1), Schedule 1	35. Refund and Recovery of Fees 35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.	
Clause 2(10), Schedule 1	35. Refund and Recovery of Fees 35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.	

**LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Supported Residential Facilities Act 1992**

The following table outlines the changed provisions in the Delegations Register under the Supported Residential Facilities Act 1992.

SUPPORTED RESIDENTIAL FACILITIES ACT 1992 – <i>Changed Provisions</i>		
Section	Item Delegated / Authorisation	Conditions and Limitations
s24(10)	<p>2. Application for a Licence</p> <p>2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal <u>rights of review</u> that the applicant has under the Act.</p>	
s27(4)	<p>3. Renewal of Licence</p> <p>3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights <u>rights of review</u> that the applicant may have under the Act.</p>	
s32(3)	<p>7. <u>Appeals Review of Decision or Order</u></p> <p>7.1 The power pursuant to Section 32(5<u>3</u>) of the Act, where if the an Delegate application for review is satisfied in that respect of an applicant application 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 review.</p>	
s32(4)	<p>7. <u>Appeals Review of Decision or Order</u></p> <p>7.2 The power pursuant to Section 32(7<u>4</u>) of the Act <u>to:</u></p> <p><u>7.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and</u></p> <p><u>7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order, 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.</u></p>	

LEGISLATIVE CHANGES AND UPDATES – DELEGATIONS REGISTER
Water Industry Act 2012

The following table outlines the changed provisions in the Delegations Register under the Water Industry Act 2012.

WATER INDUSTRY ACT 2012 – Changed Provisions		
Section	Item Delegated / Authorisation	Conditions and Limitations
s80(2)(h)	<p>34. Enforcement notices</p> <p>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 <u>and the South Australian Civil and Administrative Tribunal Act 2013.</u></p>	
s85 (1)	<p>38. Appeals</p> <p>38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act <u>make appeal an application</u> to the District Court Tribunal:</p> <p>38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;</p> <p>38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act.</p>	

5.2 RECORDING OF COUNCIL MEETINGS

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Ms Susie Reichstein

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

PURPOSE

To provide information about options for live streaming, audio visual and audio only recording of Council and Committee meetings, for Council's consideration and with a view to increasing access and transparency for the community.

STAFF RECOMMENDATION

1. Council notes the investigation into the costing and availability of systems to enable audio, visual recording and live streaming of Council, Strategic Planning Committee and Services Committee meetings.
2. Council endorse audio-only recording of Council, Strategic Planning Committee and Services Committee meetings for minute taking purposes only and further monitor and investigate future industry trends.
3. That the Code of Practice for Council and Committee Meetings be amended to reflect the audio recording of meetings.

EXECUTIVE SUMMARY

It is within Council's power to determine whether it wishes to implement video recording, audio-only recording and/or live streaming of Council and Committee meetings. This report provides information on Local Government trends and experiences; financial implications and social accountability considerations, to enable Council to assess whether it wishes to introduce recording and/or live-streaming of meetings. Analysis of legal considerations, record keeping requirements, policy considerations as well as principles of transparency relating to recording and/or live streaming options, are also provided for consideration. Research into Council's current systems and its compatibilities; with possible enhancements are detailed to enable Council to determine which, if any operating systems they wish to consider.

1. BACKGROUND

At the 28 August 2018 Ordinary Council Meeting, Council resolved the following:

Council administration produce a report to Council, provided no later than six months' time from today's date that investigates and explores options to: Live stream and record (for future public access and use) Council and Committee.

Additionally, at the 22 January 2019 Ordinary Council meeting, Council resolved the following:

That the Council provide a report on the cost associated to have the Ordinary Council Meetings video recorded and made available on the Council's website with the minutes of the meetings.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

Although this report links to Council's Smart Service Delivery Program, this specific decision will have no significant impact on its progress.

3. PUBLIC CONSULTATION

There is no requirement under the *Local Government Act 1999* or Council's Public Consultation Policy to undertake community consultation.

4. DISCUSSION

There has been a long running debate on the question of whether Council/Committee meetings should be recorded or streamed live online. Once a meeting is recorded, recordings can be made available to the public by uploading to the Council's website as soon as practical and maintained online as an archive.

Firstly, it is useful to understand the meaning of streaming media which could include the use of live streaming; delivering multimedia to the user at the same time that the subject matter is occurring, or uploading manually.

“Streaming media is multimedia that is constantly received by and presented to an end-user while being delivered by a provider. The verb "to stream" refers to the process of delivering or obtaining media in this manner; the term refers to the delivery method of the medium, rather than the medium itself, and is an alternative to file downloading, a process in which the end-user obtains the entire file for the content before watching or listening to it.” – *Wikipedia*

Video or audio-only recordings (not live streaming) are recordings of the Council/Committee meetings and are made available following the release of the minutes of the meeting. The minutes are the official record of the meeting and only resolutions of Council published within the minutes can and will be actioned.

Discussion of confidential items as considered under Section 90 of the *Local Government Act 1999* is not able to be recorded. In addition, cameras do not have to film members of the public speaking at deputation or sitting in the public gallery to ensure this does not discourage people from participating in meetings. Only the audio of public questions may be included in the webcast. These, along with other anomalies or possible exclusions will be detailed within this report.

As Local Government strives to increase transparency, recording of meetings is one measure that contributes towards a Council being transparent with its community. As live streaming and video or audio-only recording of meetings becomes more prevalent in Local Government Councils; it is timely to access the pros and cons of possible implementation.

4.1 Local Government Trends and Experiences

4.1.1 The number of Councils that provide both live streaming, video, and audio-only archives of recordings of meetings are increasing rapidly. With 68 Councils located in South Australia, at least 17 record their Council Meetings. These are summarised below:

Councils currently recording Ordinary Council Meetings:

SA Metro Councils	Video Recording	Audio-Only Recording	Live Streaming
City of Victor Harbor		✓	✓
City of Prospect	✓		
City of Campbelltown	✓	✓	
City of Adelaide		✓ Not public	✓
City of Salisbury		✓ Not public	
City of Tea Tree Gully		✓ Not public	
City of Burnside	✓	✓ Not public	✓
Adelaide Hills Council		✓ Not public	
City of Marion		✓	
City of Mitcham			Exploring options
City of Onkaparinga			Council is looking into live streaming
Mount Barker District Council		✓ Not public	
City of West Torrens		✓ Not public	In principle support
City of Salisbury		✓ Not public	
SA Regional Councils	Video Recording	Audio-Only Recording	Live Streaming
Alexandrina Council		✓	
Port Augusta City Council	✓		
District Council of Loxton Waikerie	✓		

4.1.2 Most Councils that record their meetings, whether it's live streaming, video or audio-only recording, have the Presiding Member read a disclaimer at the beginning of the meeting warning those attending the meeting in person that the meeting is being recorded and that anyone attending the meeting may appear in the resulting footage. In addition, Councils make signs available at entry and within the Chambers themselves, stating that the meeting will be recorded.

4.1.3 Recordings of meetings, whether available on the Council's website or via YouTube, carry a disclaimer and copyright notice that prohibit the use of the recording for any other purpose without the express permission of the council concerned.

- 4.1.4 Any Council's video, audio-only recording or live streaming publication is subject to the usual copyright protections i.e. no part of these publications may be reproduced without written permission of the Council.
- 4.1.5 Recording of items considered 'In-Confidence' under the provisions of the *Local Government Act 1999* is prohibited.
- 4.1.6 It is recommended that any presentation that is projected on the screen is not visually recorded due to the possible content not being appropriate for duplication.
- 4.1.7 Members of the public are able to speak at Ordinary Council meetings through deputations at Council meetings. The Council has no control over their comments, but the recording or live streaming of the proceedings could result in the Council being liable in defamation for the republication of defamatory comments on the Council website. Council can choose not to film members of the public speaking at deputation and only record audio.

4.2 Cost – Infrastructure and installation

- 4.2.1 Historically, enabling audio visual recording has been an expensive process and can still be so today depending upon the desired quality of the received stream. However, advances in technology have enabled reasonable quality content to be delivered for a low cost.
- 4.2.2 The system product that is compatible with the new microphone system is called 1 Beyond AVS. It is an innovative conferencing system that focuses the camera on the person speaking into the microphone. Close-ups enhance the meeting experience. The system is voice-activated and can be configured for large and small rooms with various layouts. Cameras can be positioned anywhere and distance is not an issue. Features include "side-by-side" view when two people are in conversation. This system can also record and stream.
- 4.2.3 **Product and installation and commissioning costings:**

TYPE OF RECORDING	Audio only recording	Video recording	Live streaming
3 Cameras System	Incorporated into new microphone system	\$25,000 *approx.	
Installation	N/A	\$10,000	
Software License	N/A	N/A	
Website development	\$180	\$180	
YouTube Channel	N/A	Free	

4.3 Product linkages with new microphones and new Council website

- 4.3.1 The new Council Chamber microphone system was installed in February 2019 which has the ability to audio-only record without additional costs or product installation. Commissioning of new microphones included the guarantee that any additional products to enable live streaming and visual recording can be easily done via the microphones. Compatibility functions mean that video recording can be synced to the system so that it is able to zoom to particular microphones in use at a given time. The recordings will be clear in audio sound and visually appealing.
- 4.3.2 The new Council website went live in November 2018. Council administration is still working with developers to enhance the site. The site has capabilities that can incorporate all media types discussed in this report, with a small cost associated as detailed tabled above.

4.4 Principles of Transparency

- 4.4.1 Recordings and live streaming of meetings can be accessed by the public, which can promote accountability and transparency in Council decision-making and is linked to the Council's obligation under section 8(a) of the *Local Government Act 1999* to provide open, responsive and accountable government. Via recordings or live streaming, the community can view the meeting regardless of their ability to attend the Council Chamber in person.
- 4.4.2 Recordings and live streaming of meetings enables more flexible and convenient access to a wider audience, by allowing the public to watch meetings 'in real time' or 'post meeting' via the internet without the need to physically attend. This provides the community greater access to viewing Council debate and decisions being made.
- 4.4.3 Geographic and time barriers which may prevent the public from attending meetings in person are eliminated; thereby resulting in greater community awareness and confidence in the integrity and accountability of the decision making processes of Council.
- 4.4.4 Council's Strategic Plan responds to the Playford Community Vision 2043 and articulates Council's role in the achievement of a liveable, prosperous and happy City for our community.

For Playford, this means:

Smart use of technology

- We will use information, communications and data to make more informed, efficient and timely decisions.
- We will use digital platforms, in addition to other traditional methods, to engage with our community, increasing the timeliness of our communications.
- We will leverage technology to serve our community.

Smart ways of transforming our city

- We will embrace change and try non-traditional approaches.
- We will test and pilot new ways of doing business.
- Our business will be agile and able to adjust rapidly to changes, ensuring the needs of our community can be met in the most efficient way possible.
- We will ensure that our services and facilities are designed to optimise resources.

- We will collaborate with other levels of Government and non-government agencies to reach innovative solutions and attract investment.

The Smart Service Delivery Program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services that they require. It means working smarter to connect with our community.

By increasing transparency through technology it can enhance city pride and improve Councils reputation and in turn raises the profile of the City of Playford.

4.5 Legal Considerations

4.5.1 Optical Surveillance

The use of optical surveillance devices is permitted, provided it does not contravene the offences in Sections 5(1) – (3) of the *Surveillance Devices Act 2016 (SD Act)*. All of those offences relate to the recording of a ‘private activity’. Section 5(1) of the SD Act provides as follows –

“(1) Subject to this section and section 6, a person must not knowingly install, use or maintain an optical surveillance device on or in premises, a vehicle or any other thing (whether or not the person has lawful possession or lawful control of the premises, vehicle or thing) to record visually or observe the carrying on of a private activity without the express or implied consent of each party to the activity.”

An ‘optical surveillance device’ is defined in Section 3(1) of the SD Act as follows:

‘optical surveillance device means -

- (a) a device capable of being used to observe or record visually (whether for still or moving pictures) a person, place or activity; and
- (b) associated equipment (if any),’

The concept of a ‘private activity’ is defined in Section 3(1) of the SD Act. Importantly, an activity will never be a private activity if it is ‘carried on in a public place’. A ‘public place’ is defined in Section 3(1) of the SD Act as follows:

‘public place includes -

- (a) a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and
- (b) a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and
- (c) a road, street, footway, court, alley or thoroughfare which the public are allowed to use, even though that road, street, footway, court, alley or thoroughfare is on private property’

This definition is broad and non-exhaustive. This definition covers all Council roads and parks, and parts of premises to which the public are allowed admittance (eg Council chamber during open Council meetings, customer service areas and libraries).

Further, pursuant to the definition of ‘private activity’ in Section 3(1) of the SD Act, an activity will never be a private activity if it is:

- ‘carried on or in premises or a vehicle if the activity can be readily observed from a public place’; or
- ‘carried on in any other circumstances in which the person ought reasonably to expect that it may be observed by some other person’

Thus, the use of cameras in the Council chamber during open Council meetings (ie non confidential Council meetings) will also not contravene the offences in Sections 5(1) – (3) of the SD Act to the extent that it captures activities in circumstances where attendees might reasonably expect their activities to be observed by other persons.

4.5.2 Listening Devices

The use of listening devices is permitted provided it does not contravene Section 4(1) of the SD Act which provides –

“Subject to this section and section 6, a person must not knowingly install, use or cause to be used or maintain a listening device –

- (a) to overhear, record, monitor or listen to a private conversation to which the person is not a party; or
- (b) to record a private conversation to which the person is a party.”

A “listening device” is defined to mean –

- (a) a device capable of being used to listen to or record a private conversation or words spoken to or by any person in private conversation (whether or not the device is also capable or operating as some other kind of surveillance device); and
- (b) associated equipment (if any)”

A “private conversation” is defined as –

“..a conversation carried on in circumstances that may reasonably be taken to indicate that at least 1 party to the conversation desires it to be heard only by the other parties to the conversation (but does not include a conversation made in circumstances in which all parties to the conversation ought reasonably to expect that it may be heard by a person who is not a party to the conversation”

In relation to discussions by Council members at open Council meetings, legal advice obtained is that it is likely the use of a listening device during an open Council meeting would be circumstances in which all parties to the conversation ought reasonably to expect their conversation may be heard by others. A conversation in such circumstances is not likely to constitute a private conversation and therefore recording or listening to the conversation will not be a breach of Section 4(1) of the SD Act.

4.5.3 Defamation

The recording (and subsequent play back) and/or live streaming of Council meetings would constitute a publication for the purposes of the *Defamation Act 2005*. The law of defamation recognises various categories of privilege that protect the makers of statements or publishers of material that are otherwise defamatory. One category is qualified privilege which is a privilege afforded to the makers of defamatory statements where that person has a legal, social or moral duty to make the statements to a person or audience having a corresponding duty or interest to receive them. Communications made on such occasions are qualified because they promote the welfare of society.

If an Elected Member defames somebody they can be sued as can the Council if it publishes defamatory statements. However, in a Council meeting where an Elected Member is fulfilling a public duty the law grants to the member certain limited protection from legal actions in defamation. This limited protection is known as qualified privilege and may be a defence where statements are made in good faith (i.e. genuinely believing them to be true) and are related to the subject matter of the debate. Statements, which are false, will not necessarily enjoy this protection.

If an occasion of qualified privilege is established, the privilege will be lost if the maker of the statement was motivated by malice. In the context of defamation 'malice' means ill will, spite or other improper motive. In other words, the Council chamber is not to be used as a 'front' for making defamatory statements that are unrelated to Council business, that is for some purpose or motive foreign to the duty or interest that protects the making of the statement. The concept of qualified privilege is not a straightforward concept to apply, given the qualifications or conditions that must be assessed and met before it can be relied upon. Given that inherent difficulty, extreme caution should be exercised at all times regarding statements which may be defamatory.

4.6 Recording Keeping

- 4.6.1 The *State Records Act, 1997* covers the requirements and responsibilities of State and Local Government in South Australia in the management of 'official' records.
- 4.6.2 Any recording of a Council meeting by Council constitutes an 'official record' for the purposes of the *State Records Act 1997*. This means any such recordings are subject to the Council's record keeping obligations under the Act.
- 4.6.3 City of Playford would retain these copies and grant access upon request e.g. State Records/Freedom of Information requirements. Implementation of internal record keeping of recordings would be no different to current Council practices that fall under the Records Management procedures.
- 4.6.4 Video recordings (not live streaming) of meetings could be made available on Council's website following the release of the minutes of the meeting. The minutes are the official record of the meeting and only resolutions of Council published within the minutes can and will be actioned; regardless of the content and any available recording of discussion or debate during the meeting.
- 4.6.5 If recording was implemented, Council would maintain current minute taking practices in accordance with the *Local Government Act 1999*, Section 91 - Minutes and release of documents. Current practice of the agenda item, staff recommendation and resolution being projected on screen at the Ordinary Council meetings with the minutes being typed at the meeting would continue.

4.7 Policy Considerations

- 4.7.1 A policy review of the Code of Practice - Council and Committee Meetings is due to be tabled at the 28 May 2019 Ordinary Council Meeting. If Council resolves to undertake recording or live streaming, the draft Code will include a section that clearly states the requirements and guidelines so as

to mitigate risk. e.g. Notification of recording at Council, Appropriate use of recordings, Exclusions etc.

- 4.7.2 If Council resolves to audio-recordings or Council Meetings, it is proposed the following section can be included in the Code of Practice:

Council, Strategic Planning Committee and Services Committee meetings will be subject to audio-only recording to assist with the preparation of the minutes following the meeting. The minutes are the official record of the meeting, not the audio recording of the meeting.

Recordings will not be publicly available and are only able to be utilised for the purposes of assisting with the minutes of a meeting.

Any recording of Council, Strategic Planning Committee and Services Committee meeting by Council, constitutes an 'official record' for the purposes of the State Records Act 1997 and recordings will be retained within the City of Playford's recording keeping system in accordance with the Act.

5. OPTIONS

Recommendation

1. Council notes the investigation into the costing and availability of systems to enable audio, visual recording and live streaming of Council, Strategic Planning Committee and Services Committee meetings.
2. Council endorse audio-only recording of Council, Strategic Planning Committee and Services Committee meetings for minute taking purposes only and further monitor and investigate future industry trends.
3. That the Code of Practice for Council and Committee Meetings be amended to reflect the audio recording of meetings.

Option 2

1. Council notes the investigation into the costing and availability into systems to enable audio visual recording of Ordinary Council Meetings.
2. Council does not endorse any form of recording of Council and Committee meetings and further monitors and investigates future trends.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

Video and/or audio only recording of Council Meetings is becoming more prevalent in Local Government.

Following analysis of the options, it is recommended that audio-only recording be introduced and used to enable Council, Strategic Planning Committee and Services Committee meetings minute taking purposes only with the view of monitoring trends across local government. Video and audio recordings is a new and emerging trend that requires more

monitoring of industry trends and consideration of technology that supports the recording and upload to the web in an efficient and effective manner.

It is recommended that Council audio record meetings for the purpose of accurate minute take and monitor trends and system capability over time allowing for any initial issues with system capability to be resolved in a manner that is not disruptive to service delivery.

The risks involved can be mitigated by strong and diligent policy, procedure and record keeping as well as abiding by the relevant Acts. A policy review of the Code of Practice - Council and Committee Meetings, is due to be tabled at the May 2019 Ordinary Council Meeting, within this draft, a section on 'Recordings of Council and Committee Meetings' can be included that clearly state the requirements and guidelines.

6.1.2 Financial Implications

Audio-only recording can be implemented at no cost.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

There are no financial implications.

Council continue in its current format with no recording of Council and Committee meetings.

6.2.2 Financial Implications

There is no financial impact if Council does not endorse the purchase and installation of a system or choose to allow audio only recording for the use of minute taking accuracy.

5.3 DOG REGISTRATION FEES 2019/2020

Responsible Executive Manager : Mr Andrew Nesbitt

Report Author : Mr Darren Hurst

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

PURPOSE

To seek Council approval regarding the recommended structure for Dog Registration Fees for the 2019/20 period.

STAFF RECOMMENDATION

1. Council retains:

- the maximum registration fee of \$65.
- a 50% discount for dogs that fall under the category of "standard dog".
- Other Fees and rebates as per current schedule.

2. Council introduces:

- a business dog fee as outlined in the report; and
- a fee-free registration period for the month of June.

EXECUTIVE SUMMARY

Pursuant to the Dog and Cat Management Act, all dogs over the age of three months must be registered with the local Council where they reside.

The Dog and Cat Management Act provides that Council may set dog registration fees and discounts for the categories of dog registration types and concessions established by the Dog and Cat Management Board. This report presents for Council's consideration and endorsement dog registration fees for the 2019-2020 financial year.

In order to ensure timely delivery of dog registration notices, the Dog and Cat Management Board has asked that fees be set by Council prior to June. Due to their timeframe the dog registration fees are being put to Council earlier than the standard deliberations on Council Fees and Charges, which will occur in June.

The report recommends that the current fee structure remain with no increases; with a couple of minor amendments to bring it into line with best practice. These are:

- the introduction of a business fee. Under the new dogs and cats online system, these breeders are not currently required to pay a fee to register the dogs under their control. This is an anomaly which the recommended change will rectify.
- the removal of registration fees for those residents registering their dog during June. This is to remove an administrative burden relating to the very small number of dog registrations received in the last month of the financial year, and has been requested by the Dog and Cat Management Board.

1. BACKGROUND

From 1 July 2018, all dogs and cats must be microchipped, and any dog or cat born after 1 July 2018 will need to be desexed by the age of 6 months. Exceptions will apply to 'working dogs' and registered breeders. Fees set by Council are currently at \$65, for a non-standard dog, with a "standard dog" being a "desexed and microchipped dog" eligible for a 50% rebate.

Councils are allowed to set their own registration fees for their residents. The current fee structure has been in place for the last 2 years, with the last increase applied in 2016. The fee structure is considered sufficient and no changes are recommended to it.

The services currently provided by Council include the enforcement and administration of the Dog and Cat Management Act 1995 (the Act). It also includes significant support services in delivering these functions as well as the provision and maintenance of numerous council facilities provided for dog owners and for dog management. These include:

- Dog attack investigations;
- Dogs wandering at large;
- Dog noise and nuisance complaints;
- Dog leashing Bylaws;
- Information and educational material including participating in events such as micro-chipping day;
- After hours services; and
- Provision and maintenance of our dog friendly parks.

All revenue obtained through the collection of Dog Registration fees must be utilised in services for the administration of the Dog & Cat Management Act within the Council area.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

The current fees being recommended for dog registrations are set at a level that is reasonable to ensure we maintain the highest quality service standard to the residents of the City of Playford.

3. PUBLIC CONSULTATION

Although there is no policy requirement to consult with the community on this issue, Section 188(6) of the Local Government Act 1999 (LGA 1999) requires Council to "*keep a list of its fees and charges on public display during ordinary office hours at the principal office*". Also, under Section 188(7) of the LGA 1999, Council is required to "*take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected*".

To satisfy these provisions, the dog registration fees, once adopted, will be posted on the Playford website and will be available at all Customer Service counters.

4. DISCUSSION

4.1 As of 1st of July 2017 Councils were required to offer the following two mandatory registration fee categories:

- **Standard** - this refers to a dog that has been desexed *and* microchipped (as legislatively required for most Dogs).
- **Non-Standard** - this refers to a dog that is neither desexed nor microchipped (*nor* has any other non-mandatory discount applied to it).
- A “standard” registration attaches to it a mandatory legislated discount. However, the rate of the discount is left to councils to determine. Currently the City of Playford has a 50% discount offered for such registrations.
- A “non-standard” registration is a registration that has no discount associated with it. This type of fee exists as the maximum fee payable, currently set at \$65.

4.2 The elimination of a fee cap in 2018/19 as a result of amendments to the Dog and Cat Management Act has provided Council with the discretion to set their own maximum fee.

4.3 Further discounts can apply in addition to the ‘Standard Dog’ at the discretion of Council, such as for concession holders. It is proposed that the existing further 50% discount continues to be applied for recognised concession categories, bringing these fees to a 75% discount from the \$65 fee.

Recognised concessions include the following:

- Dept. of Veteran Affairs (DVA) “Gold” Card;
- Dept. of Veteran Affairs (DVA) “White” Card;
- Pensioner Card;
- Senior Health Card; and
- Health Care Card.

4.4 A part year rebate has been offered previously (50% rebate) for all new dogs registered in the Council area as from 1st of January until the end of the registration period. This rebate is recommended to continue as per current practice. It assists and encourages residents to register their dog for the balance of the registration period and ensures they will receive a renewal for the next period.

4.5 Due to the extremely low volume of registrations made in June along with the traditional closure of the registration period in the 3rd week of June, a fee free period for the month of June would remove the need to process financials in the next financial year for an extremely low volume of dog registrations. In addition offering a free registration period during this period assists staff in encouraging owners of non-registered dogs to commit to registering their dogs and ensure they receive a renewal in the next period. This strategy has been extremely beneficial for dog owners that have traditionally not registered their dogs.

4.6 Traditionally the City of Playford has not set a fee for operators of a business. Since the introduction of the Dogs and Cats Online (DACO) system, should a person wish to conduct a dog related business there is no current fee structure, and these owners are

not subject to paying a registration fee for their individual dogs. To keep in line with other Councils of similar size it is recommended that the City of Playford set a scaled business fee outlined as below.

Due to the fluctuating dog numbers that these residents may have at any one time, the fee structure has been set to a minimum number of dogs.

Number of 'business' dogs	Recommended Registration Fee
1	\$65.00
2	\$130.00
3	\$195.00
4	\$260.00
5-10	\$325.00
11-20	\$700.00
21-30	\$1350.00
31+	\$2000.00

5. OPTIONS

Recommendation

1. Council retains:

- the maximum registration fee of \$65.
- a 50% discount for dogs that fall under the category of "standard dog".
- Other Fees and rebates as per current schedule.

2. Council introduces:

- a business dog fee as outlined in the report; and
- a fee-free registration period for the month of June.

Option 2

That the current fees stay as they are with no changes.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

The recommended option will maintain the current maximum fee for dog registration. Council's current structure is set with a maximum fee of \$65.00. The City of Playford has been operating under the current maximum fee amount for the last 3 years. This option retains the current maximum registration fee with no increases, and retains the current 50% discount for concession holders, allowing all members of the community to register their dogs without undue financial burden.

This option also brings dog breeders (businesses) within the fee structure, ensuring that these businesses operate within the accepted practice of dogs being registered and aligns with other comparable sized Councils across South Australia.

The proposed fee structure under this option is included in the table below:

Registration type	Discount on full fee	17/18 registration fee	18/19 registration fee	19/20 registration fee
Non-standard (full) fee	0%	\$65.00	\$65.00	\$65.00
Standard fee	50%	\$32.50	\$32.50	\$32.50
Standard and trained	60%	\$26.00	\$26.00	\$26.00
Trained	10%	\$58.50	\$58.50	\$58.50
Recognised concession	50%	\$32.50	\$32.50	\$32.50
Standard with Concession	75%	\$16.00	\$16.00	\$16.00
Assistance dog	100%	N/A	N/A	N/A

*** Half (50%) of the applicable fee will apply to dogs registered from 1st January in any given year*

6.1.2 Financial Implications

The financial implications of this option provide for a small increase to anticipated income as it brings breeders into the registration system. It continues to encourage appropriate dog ownership practices through financial incentives for micro-shipped, de-sexed and trained animals. It also provides for concessions to enable everyone in the community to afford registration fees for pets.

The budget implications are within the recurrent budget considerations and pose no additional pressure on rates for 2019/2020.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

This option retains registration fees at current rates but allows a continued discrepancy for dog breeders (businesses) to have unregistered animals. It also does not allow the implementation of minor administrative changes as requested by the Dog and Cat Management Board.

6.2.2 Financial Implications

The financial implications of this option result in a small negative impact to anticipated income as it keeps breeders off of the registration system. However it continues to encourage appropriate dog ownership practices through financial incentives for micro-shipped, de-sexed and trained animals. It also provides for concessions to enable everyone in the community to afford registration fees for pets.

The budget implications can be managed within the recurrent budget considerations and pose no additional pressure on rates for 2019/2020.

5.4 VIRGINIA MAIN STREET - PROJECT COMMENCEMENT (BRIEFING)

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Ms Sara Hobbs

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

PURPOSE

The purpose of this report is to seek Council's support for the Virginia Main Street project by endorsing the commencement of the community engagement and supporting the undergrounding of power lines within the Main Street.

STAFF RECOMMENDATION

Council demonstrates its commitment to the delivery of the Virginia Main Street Upgrade by:

- Commencing community engagement to inform a refined concept plan.
- Supporting the formal application to the Power Lines Environment Committee (PLEC) for the undergrounding of the power lines in the Virginia Main Street.

If the application to PLEC is successful, acceptance of the funding will be subject to a future Council report.

Additional funding required to deliver future components of the streetscape upgrade will be subject to additional Council reports and Annual Business Planning processes.

EXECUTIVE SUMMARY

This report is seeking commitment to the delivery of the Virginia Main Street Upgrade by endorsing the commencement of the engagement with the community to inform the development of a refined concept plan. It also seeks support for the undergrounding of power lines.

Before engagement commences with the Virginia community, it is essential to understand what Council's commitment is to the implementation of the project in order to facilitate a meaningful engagement exercise.

1. BACKGROUND

Purpose of the Project

The Virginia Main Street Upgrade Project located on Old Port Wakefield Road is driven by a range of factors:

- Poor condition of the footpaths.
- Localised drainage issues.
- Residential growth that will drive the need for a well-functioning Town Centre.
- The creation of a supportive business environment.

The project was also identified as a high priority in the Virginia Blueprint Urban Design Framework, which was developed in collaboration with the community in 2010.

The project (in its entirety) will contribute to a number of community outcomes:

- Creation of an attractive Main Street to support:
 - local businesses and economic development.
 - community pride and development of a vibrant meeting place.
 - the enhancement of the Town character and identity.
- Development of quality and accessible open space at the Virginia Institute Park.
- Improved safety of the community.
- Improved infrastructure and connection to services for the community.

Community Engagement

Engagement with the community is an important part of this project in order to get residents and business owners excited about the upgrade and to ensure what is delivered meets local needs.

The first step of this project entails the development of a detailed concept plan in collaboration with the community. A consultant has been engaged and is ready to commence this work, with a tentative start date identified for early June 2019.

The engagement and communication activities will include mail outs, on-street pop up discussions, community workshops, stakeholder interviews and online engagement options. Once engagement activities have been confirmed a memo will be sent to Mayor and Councillors with the details prior to activities commencing.

Streetscape Works

In its 2018/19 Annual Business Plan, the City of Playford committed \$2.652M of expenditure to undertake streetscape works that consisted of a \$1.652 financial contribution from Council and a \$1M income from an external grant. This commitment was undertaken to allow staff to seek external grant funding in the knowledge that Council was able to provide a matching contribution (which funding bodies almost always require).

The \$2.652M was intended to cover detailed design, localised stormwater/drainage, new kerb and footpath, new lighting and removal of existing trees and planting of new trees. Other aspects of the upgrade such as landscaping, street furniture, wayfinding signage and public art will not be able to be undertaken within this budget.

Unfortunately, Council has not been successful in securing the \$1M from external sources to date (consisting of two unsuccessful submissions to the Federal Government's Building Better Regions Fund and one unsuccessful submission to the State Government's Places for People Fund). Council is still waiting on the outcome of another application to the Places for People Fund and will continue to pursue funding opportunities wherever they arise. The PLEC application is an additional grant funding opportunity that has also been pursued and is discussed in more detail below.

The upgrade of Institute Park will form a related but separate part of the project and will occur after the streetscape works.

Undergrounding of Power Lines

Undergrounding the power lines represents a key element of the project as it will reduce the visual 'clutter' along the street and improve accessibility for pedestrians along the footpaths.

To this end, Council submitted an Expression of Interest to the PLEC in 2018 and were subsequently invited to lodge a formal application in April.

Should Council's application be successful, it will need to fund one third of the cost of the undergrounding works. Council's contribution is expected to be between \$800,000 and \$1M (the total cost of the project is expected to be between \$2.4M to \$3M). A design process will be undertaken with SAPN and final costings confirmed if the application is successful.

2. RELEVANCE TO STRATEGIC PLAN

2: Smart Living Program

Outcome 2.1 Smart development and urban renewal

Outcome 2.2 Enhanced City presentation, community pride and reputation

Outcome 2.3 Liveable neighbourhoods

The Virginia Main Street Upgrade project will support the objectives of the Smart Living Program by improving the visual appearance and functionality of the Main Street precinct and contributing to improved liveability for the growing Virginia population.

3. PUBLIC CONSULTATION

Engagement with the community is an important part of this project. In line with Council's Public Consultation Policy, a higher level of community engagement will be conducted due to the importance of the project and impact on the community.

4. DISCUSSION

- 4.1** This report seeks commitment to the delivery of the Virginia Main Street Upgrade by endorsing the commencement of the community engagement and providing support for Council's application to underground the power lines.
- 4.2** The engagement with the Virginia community is tentatively scheduled to start in June 2019. Consultants have been engaged to undertake this process and the feedback received from the community will inform a refined concept plan for the Main Street and Institute Park.
- 4.3** Council's commitment to the project will provide a level of assurance to the community and facilitate a positive and meaningful community engagement exercise, with the knowledge that Council is serious about undertaking the upgrade.
- 4.4** If an upgrade of the main street was not undertaken, Council would still need to undertake some basic infrastructure improvements to address the poor condition of the footpaths and localised drainage issues. However, without being able to address fundamental problems in the street, such as removing/relocating the trees which are unsuitable for their location and inhibit footpath access, the street's function would still be sub-optimal.
- 4.5** Final costs of works will be subject to the outcomes of the community engagement, concept planning and detailed design stages and may be reduced if external grant funding can be secured.

- 4.6** This report also seeks support for Council's application to PLEC for the undergrounding of power lines. A financial contribution from Council up to \$1M will be required, should the application be successful (the final amount will only be known following detailed design and costing). Council's contribution represents one-third of the total cost of these works, which is a favourable cost-share outcome for Council.
- 4.7** The undergrounding of power lines will be a significant improvement to the Virginia Main Street in terms of freeing up the footpath space for pedestrian movements and alleviating the existing 'cluttered' look. A streetscape upgrade can still proceed if the undergrounding does not occur but the overhead power lines will prevent the possibility of relocating the existing street trees as crane access will be prohibited.
- 4.8** The undergrounding of power lines will be undertaken by SAPN and will require part of the road to be dug up as well as segments of the footpath. It is considered to be more efficient and less disruptive for Main Street users if Council can immediately follow with its own streetscape works.

5. OPTIONS

Recommendation

Council demonstrates its commitment to the delivery of the Virginia Main Street Upgrade by:

- Commencing community engagement to inform a refined concept plan.
- Supporting the formal application to the Power Lines Environment Committee (PLEC) for the undergrounding of the power lines in the Virginia Main Street.

If the application to PLEC is successful, acceptance of the funding will be subject to a future Council report.

Additional funding required to deliver future components of the streetscape upgrade will be subject to additional Council reports and Annual Business Planning processes.

Option 2

Council demonstrates its commitment to the delivery of the Virginia Main Street Upgrade by commencing community engagement to inform a refined concept plan.

Additional funding required to deliver future components of the streetscape upgrade will be subject to additional Council reports and Annual Business Planning processes.

6. ANALYSIS OF OPTIONS Brief Analysis of each option

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

The recommendation provides the most favourable Council position that will help progress the project and will facilitate meaningful community engagement.

6.1.2 Financial Implications

The community engagement is already funded through operating funds so has no additional financial impact on Council.

Council's one-third financial contribution to the undergrounding of power lines forms part of the Annual Business Plan for the 2019/20 financial year. As the infrastructure is not owned by Council there are no ongoing operational costs associated with these works. A paper will be presented to Council to seek formal approval to fund the Council contribution if the application is successful.

Council funding for the streetscape works is expected to form part of the 2020/21 Annual Business Planning process, noting Council is not formally committing to these funds at this time. These funds will be additional to the \$1.652M already committed in the 2018/19 budget. Final costs will be subject to community engagement, concept planning, detailed design and success in receiving additional grant funding.

The table below provides a summary of the financial implications over future years, based on the current concept design and undergrounding of the powerlines. Future stages of the project will need to be funded through the Annual Business Plan. The numbers have been prepared following the development of an independent cost estimate, however the project is still in concept phase and the costs will be refined following community consultation, and in preparation for future submission to the Annual Business Plans process.

	Current Year 2018/19 \$'000	Future Years 2019/20 \$'000	Future Years 2020/21 \$'000	Future Years 2021/22 \$'000	Ongoing \$',000
Operating Revenue	Nil	Nil	Nil	Nil	Nil
Operating Expenditure	\$15 Community Engagement	\$25 Community Engagement \$800-\$1,000 PLEC	Nil	Nil	Nil
Net Operating Impact	\$15	\$825-\$1,025			Nil
Capital – Investing Revenue	Subject to grant application(s) outcomes	Subject to grant application(s) outcomes	Subject to grant application(s) outcomes	Subject to grant application(s) outcomes	Nil
Capital Expenditure	\$1,652 Streetscape works	Nil	\$3,106 Estimated additional funds required to deliver full concept	\$1,238 Virginia Institute Park Upgrade construction	\$534
Total Borrowings (Capital Investment)	\$1,652	Nil	\$3,106	\$1,238	\$534

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

This option means that community engagement with the Virginia community will be undertaken without the assurance that Council is committed to undertaking the undergrounding of the power lines.

If Council does not wish to proceed with the undergrounding or if our application to PLEC is unsuccessful, the streetscape upgrade can still be undertaken although the overall impact will be less significant and the overhead power lines will prevent the possibility of relocating the existing street trees. It would also represent a lost opportunity for a favourable cost-share arrangement whereby Council only has to contribute to one third of the total cost.

6.2.2 Financial Implications

The community engagement is already funded through operational funds so has no additional financial impact on Council.

There are no other financial impacts associated with this option.

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL

***Matters which can be delegated
to a Committee or Staff but the
Council has decided not to
delegate them.***

5.5 COMMUNITY DEVELOPMENT AND EVENT GRANT - 2018/19 ROUND 2

Responsible Executive Manager : Mr Andrew Nesbitt

Report Author : Ms Amy Matthews

Delegated Authority : Matters which can be delegated to a Committee or Staff but the Council has decided not to delegate them.

Attachments : 1 [Community Development Grants Policy](#)

PURPOSE

This report is to provide a summary of the applications for the most recent round of 2018/19 Community Development and Event Grants, and to seek the approval of grants to community organisations.

STAFF RECOMMENDATION

Community Development and Event Grant applications receive funding as follows:

Applicant	Amount Requested	Amount Recommended
Eligible:		
Arts North Elizabeth Art Society Inc.	\$2,000	\$3,000
Chinese Music and Arts Inc.	\$5,000	\$5,000
I Am Worth More	\$5,000	\$5,000
KIDS Foundation (Burns Survivors' Network)	\$2,500	\$2,500
Reclink Australia	\$5,000	\$2,750
South Australian Aboriginal Junior Football Carnival	\$5,000	\$5,000
United Way SA	\$5,000	\$2,000
Ineligible:		
Miracle Babies Foundation	\$4,900	Nil
Playford Aquatic Club Inc.	\$2,000	Nil
The Association of the Burundian Community of South Australia	\$3,500	Nil
	\$39,900	\$25,250

EXECUTIVE SUMMARY

In accordance with the current Community Development Grant Policy and the Community Development and Event Grant guidelines, staff conducted the 2nd round grant process for 2018/19 between January and March 2019.

Applicants were afforded an opportunity to familiarise themselves with the eligibility criteria and grant application process by attending a public information session (conducted on 4th February 2019) and were invited to contact the Grants Officer at any time while the round was open. The Grants Officer was contacted by a number of organisations and provided assistance to a number of groups.

All unsuccessful applicants from last round were contacted by the Grants Officer and were provided with feedback on their application. One of the applicants from the last round has reapplied.

At the closing of the grant round a number of applicants required assistance as their applications were incomplete or they had not submitted previous acquittals. The Grants Officer contacted all applicants. This ensured that all applications were able to be considered. One application was submitted and remains incomplete despite numerous communications from the Grants Officer.

Of the ten applications received, three applications were deemed ineligible as outlined in the body of this report. Feedback will be provided to the applicants when advising of the outcome of their application. The availability of the Grants Officer to answer questions and provide guidance during the application process will also be reiterated in the feedback. These measures may assist to minimise the chance of this organisation submitting a future ineligible application.

1. BACKGROUND

The aims of the Community Development and Event Grant program is to encourage and develop local community projects and to assist a range of community groups to participate and make a positive contribution to community and cultural life in the City of Playford. The Community Development and Event Grant program has a number of specific eligibility criteria against which applications are assessed. **See Attachment 1.**

A total of 10 applications for funding were received for the current round of 2018/19 Community Development and Event Grants.

In accordance with the current guidelines, all of the applications were assessed by a panel of staff consisting of:

- Manager, Community Development;
- Manager, Events, Arts and Culture;
- Community Grants and Administration Officer;
- Sport and Recreation Coordinator; and
- Financial Accountant.

There is a total of \$57,000 allocated to this grant category for this financial year and \$32,703.80 to this round. The total amount of funding sought and recommended for approval in this round is detailed in this report.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

Outcome 1.2 Improved service delivery

Outcome 1.3 Working smarter with our community

Outcome 1.4 Enhanced City presentation, community pride and reputation

Although this report links to Council's Smart Service Delivery Program, this specific decision will have no significant impact on its progress.

3. PUBLIC CONSULTATION

There is no requirement to consult the community on this matter.

4. DISCUSSION

4.1 Eligible Grant Applications

Arts North Elizabeth Art Society Inc. – Community Art Workshop

Funding Requested: \$2,000

Recommended Funding: \$3,000

Arts North Elizabeth Art Society Inc. aims to promote involvement of the wider community in visual art through creative workshops and art programmes.

Arts North Elizabeth Art Society Inc. will provide a series of Community Art Workshops for community members ranging in skill from beginners to intermediate. There are eight workshops to be held over 11 months and will provide a secure environment for participants to socialise, build on their skill set and learn new skills. The workshops will also present an opportunity for the organisations membership base to increase.

Initial funding was requested for the artist fees involved in running the workshops. Administration has recommended an increase to their request following a review of their business case and other elements in their plan that are also eligible for funding (including venue hire and art supplies).

Project outcomes:

- Broaden social networks, break down social exclusion by forming relationships that will continue outside of the club environment.
- Opportunity for community members to partake in their creative pursuits.
- Increase self-esteem and acquire a sense of pride and achievement.
- New membership for the organisation.

Chinese Music and Arts Inc. – Arts & Music Without Barriers

Funding Requested: \$5,000

Recommended Funding: \$5,000

Chinese Music and Arts Inc. aims to benefit the community through arts and music - in a bid to promote multiculturalism and inclusion of all cultures and backgrounds. They aim to deliver and reach out to the local community through programs and performances.

Arts and Music Without Barriers will deliver weekly art and music sessions from City of Playford public libraries. The program seeks to connect with the local community where there is a growing demand for diverse resources to engage with the growing multicultural, diverse socio-economic communities.

Funding is sought for program facilitator costs and program resources.

Project outcomes:

- Increased engagement with the local community (especially multicultural families).
- Support early literacy through arts and music.
- Develop an understanding of multiculturalism.

I am Worthmore – Opening the Conversation (I am Worthmore and Swanee in collaboration with the Playford Suicide Prevention Network)

Funding Requested: \$5,000

Recommended Funding: \$5,000

I Am Worthmore's mission is to create a mentally healthy community through their lived experience of mental health education and awareness programs. They aim to reach as many people across the country including no less than 150 presentations during 2019. I Am Worthmore also aims to encourage people to share their own experiences, via presentations and their online community.

I am Worthmore in collaboration with the Playford Suicide Prevention Network propose staging two community events at the Shedley Theatre.

The events will feature the core I am Worthmore presentation delivered by founder Luke Mclean. In addition to the presentation there will be a 'Q and A' with ambassador John 'Swanee' Swan, who is very open about his experience with addiction and anxiety and importantly how he has overcome his mental health issues.

Funding is sought for subsidising venue hire, wireless microphone, marketing, facilitators, ambassador travel (from Sydney) and Gratitude journals for each attendee.

Project outcomes:

- Create a mentally healthy community.
- Presentations encourage the concept of people opening up about their own mental health and that of those around them.

KIDS Foundation (Burns Survivors' Network) – Art Inspired Workshops

Funding Requested: \$2,500

Recommended Funding: \$2,500

The Burn Survivors' Network South Australia (BSN) is a support program under the auspices of The KIDS Foundation. They aim to provide services and programs to assist burns survivors and their families to develop a quality of life beyond survival: to THRIVE. BSN offers lifetime support, friendship, hope, understanding and emotional adjustment by means of sharing strength and information. BSN programs include camps, education, communication and support networks.

BSN will run four free art workshops for children aged 8 - 13yrs who have experienced a serious burn injury and their siblings. Two workshops will be held in the July school holidays and two workshops in the September/October school holidays.

Each workshop will be 'stand-alone' so that children can attend all four workshops and create four different art pieces to take home. Children will be encouraged to collaborate with each other on their individual pieces to help facilitate forming supportive relationships.

Each workshop will have them create a personal artistic piece to take home. Workshops will be facilitated by a qualified primary teacher who specialises in art, is an artist herself and has worked in creative art teaching spaces such as 'Little Picassos' as well as numerous primary schools.

Funding is sought for art supplies, venue hire and refreshments.

Workshop outcomes:

- Inaugural support program offered to children who are burn injury survivors and their siblings.
- Provide participants with a feeling of empowerment, support and enhanced feelings of belonging and self-worth.
- Increase social interactions, community connections and school attendance.
- Ongoing support and linking participants to Camp Tango SA in November 2019.

Reclink Australia – New Horizons in the North

Funding Requested: \$5,000

Recommended Funding: \$2,750

Reclink is a national not-for-profit community organisation whose charter is rebuilding lives through recreational sport and the arts. Their target group is disadvantaged young people children and families and is available to people who are eligible or not eligible for NDIS.

In 2019-20 Reclink aims to value add to existing programs and increase numbers which are currently capped due to budget shortfall. The project is primarily active sports and recreation but aim to build a stronger passive recreation program that has a social base and is geared to discrete needs of vulnerable people. The active components include swimming, gym, drumming, golf, lawn bowls, ten pin bowling, putt-putt and one off or seasonal activities.

Reclink will add learning to swim to the swimming program and a come and try snorkelling/scuba diving activity based at the Aquadome. All programs have Reclink or agency staff and/or volunteer support. A drumming program has been trialled for at risk young people based at Northern Sound System and funding will allow the program to grow.

Funding is sought for subsidising venue and equipment hire, contractors, client transport/food/drinks and sundry program expenses.

The applicant also requested funding for activities including staff time, transport, insurance, administration and volunteer expenses. The guidelines state that funding will not be provided for '*Organisational operational costs such as utility bills, rent, or ongoing salary costs. Grants are not intended to supplement the day to day operations of a group or facility such as consumables or facility maintenance*', as such these items are not eligible for funding and have been deducted from the recommended funding amount.

Project outcomes:

- Provide residents access to mainstream sports and recreation.
- Improve general health and fitness.
- Reduce anxiety and depression, alleviate boredom due to lack of resources.
- Create new friendship and support networks build self-confidence and self-esteem.
- Provide volunteering opportunities.
- Learn new social and sporting skills.
- Connect local communities and provide pathways out of welfare dependence through sport and recreation, and support overall well-being and motivation towards future training education and employment.

South Australian Aboriginal Junior Football Carnival

Funding Requested: \$5,000

Recommended Funding: \$5,000

South Australian Aboriginal Junior Football Carnival (SAAJFC) aims to increase Aboriginal and Torres Strait Islander participation in junior sports. Be active, stay healthy and promote positive lifestyles. SAAJFC brings communities together with positive community events targeted to the Aboriginal Torres Strait Islander people of South Australia and increases sporting development and opportunities.

The SAAJFC is an annual event for Aboriginal and Torres Strait children between 8-19 years of age to participate in AFL in age group competitions. This includes a female competition and an older female exhibition match. The event also offers crafts, games and activities for younger children and an Elder luncheon for the Aboriginal Torres Strait Islander Elders of the community.

Funding is sought for oval hire and umpire costs.

Project outcomes:

- Achieve greater Aboriginal and Torres Strait Islander participation in sports.
- Target young ages to increase development and opportunities.
- Achieve more positive community events for Aboriginal Torres Strait Islander peoples.
- Provide support for children in learning positive healthy lifestyles.

United Way SA – Children’s Week Community Day

Funding Requested: \$5,000

Recommended Funding: \$2,000

United Way SA (UWSA) aims to help build children’s potential. Their mission is to coordinate the caring power of South Australians to improve the community’s and individual’s lives in measurable and lasting ways. This is achieved by engaging people and organisations that bring the passion, expertise and resources needed to get things done. Their focus is on children, youth and the building blocks for a bright future.

Children’s Week Community Day will promote United Way SA’s activities that support the building of early years’ literacy so that children are school ready. The activities include a literacy program ‘*United We Read*’ for children from birth to five years living in areas of disadvantage as identified by the Australian Early Development Census. After registration, eligible children receive a monthly delivery of a literacy pack to their homes. UWSA also have a broad messaging campaign that supports caregivers to Read Aloud to Every Child Every Day, which is communicated by providing free community literacy based events within the community.

Funding is sought to subsidise sound equipment, generator hire, wristbands, books and marketing.

As this application is a one-off community event application, the applicant is eligible for a maximum of \$2,000 calculated on their predicted attendance numbers.

Project outcomes:

- Engage with parents in local community, provide knowledge, develop understanding and identify importance of early literacy as an important building block for children.
- Provide parents/carers with appropriate skills to read to their children.
- Enhance brand awareness.

- Achieve funds through merchandising and community event attendance.
- Promote organisational brand awareness through advocating United Way SA and United We Read.
- Enhance volunteer engagement and achieve determined KPI's.

4.2 Ineligible Grant Applications

Miracle Babies Foundation – NICU Survival Packs for Lyell McEwin Hospital Special Care Nursery

Funding Requested: \$5,000

Recommended Funding: Nil

Miracle Babies Foundation is a national organisation supporting premature and sick new-borns, their families and the hospitals that care for them. They provide families and health professions access to programs, services, resources and consumers to support, educate and empower families in caring for their premature or sick new-born.

The NICU survival packs are designed in consultation the healthcare professionals, hospital staff and families to support families' wellbeing through the NICU/SCN journey.

Reason for ineligibility:

The project does not fit within the indented scope of the Community Development and Event Grant guidelines or Community Development Grants Policy. The guidelines state that the proposed activity will benefit the local community. Whilst the location of the activity is within the City of Playford Council boundary, the Lyell McEwin hospital provides services to South Australia and beyond, which is not restricted to the local community. Funding is intended to deliver significant local community benefit and this project is not able to be exclusive to the Playford community.

In addition, whilst the guidelines state '*Encourage and support Arts, Cultural Development, physical activity, health and wellbeing*' the intention is not to provide health services but rather to build the communities capability to support health and wellbeing in a broader sense.

Playford Aquatic Club – Playford Meet 1

Funding Requested: \$2,000

Recommended Funding: Nil

Playford Aquatic Club is a competitive swimming club that trains year round at the Aquadome, Elizabeth. It provides a pathway for swimmers to transition from basic swim school to continue the sport of competitive swimming and participate in competitions and carnivals at local, state and national levels.

Playford Aquatic Club hosts two national qualifying swim competitions at the Aquadome, Elizabeth. Playford Meet 1 is the first of the annual swimming competitions.

Reason for ineligibility:

Community Development Grant policy states that funding is available every second year in any category i.e. if an organisation received funding in Round 1 of 2016 they will be eligible for funding in Round 1 of 2018. Council may decide in exceptional circumstances to fund the same project, activity or event over 2 consecutive years if after the first year an acquittal has been returned and that the original application was for a new, pilot program, activity or event and requires additional funding to make it sustainable into the future. Applicants must contact Council before submitting an application in the subsequent year.

Playford Aquatic Club received a Community Event Grant in Round 1 2017 for their annual Playford Meet. This is the same event for the current application. Playford Aquatic Club will be eligible to apply for funding in Round 2 opening in July 2019.

The Association of the Burundian Community of South Australia – Showcasing Burundian Independence Day, Reign Peace Event

Funding Requested: \$3,500

Recommended Funding: Nil

The Association of the Burundian Community of South Australia provides culturally appropriate support and services targeted to migrant communities from Africa. They aim to provide support and services to help African people integrate into the wider Australian community.

The annual event is a celebration of Burundian Independence Day and will showcase the Burundian community and incorporate other African communities.

Reason for ineligibility:

The applicant submitted an incomplete application form. The applicant was contacted multiple times and requested to submit a completed application including a copy of the most recent audited or certified financial statement, or a copy of the minutes of the last AGM with a copy of the Treasurer's Report. The application is incomplete and is deemed ineligible for funding.

Feedback will be provided to the applicant when advising the outcome of their application.

5. OPTIONS

Recommendation

Community Development and Event Grant applications receive funding as follows:

Applicant	Amount Requested	Amount Recommended
Eligible:		
Arts North Elizabeth Art Society Inc.	\$2,000	\$3,000
Chinese Music and Arts Inc.	\$5,000	\$5,000
I Am Worth More	\$5,000	\$5,000
KIDS Foundation (Burns Survivors' Network)	\$2,500	\$2,500
Reclink Australia	\$5,000	\$2,750
South Australian Aboriginal Junior Football Carnival	\$5,000	\$5,000
United Way SA	\$5,000	\$2,000
Ineligible:		
Miracle Babies Foundation	\$4,900	Nil
Playford Aquatic Club Inc.	\$2,000	Nil
The Association of the Burundian Community of South Australia	\$3,500	Nil
	\$39,900	\$25,250

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

The analysis of the recommendation occurs in the body of the report.

The recommendation sits within the Community Development Grant policy and guidelines and any changes would see the policy and guidelines applied in an inconsistent and possibly contradictory fashion.

Applications have been individually assessed by a panel of staff and recommendations made after thorough assessment and analysis against current criteria and guidelines. Where relevant, the expertise of other staff has also been sought.

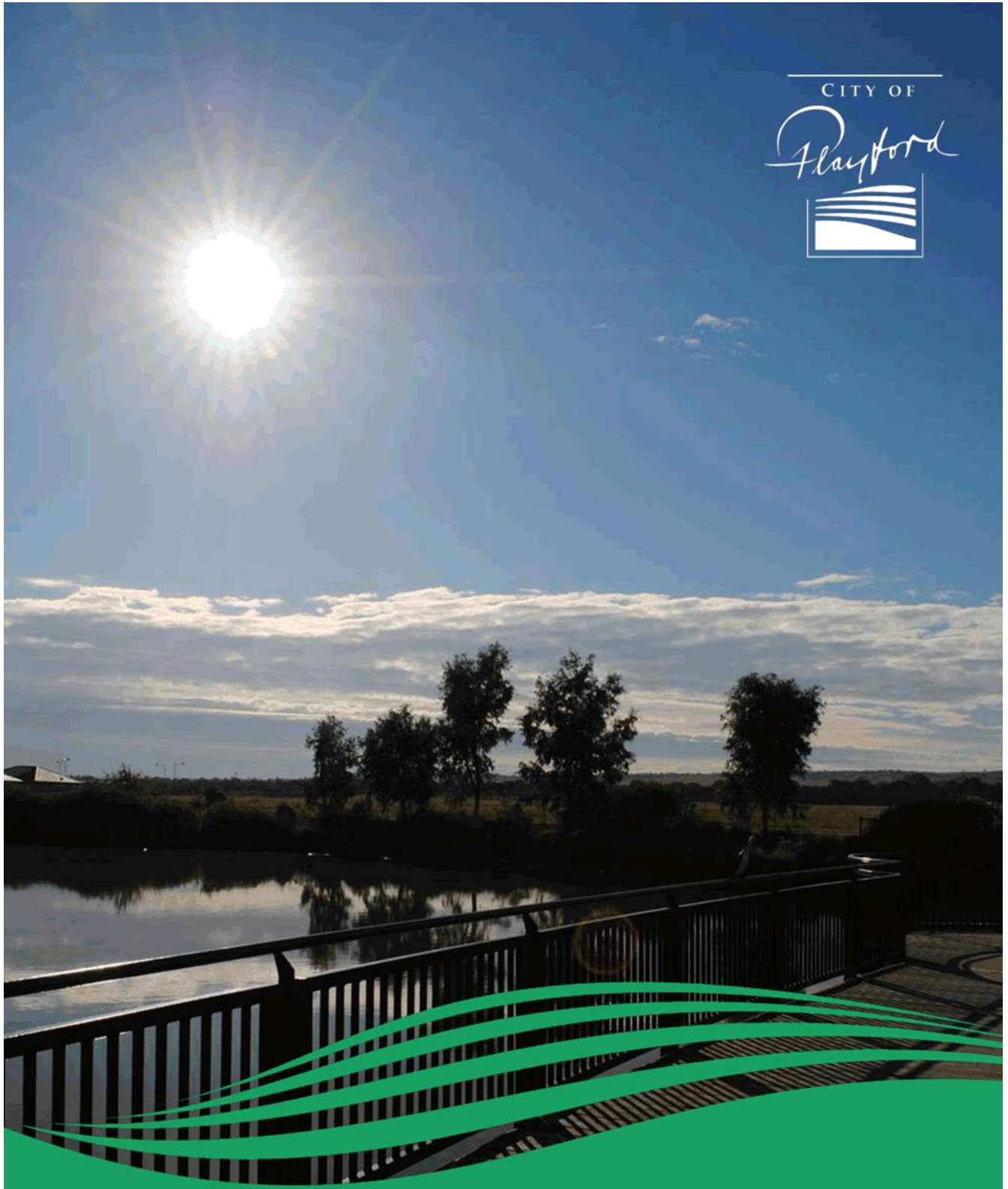
6.1.2 Financial Implications

There are no financial or resource implications as the the total amount of funding recommended will be resourced within the current budget.

With \$32,703.80 of funding available in round 2 and with \$25,250 recommended for funding for this round, there will be an annual budget underspend in the Community Development and Event Grants budget of \$7,454.30. As there are only 2 grant rounds in this category per year, this will remain unspent in the 2018-19 financial year.

Total Funding Requested	Total Funding Recommended	2018/19 Round 2 Budget Allocation	Budget (Deficit)/Surplus
\$39,900	\$25,250	\$32,703.80	\$7,454.80

In light of the underspend and with increased pressure on other grant categories a review is being undertaken to ensure that the community grants policy reflects the changing needs of our community and is flexible enough to respond. Recommendations will be presented to Council in May '19 in preparation for the opening of the next grant round shortly after.



COMMUNITY DEVELOPMENT GRANTS

playford.sa.gov.au



Community Development Grants

This policy is set by Council for use by the community and council administration

ECM Document Set No.: 3024459

Version No.: 1

Date of Current Version 17 April 2018

Responsible Team Community Development

Other Key Internal Stakeholders Marketing, Sports & Recreation

Initial Date of Adoption 17 April 2018

Last Reviewed N/A

Authorised By Ordinary Council

Resolution No.: 3132

Legal Requirement No

Date of Next Review 2020

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1. Purpose

A policy to outline the assessment and approval tools used to assess applications for the City of Playford Community Development grants program.

2. Scope

Applicants can apply for funding from one of the following categories using the relevant application form:

- Community Development and Event Grant (minimum \$500; maximum \$5,000)
- Equipment Grant (maximum \$1,000)
- Grassroots Community Project Grant (maximum \$2,500)
- Outstanding Achievement Grant (maximum \$400)
- Club Participation Sponsorship Grant (maximum \$200)

All amounts are exclusive of GST.

3. Legislation and References

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

- Local Government Act 1999 – Section 137 states that subject to this or another Act, a Council may expend its funds as the Council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts.
- Local Government Act 1999 – Section 7 subsections c and h state that the functions of a council include:
 - To provide for the welfare, wellbeing and interests of individuals and groups within its community
 - To establish or support organisations or programs that benefit people in its area or local government generally

Other References:

- Council's Strategic Plan

4. Definitions

Councillor is a person appointed or elected by the electors of a particular ward, as a representative of the ward in the City of Playford.

Employee is a person employed by the Organisation on an ongoing or fixed term full time, part time and/or long-term casual basis

Mayor is the person elected as the Principal Member of the Council to represent the local government area as a whole.

Organisation is the local government entity known as City of Playford.

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5. Policy

City of Playford Community Development Grants Program offers financial support to non-profit community organisations, groups and associations for projects, events, exhibitions and/or performances which contribute to the City as a vibrant and stimulating place for people to live, work or visit. Grants are also offered to individuals who are residents of the City of Playford who have made an outstanding achievement in their chosen field of endeavour and young people who find cost a barrier to participating in club or organised sport to encourage sport and social recreation.

Within the Community Development Grants program, *Community Development and Event* grants offer financial support to non-profit community organisations, local groups and associations for proposals which:

- Activate community spaces
- Deliver innovative, creative or new opportunities for the Playford community to become involved in their local community
- Encourage and support Arts, Cultural Development, physical activity, health and wellbeing
- Demonstrate collaboration between organisations and the local community and maximise community benefit
- Develop and initiate locally based events, exhibitions and/or performances open to the whole community, which make a positive contribution to community and cultural life in the City of Playford

Grassroots Community Project grants are available to community or grassroots organisations, residents or neighbourhood groups and associations to undertake innovative placemaking or, community development or wellbeing and connectedness activities that meet strong community need.

Equipment Funding grants are available to community organisations, groups and associations to build upon and support current projects, programs and activities.

Outstanding Achievement grants offers financial support to assist residents to achieve their goals in national or international academic, sporting and cultural competitions and national and international leadership and personal development opportunities.

Club Participation Sponsorship grants are available to assist young people up to the age of 17 years to receive a one-off discount on the direct costs associated with joining a City of Playford club (eg membership fees, registration fees, uniforms and/or equipment etc). The purpose of this program is to reduce the cost of initial joining fees of clubs to young people who find cost a barrier to participation.

Community Development and Event, Grassroots Community Project and Equipment grants must be a not for profit community group or organisation and legally constituted or can demonstrate that they are auspiced by an legally constituted organisation such as an incorporated organisation who will agree to take legal and financial responsibility for any Grant monies received from the City of Playford. City of Playford may at its discretion provide direct support to suppliers or equivalent for grassroots community projects in order to assist in the facilitation of local projects.

Community Development and Event grants, *Grassroots Community Project* and *Equipment* grants offer financial support to non-profit community organisations, local groups and incorporated associations. Groups can consist of as little as 2 people to larger, non-profit organisations and must involve the local community, including residents, shops, businesses etc.

All applications will be assessed against the eligibility criteria detailed in the guidelines for each grant category as published on the City of Playford website.

Applications will be viewed as incomplete and will be ineligible for funding if applicants fail to submit all relevant information as detailed in the guidelines.

The provision of Community Development Grant funding remains at the absolute discretion of the City of Playford.

Community Development and Event grant applications will be assessed by a Grant Panel of staff and approved via a Council report.

Grassroots Community Project grant applications will be assessed and approved by the City of Playford's General Manager City Services. The application shall detail how the proposed project or proposal meets strong community need.

Equipment grant applications, *Outstanding Achievement* grant applications and *Club Participation Sponsorship* grant applications will be assessed and approved by the City of Playford's Grants Officer and Manager Community Development.

City of Playford is to be formally acknowledged as a sponsor on all publicity and promotional material. Successfully funded organisations will be provided with a copy of the logo and a style guide to ensure appropriate application.

Grant Categories

Community Development and Event Grant (Minimum \$500; Maximum \$5,000)

- Applications up to the value of \$5,000 can be submitted; however City of Playford will endeavour to support as many proposals as possible. Applications must be for a minimum of \$500. Funding provided to applicants for one-off community events will be calculated on predicted attendance numbers as follows:
 - 0 – 200: \$500 (maximum)
 - 201 – 1,000: \$1,000 (maximum)
 - Over 1,001: \$2,000 (maximum)
- Groups can consist of as little as two people to larger, non-profit organisations and must involve the local community (eg residents, community groups and organisations, shops, businesses etc)
- Applications can be submitted throughout the year but will be assessed twice a year during the assessment round process;
 - Round 1 will formally open in July and is assessed by Council at the October Services and Council meetings or a meeting prior to caretaker period (in Council election years)
 - Round 2 will formally open in January for 6 weeks and is assessed by Council at the April Services and Council meetings
- Applications must be submitted using the application form published by the City of Playford on its website or by such other means as detailed in the guidelines published on the website

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- Funding is available every second year in any category i.e. if an organisation received funding in Round 1 of 2016 they will be eligible for funding in Round 1 of 2018. Council may decide in exceptional circumstances to fund the same project, activity or event over 2 consecutive years if after the first year an acquittal has been returned and that the original application was for a new, pilot program, activity or event and requires additional funding to make it sustainable into the future. Applicants must contact Council before submitting an application in the subsequent year
- Projects or initiatives provided funding under the *Community Development and Event* grants must be completed and funding acquitted within 12 months. Any funding that has not been acquitted within the allocated timeframe will make that group or organisation ineligible for any future funding in any grant category

Grassroots Community Project Grant (maximum \$2,500)

- This grant category is open all year and is assessed by General Manager City Services within 6 weeks of the application form being received by the City of Playford
- Applications up to the value of \$2,500 can be submitted; however City of Playford will endeavour to support as many proposals as possible
- Groups can consist of as little as two people to larger, non-profit organisations and must involve the local community (eg residents, community groups and organisations, shops, businesses etc)
- Funding is available every second year in any category i.e. if an organisation received funding in Round 1 of 2016 they will be eligible for funding in Round 1 of 2018
- Projects or initiatives provided funding under the *Grassroots Community Project* grants must be completed and funding acquitted within 12 months. Any funding that has not been acquitted within the allocated timeframe will make that group or organisation ineligible for any future funding in any grant category
- City of Playford may at its discretion provide direct support to suppliers or equivalent for grassroots community projects in order to assist in the facilitation of local projects

Equipment Grant (maximum \$1,000)

- Applications up to the value of \$1,000 can be submitted; however City of Playford will endeavour to support as many proposals as possible
- The aim of these grant is to provide support for the purchase of equipment and to build and support current projects, programs and activities
- Funding is available every second year in any category i.e. if an organisation received funding in Round 1 of 2016 they will be eligible for funding in Round 1 of 2018
- This grant category is open all year and is assessed by the Grants Officer and Manager Community Development within 4 weeks of the application form being received by the City of Playford
- Projects or initiatives provided funding under the *Equipment* grants must be completed and funding acquitted within 6 months. Any funding that has not been acquitted within the allocated timeframe will make that group or organisation ineligible for any future funding in any grant category

Outstanding Achievement Grant (maximum \$400)

- There are 2 streams of grants available to individuals who are residents of the City of Playford within the Outstanding Achievement category:
 - Competition grants are provided to individual applicants representing the State or Country in academic, sporting and artistic or cultural competitions such as spelling, English, writing, mathematics, science singing, art and sports including football, netball, baseball, hockey, bowling, dancing, , gymnastics etc There is no age limit.
 - Leadership and personal development grants are provided to individual applicants who have been selected to develop their leadership/personal development skills

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such as youth parliament, debating teams, club leadership, scout leadership etc.
There is no age limit.

- Grant category is open all year and assessed by the Grants Officer and Manager Community Development within 4 weeks of the application form being received by the City of Playford

Club Participation Sponsorship Grant (maximum \$200)

- One-off payment of up to \$200 per individual for initial costs of joining a City of Playford club. These costs may include membership fees, registration fees, uniforms and/or mandatory equipment
- Clubs include but are not limited to sporting clubs, cheerleading and dance clubs, scouts etc
- Grant category is open all year and assessed by the Grants Officer and Manager Community Development within 4 weeks of the application form being received by the City of Playford

Caretaker Period

Council will not approve any Community Development grants requiring Council assessment during this period.

6. Responsibilities

Community Development team will be responsible for implementing the policy.

7. Relevance to Strategic Plan

1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

Outcome 1.2 Improved service delivery

Outcome 1.3 Working smarter with our community

Outcome 1.4 Enhanced City presentation, community pride and reputation

8. Accessibility

This policy and supporting documentation can be found on ECM and the City of Playford website.

9. Feedback

We invite your feedback on this policy which can be directed to Manager Community Development at playford@playford.sa.gov.au

10. Approval and Change History

Version	Approval Date	Approval by	Change
1	17 April 2018	Ordinary Council	New Policy

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INFORMAL DISCUSSION

6.1 Planning Development and Infrastructure Act Update

Why is this matter before the Council or Committee?

The Planning Development and Infrastructure Act 2016 is being progressively rolled out by the State Government. 2019 has seen the release of significant amounts of information which provide insight into the impacts that Act will have on Council. A presentation will assist in informing Committee members regarding the development process and highlight a couple of areas staff have concerns regarding.

Presenter: Mr Derek Langman

Purpose: To update Committee Members on the Planning Development and Infrastructure Act 2016 rollout.

Duration: 30 Minutes

COMMITTEE WORKPLAN

8.1 Services Committee Work Plan**Attachments :** 1 [↓](#). Work Plan**Presenter:** Mr Andrew Nesbitt**Purpose:** To provide notice of upcoming reports.**Duration:** 5 Minutes

City of Playford Services Committee WORK PLAN

Note: This Work Plan is subject to change.

Meeting Date	Topic	Report Type
21 May 2019	Building Upgrade Finance	Decision Report
	Council Member Recognition Policy and Guidelines	Decision Report
	NAWMA Board Representation	Decision Report
	Community Development Grants Program Update	Decision Report
	2018/19 Quarterly Organisational Performance Report - Quarter 2	Information Report
18 June 2019	Hortex License Agreement	Decision Report
	NAWMA Budget and Service Agreement for 2019/20	Decision Report
	Budget Presentation	Informal Discussion
16 June 2019	Nil	