



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**

MEMBERS MAY PARTICIPATE BY ELECTRONIC MEANS

ON

TUESDAY, 21 JULY 2020 AT 7:00PM

THIS MEETING WILL ALSO BE VIEWABLE AT
<https://www.youtube.com/user/CityOfPlayford>

**SAM GREEN
CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 16 July 2020

MEMBERSHIP

PRESIDING MEMBER – CR ANDREW CRAIG

Mayor Glenn Docherty	Cr Akram Arifi	Cr Marilyn Baker
Cr Stephen Coppins	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
Services Committee Meeting**

AGENDA
TUESDAY, 21 JULY 2020 AT 7:00PM

1 ATTENDANCE RECORD

1.1 Present

1.2 Apologies

Cr Dennis Ryan

1.3 Not Present

2 CONFIRMATION OF MINUTES

RECOMMENDATION

The Minutes of the Services Committee Meeting held 16 June 2020 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 Delegations (Attachments)5

Matters for Information.

5.2 ICAC Implementation Program - July 2020 (Attachment)90

6 INFORMAL DISCUSSION

Nil

7 INFORMAL ACTIONS

8 CONFIDENTIAL MATTERS

8.1 Repurposing Assets100

9 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 DELEGATIONS

Responsible Executive Manager : Ms Grace Pelle

Report Author : Mr Aaron Galanti

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

- Attachments :**
1. Proposed Instruments of Delegation to the Chief Executive Officer
 2. Proposed Instrument of Delegation to the Council Assessment Panel
 3. Proposed Instrument of Delegation to the Strategic Planning Committee
 4. Proposed Instrument of Sub-Delegation to the Chief Executive Officer under the Road Traffic Act 1961
 5. Proposed Instrument of Delegation to Fire Prevention Officer(s)
 6. Proposed Schedule of Provisions Not Delegated to the Chief Executive Officer
 7. Minister's Instrument of General Approval and Delegation under Road Traffic Act 1961 - 22 August 2013
 8. Strategic Planning Committee Charter

PURPOSE

For Council to undertake an annual review of delegations to the Chief Executive Officer, Council Assessment Panel, and Strategic Planning Committee.

STAFF RECOMMENDATION

Having conducted its annual review of Council's delegations, 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*
- 1.1.30 *Electricity Act 1996*
- 1.1.31 *Gas Act 1997*
- 1.1.32 *State Records Act 1997*
- 1.1.33 *Rail Safety National Law (South Australia) Act 2012*
- 1.2 Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993 and Development Regulations 2008*.
- 1.3 Hereby revokes its previous delegations to its Strategic Planning Committee under the *Development Act 1993 and Development Regulations 2008, Planning, Development and Infrastructure Act 2016, and Local Government Act 1999*.
- 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, contained within Attachment 1, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
 - 2.1.1 *Community Titles Act 1996 (Appendix 2)*
 - 2.1.2 *Dog & Cat Management Act 1995 (Appendix 5)*
 - 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 6)*
 - 2.1.4 *Expiation of Offences Act 1996 (Appendix 7)*
 - 2.1.5 *Fences Act 1975 (Appendix 8)*
 - 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 10)*
 - 2.1.7 *Freedom of Information Act 1991 (Appendix 12)*
 - 2.1.8 *Land & Business (Sale & Conveyancing) Act 1994 (Appendix 19)*
 - 2.1.9 *Liquor Licensing Act 1997 (Appendix 20)*
 - 2.1.10 *Local Government Act 1999 (Appendix 21)*
 - 2.1.11 *Roads (Opening and Closing) Act 1991 (Appendix 26)*
 - 2.1.12 *Work Health and Safety Act 2012 (Appendix 34)*
 - 2.1.13 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 25)*
 - 2.1.14 *Unclaimed Goods Act 1987 (Appendix 32)*
 - 2.1.15 *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* (Appendix 28)
- 2.1.16 *Safe Drinking Water Act 2011* (Appendix 27)
- 2.1.17 *Water Industry Act 2012 and Water Industry Regulations 2012* (Appendix 33)
- 2.1.18 *Real Property Act 1886* (Appendix 24)
- 2.1.19 *Strata Titles Act 1988* (Appendix 30)
- 2.1.20 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014* (Appendix 1)
- 2.1.21 *Electronic Conveyancing National Law (South Australia) Act 2013* (Appendix 14)
- 2.1.22 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017* (Appendix 22)
- 2.1.23 *Planning, Development and Infrastructure Act 2016* (Appendix 17)
- 2.1.24 *Fines Enforcement and Debt Recovery Act 2017* (Appendix 9)
- 2.1.25 *Electricity Act 1996* (Appendix 13)
- 2.1.26 *Gas Act 1997* (Appendix 15)
- 2.1.27 *State Records Act 1997* (Appendix 29)
- 2.1.28 *Rail Safety National Law (South Australia) Act 2012* (Appendix 23)
- 2.1.29 *Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020* (Appendix 35)
- 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 herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3** 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 Instrument of Delegation set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- 2.3.1 *Local Government Act 1999*
- 2.3.2 *Planning, Development and Infrastructure Act 2016*
- 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 Instruments of Delegation contained within Attachment 1, marked Appendix 3 and Appendix 4, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions 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 contained in the proposed Instruments 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 set out at Attachment 2 are hereby delegated this 28 day of July 2020 to the Council's Assessment Panel, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.4 In exercise of the powers contained in Section 20 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 set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

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, marked Appendix 11, are hereby delegated this 28 day of July 2020 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 conditions and/or limitations, if any, specified herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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, marked Appendix 31, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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 7) 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
- Rebecca van der Pennen
- Kym Ashby

6.2 In accordance with Clause A.7 of the Instrument (Attachment 7), 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*
- *Rebecca van der Pennen*
- *Kym Ashby*

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 set out at Attachment 4 is hereby sub-delegated this 28 day of July 2020 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 (Attachment 7) , 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*
- *Rebecca van der Pennen*
- *Kym Ashby*

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, marked Appendix 27, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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 set out at Attachment 5 are hereby delegated this 28 day of July 2020 to the person occupying the position of **Fire Prevention Officer** of the Council, subject to the conditions and/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*.

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, marked Appendix 16, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

10 Delegations made under the *Planning, Development and Infrastructure Act 2016*

10.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and regulations made thereunder contained in the proposed Instrument of Delegation contained within Attachment 1, marked Appendix 18, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.

10.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.

EXECUTIVE SUMMARY

Under Section 44(6a) of the *Local Government Act 1999* Council is only required to undertake a review of its delegations within 12 months after the conclusion of each periodic election. The Council may also review its delegations at any other time. It is good practice and good governance to regularly review delegations. Legislation is often amended and it becomes necessary to amend and review delegations to ensure that they are appropriate and meet the Council's requirements.

Senior Council staff have reviewed all Acts and Regulations for which they have sub-delegations from the Chief Executive Officer (CEO) in order to ensure they have the required powers to undertake their duties legally and effectively. This report allows Council to review its delegations by revoking and re-delegating powers and duties to the CEO, Council Assessment Panel, and Strategic Planning Committee. The CEO can then sub-delegate to Council staff as necessary.

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 is only required to undertake a review within 12 months after the conclusion of each periodic election. The Council may also review its delegations at any other time. As best practice an annual review of delegations is put forward for Council's consideration. The last annual review was conducted in April 2019, with a review of amendments subsequently undertaken in:

- June 2019
- September 2019; and
- November 2019

On 7 May 2020, Felice D'Agostino from Norman Waterhouse Lawyers presented to Senior Management and Executive in preparation for the annual review of Council's delegations. The presentation covered delegations, the importance of undertaking reviews annually, and the process of reviewing delegations. Senior Managers and members of Executive were then provided with the provisions sub-delegated to their respective teams for their review and to provide recommendations to assist the CEO in sub-delegating provisions following Council's resolution in July 2020.

At the Informal Gathering on 14 July 2020 an informal discussion item was presented to Council Members in preparation for the annual review of Council's delegations. A copy of the documents listed below were made available to each Council Member (prior to any Council Resolution for this annual review):

- Delegations to the Chief Executive Officer;
- Delegations to the Fire Prevention Officer;
- Delegations to the Council Assessment Panel (CAP);
- Delegations to the Strategic Planning Committee (SPC);
- Provisions not delegated to the Chief Executive Officer;
- Sub-delegation 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; and
- Authorisations and Sub-Delegation under the *Road Traffic Act 1961* – in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure.

This report presents these delegations to Council for review as per 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 a review of its delegations which allows Council staff to then be provided up to date sub-delegations to undertake their duties as required. This in turn allows Council staff to provide improved service delivery to the community and other internal and external customers.

3. PUBLIC CONSULTATION

There is no 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 are proposed to be delegated to the CEO, and Attachment 6 contains a separate schedule of all provisions that are proposed to not be delegated to the CEO.
- 4.2** As of 1 July 2020, the *Natural Resources Management Act 2004* was revoked and replaced by the *Landscape South Australia Act 2019*. As a result, there are no delegations made under the *Natural Resources Management Act 2004*. The *Landscape South Australia Act 2019* is now the key framework for managing South Australia's land, water, pest plants and animals, and biodiversity. The new powers and functions able to be delegated to the Chief Executive Officer are presented in Appendix 35 of Attachment 1.
- 4.3** Legislative amendments have also been made to the *Fire and Emergency Services Act 2005* and *South Australian Public Health Act 2011* and incorporated into the proposed Instruments of Delegation in Attachment 1 (Appendices 10 and 28 respectively). The amendments are as follows:

4.3.1 *Fire and Emergency Services Act 2005*

Provision	Powers and Functions Delegated
S105F(9)	<p>11. Private Land</p> <p>11.5 The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -</p> <p>11.5.1 personally; or</p> <p>11.5.2 by post; or</p> <p>11.5.3 if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -</p> <p>11.5.3.1 by publishing the notice: (A) on a website determined by the Minister; or (B) in a newspaper circulating in the locality of the land; and</p> <p>11.5.3.2 by leaving a copy of the notice in a conspicuous place on the land.</p>

4.3.2 South Australian Public Health Act 2011

Provision	Powers and Functions Delegated
Section 92(5)	<p>13. Notices</p> <p>13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:</p> <p>13.6.7 stating that the person may, within 14 days, apply for a review of the notice under the provisions of the Act. or institute an appeal against the notice under the provisions of the Act.</p>
Section 95(13)	<p>16. Reviews - Notices Relating to General Duty</p> <p>16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:</p> <p>16.2.1 dismiss or determine any proceedings that appear:</p> <p>16.2.2.1 to be more appropriate suited to proceedings before the Tribunal District Court rather than the Review Panel; or</p>
Section 96(3)	<p>17. Appeals</p> <p>17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, to apply to the Tribunal under Section 34 of the South Australian Civil & Administrative Tribunal Act 2013 for a review of the outcome of review proceedings by the Review Panel under Section 95 of the Act. appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.</p>

By incorporating the above amendments, the delegations to the CEO and subsequently to Council staff will be in line with legislative requirements and reflect updated legislation.

- 4.4 Senior Managers and members of the Executive team 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 reviewed delegations are reflected within the Instruments of Delegation provided in Attachment 1.
- 4.5 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](#).
- 4.6 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 staff, 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.

- 4.7** Under Section 44(2) of the *Local Government Act 1999* Council may delegate to a council committee. This enables committees to exercise certain powers and functions as defined by their role and terms of reference contained within their respective charters.

4.7.1 The Strategic Planning Committee is legislatively required under Section 101A of the *Development Act 1993* and the role of the Committee is to:

4.7.1.1 Act in an advisory capacity to the Council regarding all high level strategy.

4.7.1.2 Act as per the requirements legislated by the *Development Act 1993*.

4.7.1.3 Monitor the performance of the Council.

4.7.2 The Committee's Terms of Reference are included in the Committee's Charter which has been attached to this report for reference (Attachment 8). The Committee's Terms of Reference are to consider all matters relating to Council's strategic planning and performance.

4.7.3 The Committee's Charter also states the delegations of the Committee. This report focuses on reviewing the legislative delegations stated in the Charter to allow the opportunity for any additions or removals to be made. Current legislative delegations stated in the Charter relate to:

4.7.3.1 Appointing a Presiding Member from within the Committee.

4.7.3.2 Determining the months of the year that the Committee meets.

4.7.3.3 Determining all matters relating to Development Plan Amendments and Strategic Directions Reports as required by Sections 25, 26 and 30 of the *Development Act 1993*.

4.7.4 Attachment 3 outlines the proposed legislative delegations for the Strategic Planning Committee requiring Council's review. This includes delegations under the *Development Act 1993*, *Planning, Development and Infrastructure Act 2016*, and *Local Government Act 1999* in order to undertake their role and terms of references as stated in 4.5.1 and 4.5.2.

5. OPTIONS

Recommendation

Having conducted its annual review of Council's delegations, 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*
- 1.1.30 *Electricity Act 1996*
- 1.1.31 *Gas Act 1997*
- 1.1.32 *State Records Act 1997*
- 1.1.33 *Rail Safety National Law (South Australia) Act 2012*
- 1.2 Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993 and Development Regulations 2008*.
- 1.3 Hereby revokes its previous delegations to its Strategic Planning Committee under the *Development Act 1993 and Development Regulations 2008, Planning, Development and Infrastructure Act 2016, and Local Government Act 1999*.
- 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, contained within Attachment 1, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
 - 2.1.1 *Community Titles Act 1996* (Appendix 2)
 - 2.1.2 *Dog & Cat Management Act 1995* (Appendix 5)
 - 2.1.3 *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010* (Appendix 6)
 - 2.1.4 *Expiation of Offences Act 1996* (Appendix 7)
 - 2.1.5 *Fences Act 1975* (Appendix 8)

- 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005* (Appendix 10)
 - 2.1.7 *Freedom of Information Act 1991* (Appendix 12)
 - 2.1.8 *Land & Business (Sale & Conveyancing) Act 1994* (Appendix 19)
 - 2.1.9 *Liquor Licensing Act 1997* (Appendix 20)
 - 2.1.10 *Local Government Act 1999* (Appendix 21)
 - 2.1.11 *Roads (Opening and Closing) Act 1991* (Appendix 26)
 - 2.1.12 *Work Health and Safety Act 2012* (Appendix 34)
 - 2.1.13 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014* (Appendix 25)
 - 2.1.14 *Unclaimed Goods Act 1987* (Appendix 32)
 - 2.1.15 *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* (Appendix 28)
 - 2.1.16 *Safe Drinking Water Act 2011* (Appendix 27)
 - 2.1.17 *Water Industry Act 2012 and Water Industry Regulations 2012* (Appendix 33)
 - 2.1.18 *Real Property Act 1886* (Appendix 24)
 - 2.1.19 *Strata Titles Act 1988* (Appendix 30)
 - 2.1.20 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014* (Appendix 1)
 - 2.1.21 *Electronic Conveyancing National Law (South Australia) Act 2013* (Appendix 14)
 - 2.1.22 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017* (Appendix 22)
 - 2.1.23 *Planning, Development and Infrastructure Act 2016* (Appendix 17)
 - 2.1.24 *Fines Enforcement and Debt Recovery Act 2017* (Appendix 9)
 - 2.1.25 *Electricity Act 1996* (Appendix 13)
 - 2.1.26 *Gas Act 1997* (Appendix 15)
 - 2.1.27 *State Records Act 1997* (Appendix 29)
 - 2.1.28 *Rail Safety National Law (South Australia) Act 2012* (Appendix 23)
 - 2.1.29 *Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020* (Appendix 35)
- 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 herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3** 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 Instrument of Delegation set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- 2.3.1 *Local Government Act 1999*
 - 2.3.2 *Planning, Development and Infrastructure Act 2016*
- 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 Instruments of Delegation contained within Attachment 1, marked Appendix 3 and Appendix 4, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations, if any,

specified herein or in the Schedule of Conditions 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 contained in the proposed Instruments 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 set out at Attachment 2 are hereby delegated this 28 day of July 2020 to the Council's Assessment Panel, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

- 3.5** In exercise of the powers contained in Section 20 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 set out at Attachment 3 are hereby delegated this 28 day of July 2020 to the Strategic Planning Committee, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

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, marked Appendix 11, are hereby delegated this 28 day of July 2020 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 conditions and/or limitations, if any, specified herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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, marked Appendix 31, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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 7) 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*
- *Rebecca van der Pennen*
- *Kym Ashby*

6.2 In accordance with Clause A.7 of the Instrument (Attachment 7), 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*
- *Rebecca van der Pennen*
- *Kym Ashby*

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 set out at Attachment 4 is hereby sub-delegated this 28 day of July 2020 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 (Attachment 7), 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*
- *Rebecca van der Pennen*
- *Kym Ashby*

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, marked Appendix 27, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions 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 set out at Attachment 5 are hereby delegated this 28 day of July 2020 to the person occupying the position of **Fire Prevention Officer** of the Council, subject to the conditions and/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*.

- 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, marked Appendix 16, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions 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 herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

10 Delegations made under the *Planning, Development and Infrastructure Act 2016*

- 10.1** In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and regulations made thereunder contained in the proposed Instrument of Delegation contained within Attachment 1, marked Appendix 18, are hereby delegated this 28 day of July 2020 to the person occupying the office of **Chief Executive Officer** of the Council, subject to the conditions and/or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.

- 10.2** Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.

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 Council’s delegations has been undertaken in accordance with the *Local Government Act 1999*. Senior members of Council staff 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, CAP and Strategic Planning Committee to ensure that Council and its staff operate efficiently in its decision-making and delivery of services to the community.

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 its delegations with amendments as it sees fit. Consideration of legislative requirements must be given to any amendments to specific provisions under each Act and Regulation.

6.2.2 Financial Implications

There are no financial or resource implications.

Attachment 1

Proposed Instruments of Delegation to the Chief Executive Officer Placeholder



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

[https://www.playford.sa.gov.au/council/council-
and-committees](https://www.playford.sa.gov.au/council/council-and-committees)



Instrument of Delegation to the Council Assessment Panel – Attachment 2

Development Act 1993		
Provision	Powers and Functions 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;	
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.	
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.	
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.	
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.	
Development Regulations 2008		
Provision	Powers and Functions 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	
r17(3)	60. Non-Complying Development 60.1.2 resolve to proceed with an assessment of the application.	



Instrument of Delegation to the Strategic Planning Committee – Attachment 3

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
s 25(1)	5. Amendments by a Council 5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(1)	5. Amendments by a Council 5.2 The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(4) and 25(5)	5. Amendments by a Council 5.3 Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements: 5.3.1 the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit; 5.3.2 the DPA must include an assessment of the extent to which the proposed amendment: 5.3.2.1 accords with the Planning Strategy; and 5.3.2.2 accords with the Statement of Intent; and 5.3.2.3 accords with other parts of the Development Plan; and 5.3.2.4 complements the policies in the Development Plans for adjoining areas; and	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	<p>5.3.2.5 satisfies the matters prescribed in the Regulations;</p> <p>5.3.3 the DPA must include:</p> <p>5.3.3.1 an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and</p> <p>5.3.3.2 a summary of the conclusions drawn from the investigations and assessments referred to above; and</p> <p>5.3.3.3 a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);</p> <p>5.3.4 the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;</p> <p>5.3.5 the DPA must include any other matter prescribed by the Regulations.</p>	
s25(3)(a)	<p>5. Amendments by a Council</p> <p>5.4 The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(4)	<p>5. Amendments by a Council</p> <p>5.5 The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(5)	<p>5. Amendments by a Council</p> <p>5.6 The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
		Section 25, 26 and 30 of the Development Act 1993.
s25(6)	5. Amendments by a Council 5.7 The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(6)	5. Amendments by a Council 5.8 The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(7)(a)	5. Amendments by a Council 5.9 Process A 5.9.1 The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(7)(b)	5. Amendments by a Council 5.9 Process A 5.9.2 The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s 25(7)(c)	5. Amendments by a Council 5.9 Process A 5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
s25(7)(c)(i)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.4 The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(10), 25(11), 25(12) and 25(12a)	<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period of at least 8 weeks.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(8)(a)	<p>5. Amendments by a Council 5.10 Process B</p> <p>5.10.1 The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.</p> <p>5.10.2 The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.</p> <p>5.10.3 The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.</p> <p>5.10.4 Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.10.5 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(9)(a)	<p>5. Amendments by a Council 5.11 Process C</p> <p>5.11.1 The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	<p>weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.</p> <p>5.11.2 Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.</p> <p>5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:</p> <p>5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and</p> <p>5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment, a written notice in accordance with the Regulations.</p>	Section 25, 26 and 30 of the Development Act 1993.
s25(10)	<p>5. Amendments by a Council</p> <p>5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:</p> <p>5.12.1 accords with the Planning Strategy; and</p> <p>5.12.2 accords with the Statement of Intent; and</p> <p>5.12.3 accords with other parts of the Development Plan; and</p> <p>5.12.4 complements the policies in the Development Plans for adjoining areas; and</p> <p>5.12.5 satisfies the matters prescribed in the Regulations.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(11)	<p>5. Amendments by a Council</p> <p>5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:</p> <p>5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and</p> <p>5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.	
s25(12)	<p>5. Amendments by a Council</p> <p>5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:</p> <p>5.14.1 informing the owner of the proposed amendment, and</p> <p>5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(12a)	<p>5. Amendments by a Council</p> <p>5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:</p> <p>5.15.1 informing the owner of the proposed amendment; and</p> <p>5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(13)(a)	<p>5. Amendments by a Council</p> <p>5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(13)(b)	<p>5. Amendments by a Council</p> <p>5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.</p>	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(13)(a);	<p>5. Amendments by a Council</p> <p>5.18 The duty to send to the Minister:</p>	The Strategic Planning Committee may determine all matters relating to Development Plan

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	5.18.1 a copy of a report under Section 25(13)(a); and 5.18.2 a certificate from the Chief Executive Officer; pursuant to and in accordance with Section 25(14) of the Act and the Regulations.	Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(15)(d) and 25(15)(f)	5. Amendments by a Council 5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(21)	5. Amendments by a Council 5.20 The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s25(23)	5. Amendments by a Council 5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s26(5)(d)(i)	6. Amendments by the Minister 6.1 The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s26(5a)(a)	6. Amendments by the Minister 6.2 The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
		Section 25, 26 and 30 of the Development Act 1993.
s26(5b)(a)	6. Amendments by the Minister 6.3 The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s26(12)	6. Amendments by the Minister 6.4 The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s26(12)	6. Amendments by the Minister 6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s30(1)	8. Strategic Directions Reports 8.1 The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that: 8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to: 8.1.1.1 the Planning Strategy; and 8.1.1.2 any other policy or document prescribed by the regulations; and 8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and 8.1.3 sets out the Council's priorities for: 8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and	

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	<p>8.1.3.2 the integration of transport and land-use planning within its area; and</p> <p>8.1.3.3 implementing any relevant targets set out in the Planning Strategy; and</p> <p>8.1.3.4 implementing affordable housing policies set out in the Planning Strategy within its area; and</p> <p>8.1.3.5 infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and</p> <p>8.1.3.6 other projects or initiatives considered to be relevant by the Council; and</p> <p>8.1.4 contains such other material as may be:</p> <p>8.1.4.1 prescribed by the regulations; or</p> <p>8.1.4.2 required by the Minister.</p>	
s30(2)	<p>8. Strategic Directions Reports</p> <p>8.2 The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:</p> <p>8.2.1 within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:</p> <p>8.2.1.1 the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and</p> <p>8.2.1.2 the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and</p> <p>8.2.2 in any event, within 5 years after the completion of the last report under Section 30 of the Act.</p>	
s30(3)	<p>8. Strategic Directions Reports</p> <p>8.3 The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:</p> <p>8.3.1 by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and</p>	

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.	
s30(4)	8. Strategic Directions Reports 8.4 The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	
s30(5)	8. Strategic Directions Reports 8.5 The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	
s30(6)	8. Strategic Directions Reports 8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to: 8.6.1 reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and 8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	
s30(7)	8. Strategic Directions Reports 8.7 The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	
s30(8)	8. Strategic Directions Reports 8.8 The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	
s30(9)	8. Strategic Directions Reports 8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council: 8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or 8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s30(12)	8. Strategic Directions Reports 8.10 The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	
s30(13)	8. Strategic Directions Reports 8.11 The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.	

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
s30(14)	8. Strategic Directions Reports 8.12 The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
s30(15)	8. Strategic Directions Reports 8.13 The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	The Strategic Planning Committee may determine all matters relating to Development Plan Amendments and Strategic Direction Reports as required by Section 25, 26 and 30 of the Development Act 1993.
Development Regulations 2008		
Provision	Powers and Functions Delegated	Conditions and Limitations
r10A(1)	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	
s25,26	56. Public Consultation - Section 25 & 26 56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice: 56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and 56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and 56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and	

Development Regulations 2008

Provision	Powers and Functions Delegated	Conditions and Limitations
	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).	

Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity

Provision	Powers and Functions Delegated	Conditions and Limitations
s35(1)(a)	5. Planning Agreements 5.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State.	
s35(3)	5. Planning Agreements 5.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for: 5.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and	
s35(4)	5. Planning Agreements 5.2.2 the constitution of a joint planning board including, in relation to such a board: 5.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and 5.2.2.2 subject to Section 35(4) of the PDI Act, the criteria for membership; and 5.2.2.3 the procedures to be followed with respect to the appointment of members; and 5.2.2.4 the terms of office of members; and 5.2.2.5 conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and 5.2.2.6 the appointment of deputy members; and 5.2.2.7 the procedures of the board; and	

Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity		
Provision	Powers and Functions Delegated	Conditions and Limitations
s35(4)	5. Planning Agreements 5.2.3 the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	
s35(4)	5. Planning Agreements 5.2.4 the staffing and other support issues associated with the operations of the joint planning board; and	
s35(4)	5. Planning Agreements 5.2.5 financial and resource issues associated with the operations of the joint planning board, including: 5.2.5.1 the formulation and implementation of budgets; and 5.2.5.2 the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	
s35(4)	5. Planning Agreements 5.2.6 such other matters as the Delegate thinks fit.	
s35(5)(a)	5. Planning Agreements 5.3 The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	
s35(5)(b)	5. Planning Agreements 5.4 The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	
s73(2)(b)(iv)	9. Preparation and Amendment 9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to: 9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and 9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.	
s163(3)(b)	17. Initiation of Scheme	

Planning, Development and Infrastructure Act 2016 of Powers of a Council as: A Council: A Designated Authority: A Designated Entity		
Provision	Powers and Functions Delegated	Conditions and Limitations
	17.1 The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.	
s163(10)	17. Initiation of Scheme	
	17.2 The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.	
s169(9)	20. Funding Arrangements	
	20.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	
s177(4)	21. Contributions by Constituent Councils	
	21.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.	
Local Government Act 1999		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.	



Instrument of Sub-delegation to the Chief Executive Officer under the Road Traffic Act 1961 – Attachment 4

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		
Provision	Powers and Functions Delegated	Conditions and Limitations
S33(1)	<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

REVOCATION OF PREVIOUS INSTRUMENT

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

INSTRUMENT OF GENERAL APPROVAL

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

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

A. Traffic Control Devices

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

A.1 Authorisation of other Officers

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

A.2 Conformity with the *Road Traffic Act*

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

A.3 Conformity with the Australian Standards and the Code

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

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

A.4 Notification to adjoining Councils

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

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

A.5 Notification to the Commissioner of Highways

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

A.6 Consultation on traffic signals

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

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

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

A.7 Traffic Impact Statement

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

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

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

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

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

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

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

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

B. Speed Limits at Works on Roads

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

- a work area; or
- a work site

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

B.1 Authorisation of other Officers

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

B.3 Conformity with the *Road Traffic Act*

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

B.4 Conformity with the SA Standards

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

B.5 Persons who may act on behalf of Council

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

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

B.6 Training and Accreditation

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

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

B.7 Record Keeping

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

C. Traffic Control Devices at Works on Roads

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

C.1 Authorisation of other Officers

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

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

C.2 Conformity with the Road Traffic Act

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

C.3 Conformity with the Code, and SA Standards

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

C.4 Persons who may act on behalf of Council

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

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

C.5 Training and Accreditation

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

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

C.6 Record Keeping

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

D. Temporary Parking Controls

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

D.1 Authorisation of other Officers

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

D.2 Conformity with the Act

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

D.3 Conformity with Australian Standards and the Code

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

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

D.4 Information on Signs

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

D.5 Limitation of Temporary Parking Controls

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

D.6 Records of Temporary Parking Controls

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

E. TRAFFIC CONTROL DEVICES FOR EVENTS

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

E.1. Conformity with the Road Traffic Act

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

E.2. Conformity with Plan

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

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

E.3. Notification to adjoining Councils

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

E.4 Notification to the Commissioner of Highways

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

INSTRUMENT OF DELEGATION

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 11 of the *Road Traffic Act 1961* ("the Act") hereby **DELEGATE** the powers as detailed in the following clauses –

F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

I **DELEGATE** to **Council** the power conferred on the Minister pursuant to section 17 of the Act to **SPECIFICALLY APPROVE** the installation, maintenance, alteration, operation or removal of a traffic control device in the municipality or district of Council by a road authority on, above or near a road under the care, control and management of the said road authority subject to the following conditions:-

F.1 Sub-Delegation and Authorisation to other Officers

This delegation cannot be sub-delegated without my express approval. Council may, however, authorise any officers to exercise the powers conferred on Council pursuant to Clause F of this Instrument.

Any Authorisations to any Officer should be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that officer in accordance with Clause F must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause.

F.2 Conformity with the Road Traffic Act

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

F.3 Conformity with the Australian Standards and the Code

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

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

F.4 Power of approval subject to same Conditions in Clause A

The power of Council to grant approvals under Clause F is subject to the same conditions that apply to Council under Clause A where Council itself is the road authority.

F.5 Record Keeping

Council must keep accurate records of any approval granted to another road authority pursuant to Clause F of this Instrument.

G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

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

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

G.1 Sub-Delegation to other Officers

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

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

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

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

G.3 Conformity with the Road Traffic Act

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

G.4 Exemption from Australian Road Rules

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

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

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

G.5 Conditions on Exemptions from Australian Road Rules

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

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

G.6 Notification to Commissioner of Highways

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

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

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

G.8 Notification to Traffic Management Centre, Metropolitan Region

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

G.9 Notification to Commissioner of Police

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

G.10 Agreement of Commissioner of Police

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

G.11 Use of Advance Warning Signs

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

G.12 Effect on Roadside Furniture

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

H. DEFINITION OF TERMS

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

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

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

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

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

Officer means Council employee


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

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

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

I. FUTURE VARIATIONS TO THIS INSTRUMENT

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


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



Instrument of Delegation to Fire Prevention Officer(s) – Attachment 5

Fire and Emergency Services Act 2005		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.	
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.	
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')	
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.	
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.	
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.	



Schedule of Provisions Not Delegated to the CEO – Attachment 6

Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.	
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.	
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.	
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.	
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 12.1.2 erect or construct buildings or structures on the land; and 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 12.1.4 erect lighting, seating and any other infrastructure or public amenity; and 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.	

Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014		
Provision	Powers and Functions Delegated	Conditions and Limitations
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>	
Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
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>	
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>	
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>	
s24(1a)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	
s24(1)(a)(iva)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	
s 24(1b)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	
s24(2a)	<p>4. Council or Minister May Amend a Development Plan</p> <p>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.</p>	

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.
s34(8a)	11. Determination of Relevant Authority 11.3 The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	
s34(21)	11. Determination of Relevant Authority 11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	
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.	
s56A(3)	36. Council to Establish Development Assessment Panels 36.1 The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	
s56A(3)	36. Council to Establish Development Assessment Panels 36.2 The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	
s56A(3)(d)	36. Council to Establish Development Assessment Panels 36.3 The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	
s56A(3)(e)	36. Council to Establish Development Assessment Panels 36.4 The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	
s56A(3)(f)	36. Council to Establish Development Assessment Panels 36.5 The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	
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:	

Development Act 1993		
Provision	Powers and Functions Delegated	Conditions and Limitations
	36.6.1 breach of, or failure to comply with, the conditions of appointment; or 36.6.2 misconduct; or 36.6.3 neglect of duty; or 36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or 36.6.5 failure to carry out satisfactorily the duty of his or her office; or 36.6.6 failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	
s56A(22)	36. Council to Establish Development Assessment Panels 36.10 The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	
s56A(27)	36. Council to Establish Development Assessment Panels 36.12 The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.	
s56A(28)	36. Council to Establish Development Assessment Panels 36.13 The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	
Development (Development Plans) Amendment Act 2006		
Provision	Powers and Functions Delegated	Conditions and Limitations
Schedule 1	53. Transitional Provisions 53.1 The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	
Schedule 1	53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a	

Development (Development Plans) Amendment Act 2006		
Provision	Powers and Functions Delegated	Conditions and Limitations
	Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	

Development Regulations 2008		
Provision	Powers and Functions Delegated	Conditions and Limitations
r9A(1)	54. Infrastructure Planning 54.1 The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	
r10A(1)	55. Consultation with Government Departments or Agencies 55.1 The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	
s25,26	56. Public Consultation - Section 25 & 26 56.1 Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice: 56.1.1 advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and 56.1.2 inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and 56.1.3 stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and 56.1.4 providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).	
s25,26	56. Public Consultation - Section 25 & 26 56.2 If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	

Development Regulations 2008		
Provision	Powers and Functions Delegated	Conditions and Limitations
s25,26	56. Public Consultation - Section 25 & 26 56.3 For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	
s25,26	56. Public Consultation - Section 25 & 26 56.4 The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days after that release.	
r15(10)(c)	58. Application to Relevant Authority [City of Tea Tree Gully only] 58.6 If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the Development Assessment Commission within 5 business days after receipt of the application: 58.6.1 a copy of the application; and 58.6.2 a copy of the plans, drawings, specification and other documents or information accompanying the application.	
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.	Not applicable as it geographically does not apply to City of Playford council area.
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.	Not applicable as it geographically does not apply to City of Playford council area.
Fire and Emergency Services Act 2005 – Delegations to the Fire Prevention Officer		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.	
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.	
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.	

Fire and Emergency Services Act 2005 – Delegations to the Fire Prevention Officer		
Provision	Powers and Functions Delegated	Conditions and Limitations
	(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.	
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.	
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.	
Local Government Act 1999		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.	
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 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;	

Local Government Act 1999		
Provision	Powers and Functions Delegated	Conditions and Limitations
	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.	
s41(1) s41(2)	9. Committees 9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.	
s41(3)	9. Committees 9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	
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.	
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.	
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.	
s48(aa1)	14. Prudential Requirements for Certain Activities 14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council - 14.00.1 acts with due care, diligence and foresight; and 14.00.2 identifies and manages risks associated with a project; and 14.00.3 makes informed decisions; and 14.00.4 is accountable for the use of Council and other public resources.	

Local Government Act 1999		
Provision	Powers and Functions Delegated	Conditions and Limitations
s90(8a)(a)	24. Meetings To Be Held in Public Except in Special Circumstances 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.	
s90(8c)	24. Meetings To Be Held in Public Except in Special Circumstances 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.	Informal Gatherings Policy is adopted by Council.
s161(1) s161(3)	61. Rebate of Rates - Community Services 61.1 The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation: 61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and 61.1.2 provides community services without charge or for charge that is below the cost to the body of providing their services; and 61.1.3 does not restrict its services to persons who are members of the body.	
s165(1), s165(2)	62. Rebate of Rates - Educational Purposes 62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land: 62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or 62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or 62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	
s181(11)	73. Payment of Rates - General Principles 73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage: 73.7.1 the payment of instalments of rates in advance; or 73.7.2 prompt payment of rates.	

Local Government Act 1999

Provision	Powers and Functions Delegated	Conditions and Limitations
s198(1)	90. Amendment or Revocation of Management Plan 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.	Power not delegated to Chief Executive Officer by the Council. (Chief Executive Officer cannot Sub-Delegate this power in accordance with this Instrument of Delegation – Cannot approve Stage 1 of revocation of land or adopt or revise a management plan of the Council)
s219(6)	107. Power to Assign a Name, or Change the Name, of a Road or Public Place 107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	
s259(4)	133. Councils to Develop Policies 133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.	
s270(9)	135. Procedures for Review of Decisions and Requests for Services 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.	

Road Traffic Act 1961

Provision	Powers and Functions Delegated	Conditions and Limitations
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.

Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014		
Provision	Powers and Functions Delegated	Conditions and Limitations
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 road or area, and the power to vary such fees.	Not delegated to the CEO As it is not applicable to City of Playford. Council decision if required.
Roads (Opening and Closing) Act 1991		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.
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.
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.
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.

Roads (Opening and Closing) Act 1991		
Provision	Powers and Functions Delegated	Conditions and Limitations
	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.
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.
Safe Drinking Water Act 2011		
Provision	Powers and Functions Delegated	Conditions and Limitations
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.
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.
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.
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.

Safe Drinking Water Act 2011		
Provision	Powers and Functions Delegated	Conditions and Limitations
	(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.
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.
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.
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.

Water Industry Act 2012		
Provision	Powers and Functions Delegated	Conditions and Limitations
s37(3)	<p>9. Customer hardship policies</p> <p>9.1 The power pursuant to Section 37(3) of the Act to:</p> <p>9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or</p> <p>9.1.2 with the written approval of the Commission, adopt such a policy with modifications.</p>	Not delegated to the Chief Executive Officer as Council have no Residential Customers relating to this Act.
s51(4)	<p>21. Notice of work that may affect water/sewerage infrastructure</p> <p>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:</p> <p>21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or</p> <p>21.1.2 by action in a court of competent jurisdiction.</p>	Not delegated to the Chief Executive Officer as this provision is not applicable
s57 (1), (2)	<p>27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</p> <p>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:</p> <p>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</p> <p>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 sewerage infrastructure,</p> <p>by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.</p>	Not delegated to the Chief Executive Officer as this provision is not applicable
s58 (1)	<p>28. Power to disconnect drains to restrict services</p> <p>28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:</p> <p>28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or</p> <p>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,</p> <p>to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage</p>	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.

Water Industry Act 2012

Provision	Powers and Functions Delegated	Conditions and Limitations
	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.	
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.

Water Industry Regulations 2012

Provision	Powers and Functions Delegated	Conditions and Limitations
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.

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INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL

**USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF
EXEMPTIONS FOR EVENTS**

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

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCATION OF PREVIOUS INSTRUMENT

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

INSTRUMENT OF GENERAL APPROVAL

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

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

A. Traffic Control Devices

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

A.1 Authorisation of other Officers

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

A.2 Conformity with the *Road Traffic Act*

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

A.3 Conformity with the Australian Standards and the Code

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

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

A.4 Notification to adjoining Councils

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

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

A.5 Notification to the Commissioner of Highways

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

A.6 Consultation on traffic signals

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

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

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

A.7 Traffic Impact Statement

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

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

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

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

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

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

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

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

B. Speed Limits at Works on Roads

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

- a work area; or
- a work site

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

B.1 Authorisation of other Officers

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

B.3 Conformity with the *Road Traffic Act*

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

B.4 Conformity with the SA Standards

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

B.5 Persons who may act on behalf of Council

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

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

B.6 Training and Accreditation

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

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

B.7 Record Keeping

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

C. Traffic Control Devices at Works on Roads

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

C.1 Authorisation of other Officers

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

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

C.2 Conformity with the Road Traffic Act

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

C.3 Conformity with the Code, and SA Standards

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

C.4 Persons who may act on behalf of Council

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

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

C.5 Training and Accreditation

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

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

C.6 Record Keeping

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

D. Temporary Parking Controls

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

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approve 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



STRATEGIC PLANNING 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 strategy.
- 1.1.2 Act as per the requirements legislated by the Development Act.
- 1.1.3 Monitor the performance of the Council.

2 Terms of Reference

2.1 The Committee's terms of reference are to consider all matters relating to Council's strategic planning and performance.

- 2.1.1 To provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy.
- 2.1.2 To assist the Council in undertaking strategic planning and monitoring directed at achieving the following as per section 101A2(b) of the Development Act:
 - a. orderly and efficient development within the area of the council; and
 - b. high levels of integration of transport and land-use planning; and
 - c. relevant targets set out in the Planning Strategy within the area of the Council; and
 - d. the implementation of affordable housing policies set out in the Planning Strategy within the area of the council.
- 2.1.3 To act as Council's delegate in all matters relating to -
 - a. Strategic Directions Report;
 - b. Council-initiated Development Plan Amendment; or
 - c. Ministerial initiated Development Plan Amendment.
- 2.1.4 To develop the Playford Plan, Annual Business Plan and Budget, Long Term Financial Plan and Asset Management Plans for Council consideration.

	ECM Document Set No.:	2457887	Initial Date of Adoption:	27 Nov 2012
	Authorised by:	Council Resolution No. 3361	Date of Current Version:	18 Dec 2018
	Document Maintained by:	Corporate Services, Governance	Next Review Date:	Dec 2020

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2.1.5 To consider on a regular basis reports on the performance of the Council.

2.1.6 Review and approve relevant policies where delegation permits.

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.

Development Act 1993 is an Act to provide for planning and regulate development in the State; to regulate the use and management of land and buildings, and the design and construction of buildings; to make provision for the maintenance and conservation of land and buildings where appropriate; and for other purposes.

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

Electronic Means includes a telephone, computer or other electronic device used for communication.

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

- 4.1.5 Consider and provide a response to LGA Circulars or other business of a strategic nature, in line with the Committee's role.
- 4.1.6 Determine all matters relating to Development Plan Amendments and Strategic Directions Reports as required by Section 25, 26 and 30 of the Development Act 1993.
- 4.1.7 Provide direction on Council responses to Ministerial correspondence in line with the Committee's Role, Terms of Reference and delegations as required.
- 4.1.8 Provide direction on Council submissions to the State Planning Commission in line with the Committee's Role, Terms of Reference and delegations as required
- 4.1.9 Determine the Playford Position on Notices of Motion for ALGA and LGA Meetings, in the case that timing of the release of the ALGA or LGA Agenda falls outside a Council Meeting.
- 4.1.10 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.
- 4.1.11 Hold Public Hearings associated with Development Plan Amendments.
- 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 2nd 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 hosted in the Council Chambers at the Playford Civic Centre, 10 Playford Boulevard, Elizabeth, unless otherwise determined by the Committee prior to the meeting.
- 5.3 Meetings may either wholly or in part be held via electronic means with Zoom Video Communications, Inc.

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- a) can hear all other members present at the meeting;

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b) can be heard by all other members present at the meeting; and

c) can be heard by the person recording the minutes of the meeting

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

5.5 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.

5.6 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 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 Committee 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 Council 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 Council Members, a communiqué, a written memo or 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](#)
- [Development Act 1993](#)
- [State Planning Strategy](#)

12 Approval and Change History

Approval Date	Approval by	Change
27 Nov 2012	Council Resolution	Scheduled review.
25 Nov 2014	Council Resolution No. 1995	Alignment to Council Elections 2014, change to common format, meeting day changed to second Tuesday of month and other minor amendments; Presiding Member will no longer be Deputy Mayor and will be elected for a period of 12 months.
28 Jun 2016	Council Resolution No. 2604	Template & Committee Structure Review
18 Dec 2018	Council Resolution No. 3361	Alignment to Council Elections 2018, and review of clause 2.1.4 and 2.1.5 with the inclusion of clauses 4.1.4 and 4.1.8 Terminology changed – Council Member replaced with Elected Member Definition of Elected Member updated

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		Committee now delegated to determine meeting schedule
07 Apr 2020	Council Resolution No. 3983	Definition of <i>Electronic Means</i> added in line with the new capability of electronic meetings.

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL

Matters for Information.

5.2 ICAC IMPLEMENTATION PROGRAM - JULY 2020

Responsible Executive Manager : Ms Grace Pelle

Report Author : Ms Grace Pelle

Delegated Authority : Matters for Information.

Attachments : 1 [↓](#). ICAC Implementation Program Update - July 2020

Purpose

To provide the Committee with the update with regards to the progress of the implementation of the ICAC and Auditor General recommendations program of works.

STAFF RECOMMENDATION

That the Committee note and receive the report in Attachment 1.

Relevance to Strategic Plan

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

The implementation of the recommendations from ICAC and the Auditor General will positively impact service delivery to our community through greater accountability and transparency of decision making, reporting and records management.

Relevance to Public Consultation Policy

The reports issued by ICAC and Auditor General are publically available reports. There is no requirement to consult with the community regarding implementation of the recommendations from these reports.

Background

The report received from ICAC in November 2019 and the Auditor General in March 2020 contained a list of recommendations. These recommendations are included in Attachment 1 as appendices to the status report.

Council administration have undergone a scoping exercise to prepare a program of works to implement these recommendations over the course of the next 12-18 months.

Current Situation

The status update report is provided in Attachment 1. It provides a summary of:

- Program outcomes,
- Traffic light status update showing all items tracking well with no significant concerns,
- Key achievements for the month,
- The focus work for next month,
- Key risks and mitigating actions,
- Summary of decisions made,
- Detailed list of the recommendations and the status of whether these have been successfully implemented or are still a work in progress.

Future Action

Provide monthly updates to the Committee on the progress of the program of weeks and seek feedback and decision on items where required.

NEXT
GREAT
CITY

ICAC RESPONSE PROGRAM

OVERALL EXPECTED OUTCOMES



Status Update

Date July 2020

STATUS UPDATE

Overall Status Summary			
	Last Period	This Period	Outlook
Overall	G	G	→
Scope	G	G	→
Schedule	G	G	→
Cost	G	G	→
Benefits	G	G	→
Resources	G	G	→
Confidence	G	G	→

Project Stream	Previous Period	Current Period	Future Outlook
Elected Member Engagement	G	G	→
Policy & Guidelines Framework	G	G	→
Procurement	G	G	→
Human Resource Management	G	G	→
Records	G	G	→

Key:	
G	Tracking well, no significant concerns
A	Some concerns that need resolution
R	Significant concerns that need intervention
↑	Situation Improving
↓	Situation Declining
→	Situation Stable

Key Achievements Last Month
<ul style="list-style-type: none"> - Senior Manager & Manager engagement on Program Outcomes - Documented program roles and responsibilities - Change Canvas conducted to engage, enable clarity & agreement with Sponsor and Senior Leadership team. - Risk Assessment of the change - Project stream stakeholder impact assessment to inform communications, engagement, and training plans - Agreed program governance framework - Project manager appointed (internal resource reallocation)

Focus for Next Month
<ul style="list-style-type: none"> - Transition monthly program plan into weekly project stream plans - Employee wide engagement on the outcome and intent of the program <p><u>Elected Member Engagement</u></p> <ul style="list-style-type: none"> - Identify current Elected Member engagement and intended purpose <p><u>Policy & Guidelines</u></p> <ul style="list-style-type: none"> - Create a consistent understanding and definition of policy, guideline, process, and procedure - Review and design process, decision frameworks, roles & governance metrics <p><u>Human Resources:</u></p> <ul style="list-style-type: none"> - Review and design recruitment process & decision frameworks

Key Decisions	Decision Maker	Status
Project Manager Appointed	Grace Pelle	Closed

Key Risk & Issues		
Ref.	Description	Mitigating Action
Risk	Changes to time frame of state planning reform will impact the availability of IT records system subject matter expert.	Schedule Records delivery post Planning Reform Implementation. Identify alternative ECM system expertise.
Risk	Scheduling of value stream process design workshops in July.	Program Sponsor to communicate the importance of their involvement and attendance

Deliverables			
Stream	Project Stream Deliverable	Audit Recommendation	
		ICAC Commissioner	Auditor General
Elected Member Engagement	Review of Committees	Observation	
	Terms of Reference, Roles & Responsibilities		
Policy & Guideline Framework	New and Update Process	1,2,3,4,5,6,7,8	2,3,8,10,11,12,13,14
	Governance Framework		
	Review		
	Policy Update		
Procurement	Policy Update	1,18,19,20,21	1,4,5,6,7,9,15
	Process & Role Definitions		
	Records Management		
	Credit Card Governance Systemisation		
Human Resource Management	Recruitment Process & Systemisation	1,13,14,15,16,17	
	Recruitment Upskilling		
	Performance Appraisal Process & Systemisation		
	Performance Appraisal Upskilling		
Records Management	Process & Systemisation	1,9,10,11,12	
	Governance Framework		
	Education		
	Audit & Historical Rectification		

Appendices

1.0

ICAC Commissioner Recommendations			
No.	Recommendation	Project Stream Addressing	Status
1	Develops an agreed set of organisational values which underpin the day to day activities and conduct of staff.	All	In Progress
2	Develops a policy governance framework that addresses the lifecycle of a policy including creation, approval, dissemination, education and review. The framework should be consistent with the principles articulated in this report.	Policy & Procedure	Open
3	Mandates the review by the council governance team of all draft policies prior to presentation of the draft policy for approval.	Policy & Procedure	Open
4	Amends its practices to ensure that council policies may only be approved by the Chief Executive Officer or the elected body.	Policy & Procedure	Open
5	When approving a new or amended policy the Chief Executive Officer or the elected body also determine and approve an appropriate dissemination and education strategy to be applied in respect of that new or amended policy.	Policy & Procedure	Open
6	Prepares a schedule for the review of all existing policies and for that review to be completed within 12 months of the tabling of this report.	Policy & Procedure	Open
7	Within 18 months of the tabling of this report ensures that all current policies represent expected contemporary practice.	Policy & Procedure	Open
8	Develops and implements, in accordance with the proposed policy governance framework, a fraud and corruption control policy modelled on Australian Standard AS8001 – 2008.	Policy & Procedure	Open
9	Develops a new records management policy with accompanying procedures which reflect contemporary records management practices and, in particular: << mandates the use of an established records management system for the storage of official records except for limited circumstances that are prescribed in the policy; << makes express reference to the appropriate storage of emails in a manner consistent with the State Records Act; << defines the precise responsibility of each employee in respect of the management of official records together with the particular responsibilities given to the records management team.	Records	Open
10	Engages in an audit of records currently held on network drives and within email servers to identify those records that ought to be stored on an approved records management system and, upon the conclusion of such an audit, develop and implement a process for those records to be transferred to those systems.	Records	Open

11	Develops and delivers an education program to all elected members and employees in respect of their records management obligations and the requirements contained within the updated records management policy and procedures.	Records	Open
12	Develops and implements a process for regular audits to ensure records management practices are consistent with policy.	Records	Open
13	Reconsiders its approach to managing actual or perceived conflicts of interest during recruitment and selection processes in light of the observations made in this report.	Human Resource Management	Open
14	Introduces a requirement that members of a selection panel be required to complete and sign a selection summary report which outlines the candidates who applied for a position, the performance of each candidate during the selection process, the deliberations of the panel in respect of the suitability of each candidate together with the reasons the panel recommended the selection of a particular candidate.	Human Resource Management	Open
15	Reinforces the need to complete selection panel interview notes in a consistent manner and that the notes bear the name and signature of the panel member completing the notes.	Human Resource Management	Open
16	Considers incorporating a requirement that selection panels include at least one panel member who does not work within the workgroup for which a recruitment is being conducted.	Human Resource Management	Open
17	Ensures that any performance management process adopted by the council includes safeguards that ensure all employees are given consistent and timely feedback on their performance and that there is a consistent approach to performance management for all council employees.	Human Resource Management	Open
18	Amends its procurement policy and guidelines to prescribe the key responsibilities for procurement decisions and the documents that must be created and retained for each stage of a procurement. The amendments should include an express requirement that all records relating to a procurement must be stored on an established records management system (i.e. not stored on a network drive or in an employee email mailbox).	Procurement	Open
19	Reminds staff of the importance of adhering to prescribed procurement policies and guidelines and that an unauthorised departure from those policies and guidelines will not be tolerated.	Procurement	Open
20	Gives consideration to extending the role of council procurement officers to require that those officers be consulted in respect of council procurements under the current threshold of \$100,000.	Procurement	Open
21	Extends the role of finance officers to require that those officers be consulted in respect of council procurements of a value of more than \$100,000.	Procurement	Open

2.0

Auditor General Recommendations				
No.	Recommendation	Reference	Project Stream Addressing	Status
1	Perform a formal and regular analysis of its credit card and accounts payable expenditure to: · identify areas for further improvement in the use of credit cards · to inform its procurement strategy	4.3.1	Procurement	Open
2	review its policies and guidelines regularly and by the due date	5.3.1	Policy & Procedures	In progress
3	Consider updating its credit card policy and guidelines for the improvements we identified (section 5.3.2)	5.3.2	Policy & Procedures	In progress
4	Consider, as it decides future risk priorities, having an internal auditor or legal advisor review the delegation process and documents to ensure they are a clear, complete and accurate record of the delegations under the LG Act (section 6.3.1)	6.3.1	Procurement	In progress
5	Review a sample of credit card transactions to ensure the independent review is operating effectively and in line with its revised policy and guidelines (section 6.3.2)	6.3.2	Procurement	Open
6	Consider having a suitable senior officer assess the Executive's credit card transactions against the expenditure principles and report any questionable transactions to the Executive group (section 6.3.3)	6.3.3	Procurement	In progress
7	have its audit committee periodically review a report of the CEO's credit card transactions to ensure the expenditure is reasonable and for business purposes (section 6.3.3)	6.3.3	Procurement	Open
8	update its policies for: ¾ the expenditure principles that staff need to apply and clearly demonstrate at the time expenditure is incurred ¾ the nature and extent of information needed to adequately justify the business purpose of the expenditure (sections 6.3.4 and 6.3.6)	6.3.4 6.3.6	Policy & Procedure	In progress
9	Maintain adequate records to explain its expenses and demonstrate transparency in the decision-making process and the proper use of public money (section 6.3.5)	6.3.5	Procurement	In progress
10	Consider updating its travel and hospitality policies and guidelines for the improvements we identified (section 7.3.1)	7.3.1	Policy & Procedure	In progress
11	In revising its expenditure policies, consider consulting with its community, and other key people or groups, to better understand the public's expectations of acceptable expenditure behaviours (sections 7.3.1 and 9.2.1)	7.3.1	Policy & Procedure	In progress

12	Review its business expense transactions to ensure the new/revised policies and guidelines are implemented and operating effectively (section 7.3.1)	7.3.1	Policy & Procedure	In progress
13	Review its employee recognition policy and guidelines with specific focus on staff performance and the expenditure principles (section 8.3.1)	8.3.1	Policy & Procedure	Open
14	revise its Mayor support and elected member support policy guidelines to remove the provision of special functions (section 9.2.1)	9.2.1	Policy & Procedure	Open
15	Have its audit committee regularly scrutinise sensitive expenditure that results in benefits to the elected members to determine whether it is a proper use of public money (section 9.2.1).	9.2.1	Procurement	Open

CONFIDENTIAL MATTERS

8.1 REPURPOSING ASSETS

Contact Person: Mr Simon Blom

Why is this matter before the Council or Committee?

Informal Discussion.

Purpose

For Council to make a determination on whether to deal with this matter in confidence.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

STAFF RECOMMENDATION

Pursuant to Section 90 (2) of the Local Government Act 1999 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Chief Executive Officer;
- General Manager Strategy and Corporate;
- General Manager City Services;
- General Manager City Assets;
- Executive Strategic Advisor;
- Acting Senior Manager Finance;
- Acting Senior Manager City and Corporate Planning;
- Senior Manager Capital Works & Assets;
- Acting Senior Manager Corporate Services;
- Manager Governance, Risk & WHS;
- Senior Governance Officer;
- Minute Taker;
- Zoom Operator;

in order to consider in confidence agenda item 8.1 under Section 90 (3) (b) of the Local Government Act 1999 on the basis that:

(b) information the disclosure of which -

i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

ii) would, on balance, be contrary to the public interest.

This matter is Confidential because information contained within the presentation could reasonably be expected to convey a commercial advantage.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; Committee consider it necessary to consider this matter in confidence.

Section B below to be discussed in the confidential section of the agenda once the meeting moves into confidence for each item.

B. THE MATTERS AS PER ITEM 8.1**C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 8.1 IS TO BE KEPT IN CONFIDENCE****Purpose**

To resolve how long agenda item 8.1 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Committee orders that the following aspects of Item 8.1 be kept confidential in accordance with Committee's reasons to deal with this item in confidence pursuant to Section 90 (3) (b) of the Local Government Act 1999:

- Presentation for Item 8.1

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the Local Government Act 1999.