



Council Agenda

NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall
Moseley Square, Glenelg**

Tuesday 25 June 2019 at 7.00pm

Roberto Bria
ACTING CHIEF EXECUTIVE OFFICER

Please note: This agenda contains Officers' reports and recommendations that will be considered by the Council. Any confidential items listed on the agenda will be circulated to Members separately.



Ordinary Council Meeting Agenda

1. OPENING

The Mayor will declare the meeting open at 7:00pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. PRAYER

Heavenly Father, we pray for your presence and guidance at our Council Meeting. Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. APOLOGIES

4.1 Apologies Received

4.2 Absent

5. ITEMS PRESENTED TO COUNCIL

6. DECLARATION OF INTEREST

If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 11 June 2019 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

8. PUBLIC PRESENTATIONS

8.1 **Petitions** - Nil

8.2 **Presentations** - Nil

8.3 **Deputations** - Nil

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.2 On Notice**

9.2.1 Question on Notice – Water Sensitive Urban Design (Report No: 243/19)

10. MEMBER'S ACTIVITY REPORTS - Nil**11. MOTIONS ON NOTICE**

11.1 Motion on Notice - Traffic Management of Colton Street– Councillor Clancy (Report No: 242/19)

12. ADJOURNED MATTERS - Nil**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

13.1 Minutes – Jetty Road Mainstreet Committee – 5 June 2019 (Report No: 244/19)

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 236/19)

14.2 2019-20 Rate Declaration (Report No: 235/19)

14.3 Monthly Financial Report – 31 May 2019 (Report No: 237/19)

14.4 Planning Development and Infrastructure Act Changes to Heritage Contributory Items (Report No: 238/19)

14.5 Live Streaming of Council Meetings (Report No: 226/19)

14.6 Proposed Telecommunications Tower – Glenelg Oval (Report No: 231/19)

14.7 New Lease Agreement – Southern District Junior Soccer Association Incorporated and Southern District Little Athletics Centre Holdfast Bay Incorporated (Report No: 227/19)

14.8 Chapel Street Plaza – Traffic Management and Safety (Report No: 239/19)

14.9 Arts and Culture Strategy 2019 – 2024 (Report No: 218/19)

14.10 Annual Review of Delegations (Report No: 241/19)

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, to adjourn or lay on the table items of Council business, for the current term of Council.

16. URGENT BUSINESS – Subject to the Leave of the Meeting**17. CLOSURE**

**ROBERTO BRIA
ACTING CHIEF EXECUTIVE OFFICER**

Item No: **9.2.1**

Subject: **QUESTION ON NOTICE – WATER SENSITIVE URBAN DESIGN**

Date: 25 June 2019

QUESTION

Councillor Bradshaw asked the following question:

- “1. Could Council please advise the location of the current “Water Sensitive Urban Design” locations in Holdfast Bay, plus the 2019/2020 initiatives, along with a map of suitable future locations?”**
- 2. An article in the media indicated the Environment Minister David Spiers has recently launched the Greener Neighbourhood Grant Program to help boost the amount of vegetation around the suburbs. In light of the Environment Ministers announcement, will Council be applying for this grant?”**

Background

Mr Spiers was quoted as saying Adelaide’s tree coverage was the lowest of Australia’s capital cities at 27 per cent. He went on to say “Evidence shows that increased canopy coverage and increased water sensitive design in our suburbs will go a long way to reduce the heat impacts in our community”.

The aim of the grants is to lower temperatures, improve air and water quality, and provide habitat for wildlife.

ANSWER – General Manager City Assets and Services

1. Administration will table a list of current sites at the meeting, with a map of potential future sites to be provided separately when prepared.
2. Yes, Council will apply. Administration is currently identifying projects that meet the requirements for this grant.

Item No: **11.1**

Subject: **MOTION ON NOTICE – TRAFFIC MANAGEMENT OF COLTON STREET – COUNCILLOR CLANCY**

Date: 25 June 2019

PROPOSED MOTION

Councillor Clancy proposed the following motion:

- 1. That the proposal to have one way traffic in a northerly direction, a drop off area near the entrance and parking on both sides of Colton Street be investigated as a matter of urgency.**
 - 2. That the proposal come to Council in September and if approved immediately go to public consultation. Result of public consultation come to Council first meeting in November so that any changes can be in place for commencement of the school year.**
 - 3. If necessary that a Traffic Engineer be contracted to get the necessary work done.**
 - 4. That Administration investigate and report to Council in September the possibilities for parking during school term on King George Avenue, between Wattle Avenue and King Street.**
-

BACKGROUND

There have been two meetings with residents in the vicinity of the new school and at the last meeting residents stated that it was essential for progress to be made on this issue and that time lines be put in place.

It is of concern that without this being done children will be at risk and that those delivering them to school will have no boundaries in place at commencement of the 2020 school year.

Item No: **13.1**
Subject: **MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 5 JUNE 2019**
Date: 25 June 2019
Written By: Acting General Manager Community Services
A/General Manager: Community Services, Mr M Rechner

SUMMARY

The Minutes of the Jetty Road Mainstreet Committee meeting held on 5 June 2019 are attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports and Minutes are all available on Council's website and the meetings are open to the public.

RECOMMENDATION

That Council notes the minutes of the Jetty Road Mainstreet Committee of 5 June 2019.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Community: Providing welcoming and accessible facilities
Economy: Supporting and growing local business
Economy: Making it easier to do business
Economy: Boosting our visitor economy
Culture: Being financially accountable
Culture: Supporting excellent, efficient operations
Culture: Being financially accountable

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

The Jetty Road Mainstreet Committee (JRMC) has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised for this purpose. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of the Committee.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

REPORT

Minutes of the meeting of JRMC held on 5 June 2019 are attached for member's information.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

CITY OF HOLDFAST BAY

Minutes of the meeting of the Jetty Road Mainstreet Committee of the City of Holdfast Bay held in the Glenelg Library Meeting Room, Colley Terrace, Glenelg on Wednesday 5 June 2019 at 6:00pm.

PRESENT

Elected Members

Councillor W Miller
Mayor, A Wilson

Community Representatives

Maios Group, Mr C Maios
GU Filmhouse, Mr S Robinson
Elite Choice Home Improvements, Ms E Leenearts
Skin Things, Ms L Boys
Attitudes Boutique and Lightbox Gift and Home, Ms G Martin
Beach Burrito, Mr A Warren
Cibo Espresso, Mr T Beatrice
Short Order Diner, Mr N Hughes
Ikos Holdings Trust, Mr A Fotopoulos

Staff

Jetty Road Development Coordinator – Ms A Brown
Acting General Manager – Mr M Rechner
Manager City Activation – Ms S Heading

1. OPENING

The Chairman, Mr C Maios, declared the meeting open at 6:00pm

2. APOLOGIES

- 2.1 Leave of Absence – Councillor Abley
- 2.2 For Absence – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

4. CONFIRMATION OF MINUTES**Motion**

That the minutes of the Jetty Road Mainstreet Committee held on 1 May 2019 be taken as read and confirmed.

Moved S Robinson, Seconded E Leenearts

Carried

5. QUESTIONS BY MEMBERS**5.1 Without Notice****5.1.1 Glenelg Jetty Redevelopment Funding**

T Beatrice asked a question in relation to the committed funding from Government in relation to the redevelopment proposal for Glenelg Jetty.

A Brown provided a response.

W Miller entered the meeting at 6:03pm.

5.2 With Notice - Nil**6. MOTIONS ON NOTICE - Nil****7. REPORTS/ITEMS OF BUSINESS****7.2 Monthly Finance Report (Report No: 212/19)**

The Jetty Road Mainstreet Committee April 2019 finance report is prepared by the Jetty Road Development Coordinator and is presented for information to the members of the Jetty Road Mainstreet Committee.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved W Miller, Seconded T Beatrice

Carried

7.3 Marketing Update (Report No: 213/19)

This report provides an update on marketing initiatives being undertaken from the Jetty Road Mainstreet Committee 2018/19 Marketing Plan and initiatives aligned to the delivery of the Jetty Road Glenelg Retail Strategy 2018-2022.

A Warren entered the meeting at 6:08pm.

Mayor A Wilson entered the meeting at 6:16pm.

A Fotopoulos entered the meeting at 6:24pm.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved L Boys, Seconded N Hughes

Carried

7.4 Winter Wonderland (Report No: 214/19)

This report provides an update on planning for the upcoming Winter Wonderland event that is scheduled to be held from 28 June to 22 July 2019. The Winter Wonderland festival was developed by the Jetty Road Mainstreet Management Committee (JRMC) in 2014 to help stimulate economic development during off peak visitation and to keep Glenelg front of mind as a destination during winter.

Motion

That the Jetty Road Mainstreet Committee note this briefing.

Moved E Leenearts, Seconded S Robinson

Carried

7.5 Winter Weekend (Report No: 215/19)

This report provides an update on planning for the upcoming Winter Weekend event taking place from 26 – 28 July 2019. At the 1 May JRMC meeting, the committee approved \$7,500 funding towards a new Winter activation that will see an event take place in the Winter Wonderland marquee with the ice rink removed.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved T Beatrice, Seconded A Fotopoulos

Carried

7.1 Items in Brief (Report No: 220/19)

Items presented for the information of Members.

Motion

Investigate options for a trader online platform for traders to report incidents in the precinct.

Moved A Warren, Seconded A Fotopoulos

Carried

Motion

That the following items be noted and items of interest discussed:

- 1. Letter from Stephen Patterson MP, in response to Mayor Amanda Wilson's letter to Hon Michelle Lensink, Minister for Human Services regarding Glenelg Lodge.**
- 2. Letter from Stephen Patterson MP, and including response from Hon Vicki Chapman MP on behalf of Hon Corey Wingard MP in response to Mayor Amanda Wilson's letter to Hon Michelle Lensink, Minister for Human Services regarding Glenelg Lodge.**

Moved S Robinson, Seconded N Hughes

Carried

7.6 Partridge Street Carpark (Report No: 216/19)

This report provides an overview of the discounted car parking offered by the City of Holdfast Bay to Jetty Road traders and staff to encourage the use of the Partridge Street car park. This incentive is offered to provide customers and the community with easily accessible parking in the Jetty Road Glenelg precinct. Over the last month the parking offer has been promoted to Jetty Road traders and there are now 60 individuals who have registered for the offer.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved L Boys, Seconded W Miller

Carried

7.7 March 2020 Events (Report No: 217/19)

This report provides information on events that have previously been held in Glenelg during March to activate the precinct during the Fringe period. It also provides an update on the opportunity to once again host the Open Air Cinema on the Glenelg foreshore during March 2020.

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved N Hughes, Seconded A Fotopoulos

Carried

8. URGENT BUSINESS

8.1 Strategic Planning Workshop

The Jetty Road Mainstreet Committee discussed the need to hold a Strategic Planning workshop. It was agreed to have this session immediately prior to the next Committee Meeting scheduled 5:00pm on Wednesday 26 June 2019.

9. DATE AND TIME OF NEXT MEETING

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 26 June 2019 in the Glenelg Library Meeting Room, Colley Terrace, Glenelg.

10. CLOSURE

The meeting closed at 7:24pm.

CONFIRMED: Wednesday 26 June 2019

CHAIRMAN

Item No: **14.1**
Subject: **ITEMS IN BRIEF**
Date: 25 June 2019
Written By: Personal Assistant
A/General Manager: Business Services, Ms P Jackson

SUMMARY

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

RECOMMENDATION

That the following items be noted and items of interest discussed:

- 1. Donation to St Andrews by the Sea Uniting Church**
 - 2. 2019-20 Annual Business Plan Summary Document**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

REPORT

- 1. Donation to St Andrews by the Sea Uniting Church**

Following Council Motion C230419/1464 on 23 April 2019, wherein Council approved the redirection of funding originally approved for the purchase and installation of lockers to supporting the continuation of the Emergency Relief Program, Administration can confirm that payment of \$20,000 to St Andrews by the Sea Uniting Church was finalised on 31 May 2019.

The funds were used to create a storage facility at St Andrews to accommodate both perishable and non-perishable food items that can be used for food parcel donations in order to provide emergency support for people in distress

2. 2018-19 Annual Business Plan Summary Document

The 2019-20 Annual Business Plan (C120619/1509) and Budget (C120619/1510) were endorsed by Council on 11 June 2019.

Pursuant to Section 123 (9) of the Local Government Act 1999, after adopting an Annual Business Plan and Budget Council is required to produce a summary document that:

- assists public awareness of the nature of objectives and activities; services; rating and financial management policies; for the ensuing financial year;
- accompanies the first rates notice sent to ratepayers after the declaration of rates for the financial year; and
- includes an assessment of Council's achievement in meeting its objectives of the previous year.

The 2019-20 Annual Business Plan Summary document is attached for information.

Refer Attachment 1

OUR PLAN FOR OUR PLACE

**2019-20
ANNUAL BUSINESS PLAN
SUMMARY**

THIS YEAR'S BUDGET

For every \$1000 of municipal funds spent we will allocate approximately:



* Locations of symbols are illustrative only



OUR PLAN FOR 2019–20

On behalf of the City of Holdfast Bay, I am pleased to present this summary of the 2019–20 Annual Business Plan.

Based on Council's strategic plan – *Our Place 2030* and input from the community, the *Annual Business Plan* outlines a budget and a program of new and continuing work for the coming financial year.

Council is committed to keeping rates as low as possible, while maintaining high quality services and delivering new projects and initiatives that make the city a healthy and vibrant place to live. This year's rate increase has been capped to the Local Government Price index at 2.7 percent.



Amanda Wilson

Mayor
City of Holdfast Bay

REVENUE

Council has budgeted to raise \$35.22 million in revenue from general rates¹. This represents an increase of 2.7 per cent on the previous year², equating to an average (mean) increase of \$29 per household for the year.

Additional income of \$36million is budgeted to be received from a range of sources including statutory charges, joint venture profit, grants and subsidies. These income sources are explained more fully in the graph on page 4.

EXPENDITURE

In the 2019–20 financial year, Council will invest \$79.19 million to provide services, implement programs and build or maintain essential assets. Our main areas of investment include:

- › \$56.33 million to provide **services**
- › \$7.71 million to **upgrade** and **maintain** community assets
- › \$15.15 million for new **capital** infrastructure and service improvements

A detailed breakdown of expenditure is provided in the graph on page 4.

We have budgeted for:

- › a consolidated operating surplus of \$0.072m (Alwyndor deficit of \$0.18m and Municipal operations surplus of \$0.25m)
- › a consolidated operating income of \$67.69 million to cover our operating expenditure of \$67.62 million

ASSISTANCE WITH YOUR RATES

Your council rates are based on the value of your property which is assessed and set annually by the State Valuation Office.

You can pay your rates in full as a single annual payment or in quarterly installments. Support may be available if you have difficulty paying your rates.

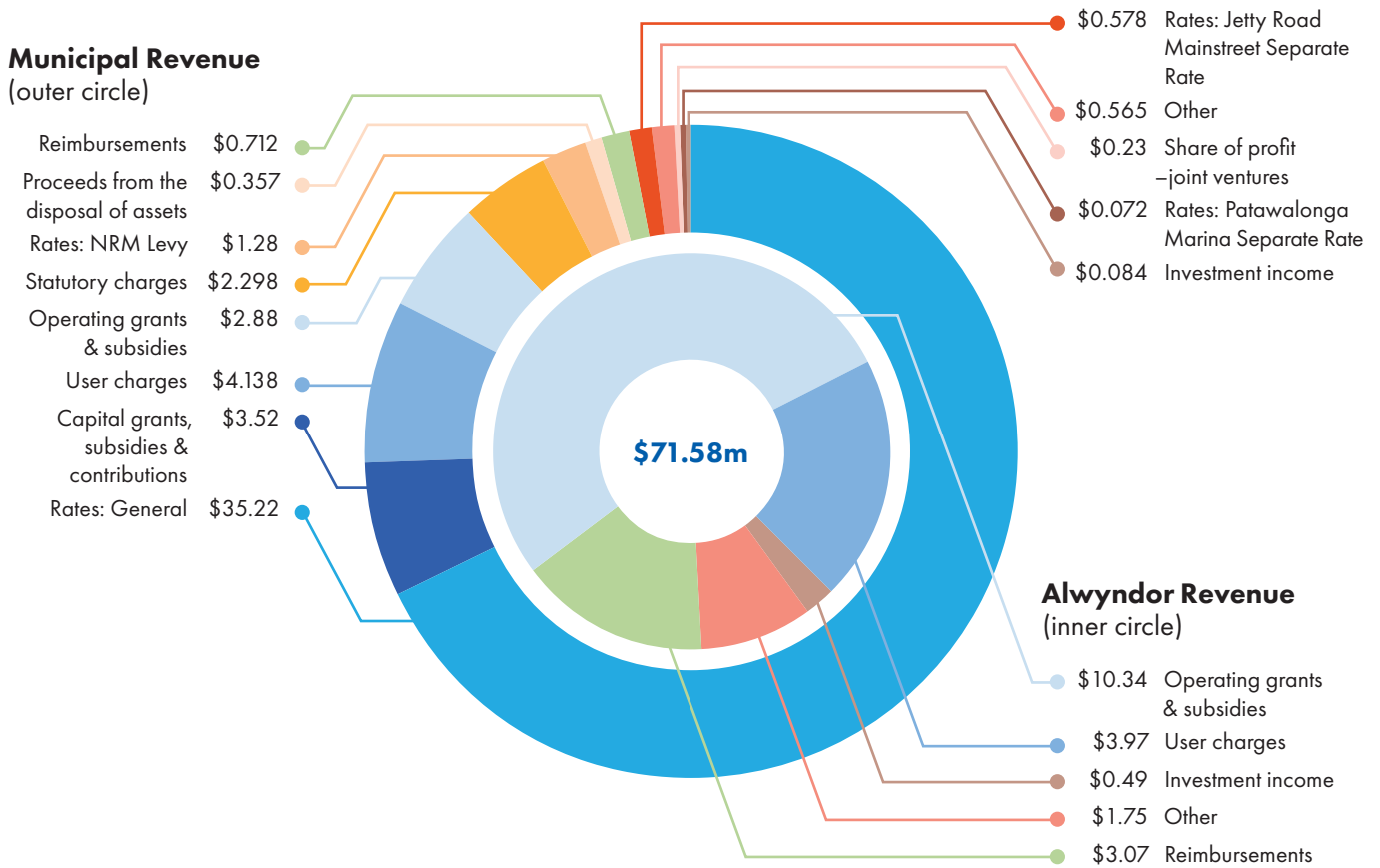
If the value of your property has increased significantly, your rates will have increased in line with the valuation. Residential ratepayers can apply to have a cap applied to limit the impact of large increases. Information about eligibility and assessment criteria are provided on the application form.

For more information on rate structures, payment options and rebates plus eligibility criteria and application forms for rate capping, please visit holdfast.sa.gov.au/rates or contact us on (08) 8229 9999.

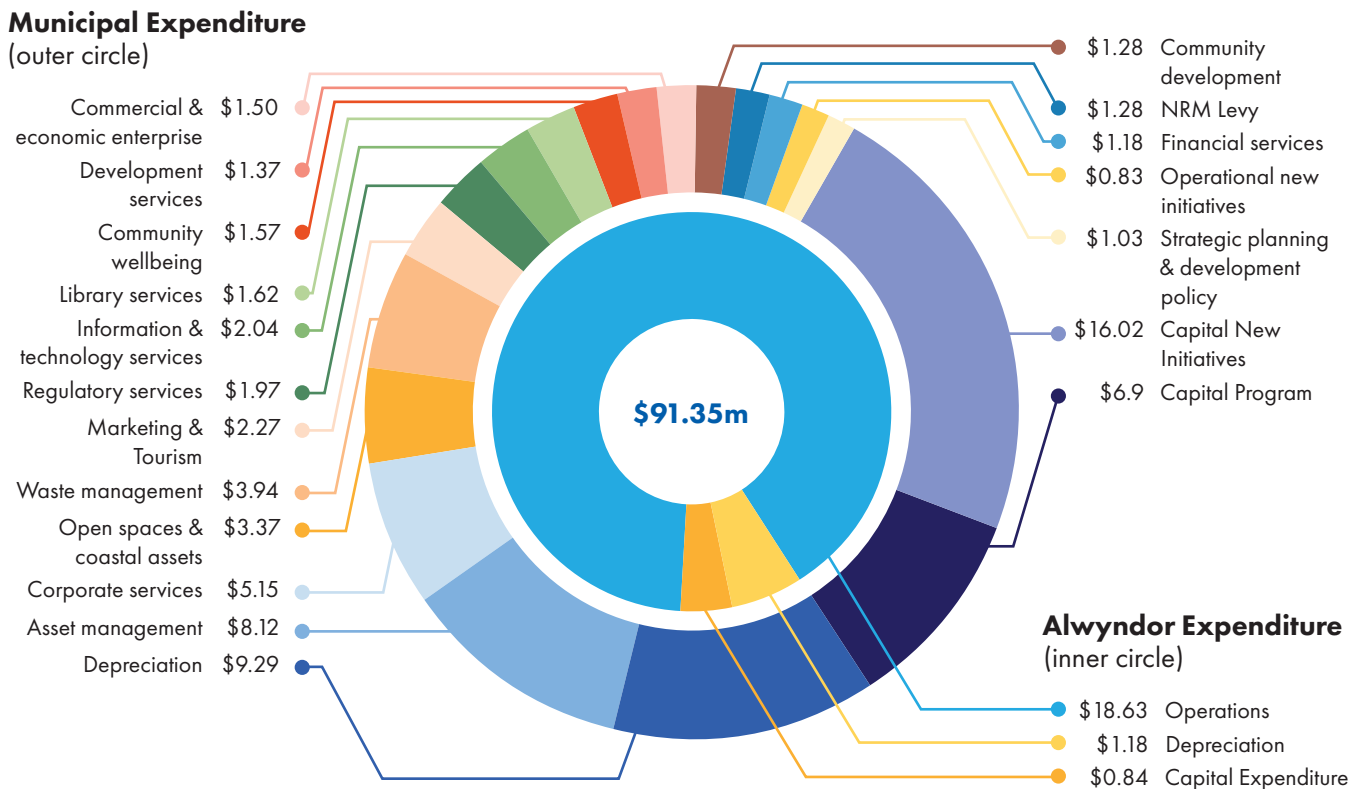
1. Revenue excludes State Government Natural Resources Management Levy but includes separate rates.

2. Increase excludes separate rates and State Government Natural Resources Management Levy.

WHERE FUNDS COME FROM (MILLIONS)



HOW FUNDS ARE SPENT (MILLIONS)



*A portion of these works are subject to external funding. Please refer to the full copy of the 2019–20 Annual Business Plan for more details.

OUR VISION

“Balancing our progress with our heritage, we lead in coastal management to deliver high-quality public spaces and services to build a welcoming, safe and active community where resident, visitor and business prosperity meet.”

Our Place: 2030 Strategic Plan

To achieve this vision we have identified five focus areas, each of which are supported by key objectives:



COMMUNITY
A healthy, creative,
connected community

- › Building a healthy, active and resilient community
- › Celebrating culture and diversity
- › Providing welcoming, accessible facilities
- › Fostering an engaged, contributing community



ENVIRONMENT
A community connected
to our natural environment

- › Protecting biodiversity
- › Building an environmentally resilient city
- › Using resources efficiently
- › Fostering an environmentally connected community



ECONOMY
A diverse and resilient
local economy

- › Supporting and growing local business
- › Making it easier to do business
- › Harnessing emerging technology
- › Boosting our visitor economy



PLACEMAKING
An accessible, vibrant and
safe coastal city that
celebrates our past to build
for our future

- › Creating vibrant and safe places
- › Developing walkable, connected neighbourhoods
- › Building character and celebrating history
- › Housing a diverse population



CULTURE
An effective, customer-centred
organisation

- › Providing customer-centred services
- › Being financially accountable
- › Enabling high performance
- › Supporting excellent, efficient operations



COMMUNITY

We will support a diverse, engaged and resilient community, promoting a healthy and active lifestyle. In 2019–20 we will spend:

\$1.62m

to continue providing a high quality, innovative library service which meets the needs of the community

\$6.8m

to undertake upgrades to both the Brighton and Glenelg sporting complexes



\$1m

remediation works on the Glenelg Town Hall

\$378,420

to renew our open spaces and playgrounds



\$1m

to upgrade the Wigley playspace and fitness hub (subject to grant funding)

Ongoing Projects and Programs

- › \$18.63m to continue providing high-quality facilities and services through the Alwyndor Aged Care facility, with a further \$0.84m to maintain and upgrade Alwyndor's assets
- › \$1.28m to deliver community development programs, services and events
- › \$1.57m to provide home and community services, including the Commonwealth Home Support Program (CHSP), Home and Community Care program (HACC) and community transport
- › \$1.97m to provide regulatory services to keep our community safe with an emphasis on equity, fairness and compliance
- › \$698,000 to repair and maintain sporting and community clubrooms and facilities
- › \$160,340 on our library collection and facilities

New Projects

- › \$71,800 for a pump track at Cedar Avenue Brighton
- › \$100,000 to review the Kingston Park Masterplan and implement stage 1
- › \$24,000 to implement the Disability Access and Inclusion Action Plan
- › \$35,000 on our partnership with the Kurna Nation Cultural Heritage Association (KNCHA)
- › \$40,000 for an update to our Social Needs and Community Infrastructure Planning and Analysis Report
- › \$10,000 on a mobile digital hub for the libraries
- › \$34,000 to upgrade Wattle Reserve multi-use court
- › \$82,500 to redevelop the Dulcie Perry Reserve playspace





ENVIRONMENT

We will protect and enhance our natural environment and bio-diversity, and foster an environmentally connected community. In 2019–20 we will spend:

\$3.37m

to care for our environment and manage our open spaces, natural areas, beaches and coastal zones



\$40,000

to continue to increase the tree canopy of our urban forest

\$30,750

for additional dog bag dispensers along the esplanade



\$50,000

to install a further two sandbag groynes at Brighton to reduce sand erosion



\$40,000

to improve biodiversity in our coastal dunes



Compostable Bags in Supermarkets Project, winner of the 2019 LG Professionals Leadership Excellence Awards in the category of Excellence in Environmental Leadership and Sustainability

Ongoing Projects and Programs

- › \$3.94m to manage waste (including collecting, processing and/or disposing of waste)
- › \$367,000 to continue with stormwater improvements across our city
- › \$45,200 to install coastal fencing including Marlborough Street and Wheatland street, replace the drinking fountain at Whyte Street, and undertake repairs to Glenelg Jetty

New Projects

- › \$35,000 for an energy audit and program for Council and its buildings
- › \$40,000 to continue to convert street lights to LED
- › \$300,000 for Water Sensitive Urban Design projects
- › \$60,000 to develop an holistic environmental strategy
- › \$20,000 to continue to support the Food 2 Green program
- › \$2m to continue to improve our stormwater systems (subject to grant funding)
- › \$200,000 to continue to improve our three gullies
- › \$32,000 for additional inspector patrols along the foreshore from September to February
- › \$40,000 for additional cleaning of the city's gross pollutant traps
- › \$1,800 for additional bins along Brighton Esplanade
- › \$10,000 to plan the development of beach width increase



ECONOMY

We will support a thriving business environment, which supports the local economy, business and tourism. In 2019–20 we will spend:

\$100,000

to continue to implement our Economic Activation Plan

\$2.27m

to promote tourism and attract visitors to our city, boosting trade for local businesses

\$26,000

on upgrading our carparking facilities

\$35,000

on new signage and a contribution to a new winter activation for Jetty Rd, Brighton

\$279,500

on event support, attraction and infrastructure

\$1.5m

to deliver commercial activities, to ensure the best possible return on the community's investment





PLACEMAKING

We will build a connected and safe city, promoting diverse housing options and building on our character and heritage. In 2019–20 we will spend:

An additional
\$200,000
to accelerate the
footpath improvement
program

\$10.89m

to manage and maintain community assets. This includes \$2.64m to maintain and upgrade roads, kerbs and footpaths, \$56,100 for signage, \$38,000 to maintain public toilets and \$30,000 to upgrade bus shelters.

\$15,000

for the design and specification for a replacement of the public toilet and shower facility located on the Esplanade at Seacliff

\$200,000

for a pedestrian
crossing at Angus
Neill Reserve



Ongoing Projects and Programs

- › \$1.37m to continue providing development assessment, development advice and building compliance services
- › \$1.03m on strategic planning and policy

New Projects

- › \$300,000 for remediation of the Buffalo site
- › \$100,000 for the Kingston Park Masterplan detailed design and construction
- › \$140,000 for traffic control studies and devices
- › \$250,000 for placemaking around the Brighton Civic Centre
- › \$35,000 for safety improvements at Parkinson Reserve
- › \$40,000 for a footpath along Gladstone Rd



\$2.55m

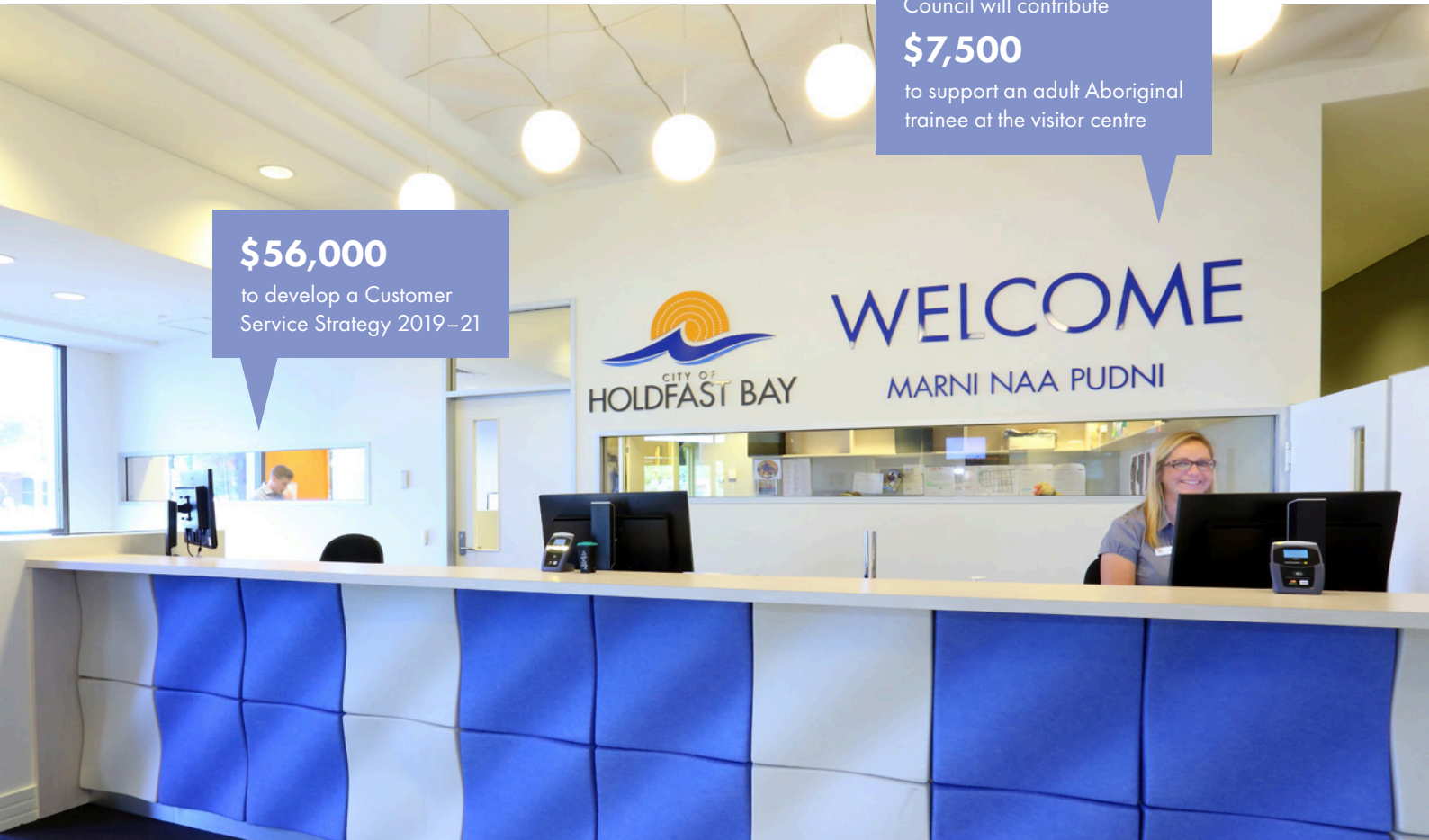
to commence construction of the Jetty Rd Masterplan for the Chapel Street Civic Plaza and Hindmarsh Lane (subject to grant funding)





CULTURE

We will provide high-quality services to the community with a focus on customer needs, financial accountability and efficient operations. In 2019–20 we will spend:



\$56,000

to develop a Customer Service Strategy 2019–21

Council will contribute

\$7,500

to support an adult Aboriginal trainee at the visitor centre

Ongoing Projects and Programs

- › \$6.33m to provide transparent corporate services that support our elected members, provide high quality governance, manage our finances to ensure long-term sustainability and provide the best possible value for money to our ratepayers
- › \$844,063 allocated by Alwyndor to fund asset renewal and replacement works, including plant and equipment replacement
- › \$363,868 on building capital renewal

New Projects

- › \$50,000 to update our Asset Management Plan
- › \$350,000 to continue the upgrade of core digital systems

ACHIEVEMENTS IN 2018-19

INVESTED \$4m

in maintaining and renewing the City's roads, footpaths, playgrounds and reserves

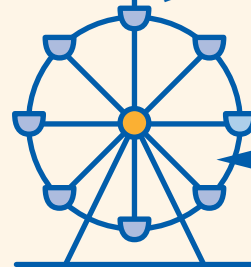
Commenced Holdfast Bay's final section of the

COAST PARK WALKING TRAIL

at Minda Dunes (due for completion in September)

250+

Events hosted



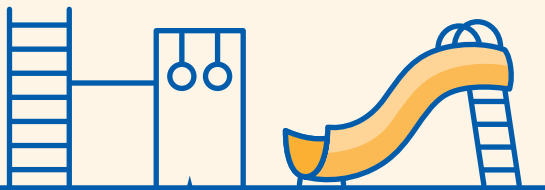
Attracting over
500,000
event attendees



Developed an
ARTS AND CULTURE
Strategy for our City

PLAYSPACE

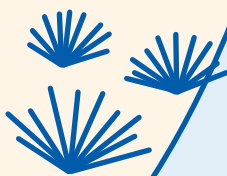
Constructed at Kauri Parade Sports and Community Centre



Developed an OPEN SPACE AND PUBLIC REALM

Strategy for our City

Commenced the
**BRIGHTON
OVAL**
Redevelopment



Established a BIODIVERSITY CORRIDOR

along the Sturt River

Extended Brighton Library opening hours to six days a week, increasing patronage by

OVER 16,500 VISITORS



Supported local business start-ups with
\$50,000
in small business development grants

For a full list of achievements, please visit holdfast.sa.gov.au/achievements.

Keep up to date on the progress of projects at yourviewholdfast.com

READ MORE ABOUT OUR PLANS

This document serves as a summary. For more information on our 2019–20 budget, services and projects you can access a full copy of the *2019–20 Annual Business Plan* at:

- › holdfast.sa.gov.au/publications
- › Brighton Civic Centre, 24 Jetty Road, Brighton
- › Brighton Library, 20 Jetty Road, Brighton
- › Glenelg Library, 2 Colley Terrace, Glenelg.

CONTACT US

For more information please contact us:

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Item No: **14.2**

Subject: **2019-20 RATE DECLARATION**

Date: 25 June 2019

Written By: Rates Administrator

A/General Manager: Business Services, Ms P Jackson

SUMMARY

General, differential and separate rates have been identified to fund Council's activities, together with the NRM Levy, as contained within the approved 2019/20 budget document. Council is now in a position to formally declare the rates for the 2019/20 financial year.

RECOMMENDATION

1. Adoption of Valuations

That the total capital value of land within Council's area of \$13,733,688,980, as provided by the State Valuation Office, be adopted for rating purposes for the 2019/20 financial year.

2. Declaration of Differential General Rates

In order to raise a total net amount of \$35,222,300 from the differential general rate:

- (a) in respect of rateable land with a land use of Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) , a Differential General Rate of 0.374999 cents in the dollar is declared on the capital value of such land;**
- (b) in respect of rateable land with a land use of Residential (Category 1) and Other Land (Category 9) uses, a Differential General Rate of 0.24259 cents in the dollar is declared on the capital value of such land;**
- (c) pursuant to Section 158 of the *Local Government Act 1999*, a minimum amount payable by way of the General Rate is fixed at \$1,002 and**
- (d) pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, a maximum increase of 6% (of the general rate declared for the same property for the 2018/19 financial year) is fixed in the general rate charged on rateable**

land that is used for residential purposes and constitutes the principal place of residence of a principal ratepayer. Any amount exceeding the 6% increase will be remitted in full. The cap on an increase in general rates under this Section will not apply where property values have increased as a result of the following events: new building work and/or development activity greater than \$5,000; changes in land use wholly or partially; changes in zoning; the ownership of the rateable property has changed since 1 July of the previous year; the property is no longer the principal place of residence.

3. Declaration of Separate Rates

Jetty Road Mainstreet

(a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, a Differential Separate Rate of 0.125215 cents in the dollar is declared on the capital value of all rateable land:

- with a frontage to Jetty Road or Moseley Square;
- within the side streets that intersect with Jetty Road between High Street and Augusta street;
- the entire site referred to as the Holdfast Shores 2B Entertainment Centre and
- that has a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial –Other).

Patawalonga Marina

(b) (i) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 0.94701 cents in the dollar of the capital value of land, is declared on all rateable land within the Patawalonga basin bounded by the high water mark and

(ii) in exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$83,526 at \$791.

4. Imposition of regional NRM Levy

In exercise of the powers contained in Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$1,281,868, the Council declares a separate rate of 0.0097373 cents in the dollar of the capital value of all rateable land in the Council area.

5. Payment

(a) That in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

2 September 2019
2 December 2019;
2 March 2020; and
1 June 2020

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, the Chief Executive Officer is authorised to fix the date by which rates must be paid in respect of those assessments affected and

(b) Pursuant to Section 181 (4)(b) of the *Local Government Act 1999*, the Chief Executive Officer is authorised to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do (as determined by the Chief Executive Officer).

6. The current Rating Policy be updated to reflect Council's decision.

COMMUNITY PLAN

Culture: Being Financially Accountable

COUNCIL POLICY

Rating Policy

STATUTORY PROVISIONS

Local Government Act 1999, Section 44 and Chapter 10.

Local Government (General) Regulations 1999, Regulation 10.

Natural Resources Management Act 2004, Section 95.

BACKGROUND

This report has been prepared to enable the declaration of the 2019/20 rates.

Council has received and considered various reports and minutes in relation to the Budget and Rating for 2019/20 including:

12 March 2019	Report No: 87/19 Jetty Road Mainstreet Committee – Minutes of special meeting 20 February 2019
9 April 2019	Report No: 141/19 Draft 2019-20 Annual Business Plan
23 April 2019	Report No: 150/19 Audit Committee – Minutes of meeting 8 April 2019
14 May 2019	Report No: 181/19 Alwyndor Management Committee – Minutes of meeting 24 April 2019
28 May 2019	Report No: 188/19 Draft 2019-20 Annual Business Plan Consultation Outcomes
11 June 2019	Report No: 223/19 Annual Business Plan
11 June 2019	Report No: 224/19 2018/19 Budget Adoption

REPORT

Rates Policy

At its meeting on 11 June 2019 Council adopted the following rate settings:

- “1. *That the minimum rate for 2019/20 be increased by the same percentage as the increase in general rate;*
2. *That the differential general rate be retained at the current 13.8% proportion of general rate revenue ie: 2.7%;*
3. *That the rate capping percentage remain at 6%.*

General Rates

Rate revenue for 2019/20 will increase 2.7%, excluding new developments, separate rates and the State Government NRM Levy. The budget includes the net amount of \$35,222,300 (allowing for rate capping and all rebates) for differential general rate revenue that will be raised through a differential general rate of 0.24259 cents in the dollar (0.24474 cents in 2018/19) and a minimum rate of \$1,002 (\$976 in 2018/19). The differential general rate in the dollar for residential ratepayers for 2019/20 has decreased by 0.89% from the previous year.

The average (mean) residential rateable property value is \$630,090 (\$612,537 in 2018/19), and the rates payable on the mean residential property is \$1,529 (\$1,500 in 2018/19). This equates to an increase of \$29 when compared to the previous year.

The differential general rate in the dollar to be applied to Commercial, Industrial and Vacant Land in 2019/20 is set at 0.374999 cents, (compared with 0.39055 cents in 2018/19). The differential general rate in the dollar proposed for application to Commercial, Industrial and Vacant Land ratepayers for 2019/20 is equal to a decrease of 4.15% when compared with the previous year.

The proposed rate is based on the Supplementary Valuation Reports issued by the State Valuation Office, up to and including supplementary report dated 9 June 2019.

Separate Rates

Jetty Road Mainstreet

Details of the recommended 2019/20 budget from the Jetty Road Mainstreet Management Committee have been incorporated into Council's budget comprising a separate rate amounting to \$578,088 (\$564,539 for 2018/19).

The separate rate will be imposed on all rateable land:

- with a frontage to Jetty Road or Moseley Square; and
- within the side streets that intersect with Jetty Road between High Street and Augusta Street; and
- the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
- with a land use category 2 (Commercial - Shop), 3 (Commercial – Office), and 4 (Commercial – Other).

The valuation of the 384 properties totals \$461,674,494 for which a separate rate of 0.125215 cents in the dollar of Capital Value will return the required amount (compared with 0.12773 cents for 2018/19).

Patawalonga Marina

In addition to general rates being levied against berth owners within the Patawalonga Marina, a separate rate will be levied for the purpose of lock maintenance. This separate rate will be applied to 170 properties within the high water mark of the Patawalonga basin and generate a nett revenue of \$71,750.

The valuation of the 170 properties totals \$43,650,000 for which a separate rate of .94701 cents in the dollar of Capital Value would return the required amount. There are 9 properties along Cygnet Court that contribute to the Patawalonga Marina separate rate which include a land component and consequently the total capital value of these properties is substantially more than the capital value of their individual marina berth. To ensure that these properties do not contribute substantially more to the Patawalonga Marina rate than the other berth owners, a maximum rate of \$791 (\$772 in 2018/19), equating to a Capital Value of \$83,526 is proposed.

Regional NRM Levy

Under Section 95 of the Natural Resources Management Act 2004, Council is required to pay a sum of \$1,281,868 (2018/19 \$1,233,808) to the Adelaide and Mount Lofty Ranges Natural Resources Management Board. The total amount to be raised, including a provision for rebates, is \$1,306,868.

A Separate Rate is required to be levied across the total City to recoup \$1,281,868 plus a provision of \$25,000 for applicable rebates. The valuation of such properties amount to \$13,426,352,000 for which a separate rate of 0.0097373 cents in the dollar of Capital Value would return the required amount.

BUDGET

This report declares the amount and distribution of rates as adopted in the 2019/20 budget.

Rate description	Amount (Adopted 2019/20 Budget)
General Rates	\$30,714,000
General Differential Rates	\$4,921,000
New Development/Growth	\$150,000
Patawalonga Lock Rates	\$71,750
NRM Levy	\$1,281,868
Jetty Road Mainstreet	\$578,088
Fines/Legal Fees	\$106,000
Rate Capping/Valuation Objections	(\$29,700)
Rebates – LG Act and Council	(\$639,000)

LIFE CYCLE COSTS

Not applicable to this report.

Item No: **14.3**

Subject: **MONTHLY FINANCIAL REPORT – 31 MAY 2019**

Date: 25 June 2019

Written By: Management Accountant

A/General Manager: Business Services, Ms P Jackson

SUMMARY

Attached are financial reports as at 31 May 2019. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care, and a month by month variance report for Council's municipal activities. The adjusted forecast budget includes the carried forward amount as approved by Council 14 August 2018 and the three quarterly budget updates approved by Council 23 October 2018, 12 February 2019 and 23 April 2019.

Alwyndor Aged Care's budget forecast deficit is to increase by \$268,000 to \$326,000 due to additional support costs associated with accreditation in line with new quality standards. The report also includes Council's resolution (C140519/1477) to increase the capital expenditure budget by \$6,300 for the installation of fencing at Angus Neill Reserve and highlights items that show a material variance from the YTD budget.

RECOMMENDATION

That Council receives the financial reports and budget update for the 11 months to 31 May 2019 and notes:

- **no change in the forecast Municipal operating surplus for 2018/19 of \$537,245;**
 - **an increase in forecast Municipal capital expenditure of \$6,300 from \$21.677 million to \$21.683 million; and**
 - **an increase in the forecast Alwyndor Aged Care 2018/19 operating deficit of \$268,000 from \$58,000 to \$326,000.**
-

COMMUNITY PLAN

Culture: Being financially accountable

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

Council receives financial reports each month comprising a Funds Statement and Capital Expenditure Report for each of Council's municipal activities and Alwyndor Aged Care.

The Funds Statements include an income statement and provide a link between the Operating Surplus/Deficit with the overall source and application of funds including the impact on cash and borrowings.

Refer Attachment 1

REPORT

A comprehensive budget update was conducted for the period ending 31 March 2019 and approved by Council 23 April 2019. Further savings have been identified, with other variances due to budget and actuals timing differences over the first eleven months of the financial year. Details of the major variances, along with amounts and notes, for both Council Municipal and Alwyndor operations have been prepared and are attached to this report.

Additional Capital Expenditure

An additional capital project was approved by Council 19 May 2019 (Resolution C140519/1477) for the installation of a 30m section of fencing on Marine Parade on the footpath adjacent to the Angus Neill Reserve playspace. This has resulted in an increase in forecast capital expenditure of \$6,300.

Financial Assistance Grant - timing

In June 2018 the Federal Government brought forward 50 percent of the 2018/19 Financial Assistance Grant resulting in a potential reduction in the operating result for 2018/19. Following the release of the 2019/20 Federal Budget on 2 April 2019, the Commonwealth has confirmed that it will again bring forward the payment of approximately half of the Commonwealth Financial Assistance Grants in June 2019 and this will be accounted for in 2018-19.

This is a timing issue and will be noted as such in the 2018/19 financial statements. The 2018/19 operating budget will not be affected, however there may be a potential reduction in the 2019/20 operating result depending on the timing of future Financial Assistance Grant payments.

Federal Government has also advised that they anticipate the Supplementary Local Road Funding grant will be paid before the end of June 2019.

Alwyndor Aged Care

A comprehensive budget review by Alwyndor was carried out and has resulted in an increase to the forecast deficit of \$268,000 meaning at 30 June 2019 a new revised budget forecast deficit of \$326,000. Additional costs of support resources are required to prepare for accreditation of new quality standards and has contributed to this changed result.

Attachment 1





City of Holdfast Bay Municipal Funds Statement as at May 2019

2018 - 2019 Original Budget \$'000	Year to Date				2018 - 2019 Adopted Forecast \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000			
(763)	(639)	(620)	(19)	Administrative Services	(747)	
1,637	1,010	1,006	4	FAG/R2R Grants	1,637	
(1,087)	(809)	(767)	(42)	Financial Services	(925)	
(9,033)	(6,775)	(6,709)	(66)	Financial Services-Depreciation	(9,033)	1
(247)	-	-	-	Financial Services-Employee Leave Provisions	(247)	
(753)	(503)	(474)	(28)	Financial Services-Interest on Borrowings	(667)	
230	-	-	-	Financial Services-SRWRA	230	
34,292	34,224	34,210	15	General Rates	34,246	
(1,999)	(1,522)	(1,555)	33	Governance & Risk	(1,744)	
(647)	(463)	(465)	2	Human Resources	(561)	
(2,732)	(2,677)	(2,620)	(57)	Strategy & Innovation	(3,048)	2
(675)	(462)	(424)	(37)	Business Development	(509)	
(968)	(847)	(797)	(51)	Community Development	(968)	3
(347)	(281)	(303)	21	Community Engagement Admin	(347)	
(886)	(769)	(706)	(64)	Community Events	(819)	4
(289)	(274)	(300)	26	Community Services Administration	(309)	
(206)	(141)	(123)	(17)	Community Transport	(166)	
(8)	95	165	(70)	Community Wellbeing	(78)	5
(545)	(505)	(476)	(29)	Customer Service	(557)	
-	(3)	41	(44)	Jetty Road Mainstreet	(77)	
(1,435)	(1,238)	(1,224)	(14)	Library Services	(1,395)	
17	91	103	(12)	SA HACC	(25)	
(325)	(287)	(254)	(33)	Tourism & Marketing Admin	(325)	
(1,471)	(1,385)	(1,401)	15	Asset Management	(1,648)	
(1,494)	(1,249)	(1,296)	47	Assets and City Services	(1,449)	
36	78	97	(19)	Cemeteries	36	
590	815	869	(54)	City Regulation	817	6
935	990	956	34	Commercial - Brighton Caravan Park	935	
7	28	(11)	39	Commercial - Partridge House	7	
392	372	337	35	Commercial - Recreational Clubs Leases	392	
(903)	(701)	(644)	(57)	Development Services	(799)	7
(569)	(355)	(362)	7	Environmental Services	(486)	
(407)	(503)	(466)	(37)	Infrastructure Maintenance	(607)	
(64)	(62)	(55)	(7)	Property Maintenance	(64)	
(7,310)	(6,532)	(6,558)	26	Public Spaces	(7,461)	
(3,515)	(2,995)	(2,995)	-	Waste Management	(3,515)	
-	-	52	(52)	Net Gain/Loss on Disposal of Assets - non cash item	-	8
816	-	-	-	Less full cost attribution - % admin costs capitalised	816	
272	5,725	6,231	(506)	=Operating Surplus/(Deficit)	537	
-	-	(52)	52	Net Gain/loss on disposal of assets	-	8
9,033	6,775	6,709	66	Depreciation	9,033	1
17	-	-	-	Other Non Cash Items	17	
9,050	6,775	6,657	118	Plus Non Cash Items in Operating Surplus/(Deficit)	9,050	
9,322	12,500	12,888	(388)	=Funds Generated from Operating Activities	9,587	
9,585	6,325	6,341	(16)	Amounts Received for New/Upgraded Assets	8,070	
1,202	337	346	(9)	Proceeds from Disposal of Assets	1,363	
10,787	6,662	6,687	(25)	Plus Funds Sourced from Capital Activities	9,433	
(5,499)	(3,945)	(3,531)	(414)	Capital Expenditure on Renewal and Replacement	(6,318)	
(17,059)	(6,234)	(4,612)	(1,622)	Capital Expenditure on New and Upgraded Assets	(15,365)	
(22,558)	(10,179)	(8,143)	(2,036)	Less Total Capital Expenditure	(21,683)	9
208	208	197	11	Plus:Repayments of loan principal by sporting groups	208	
208	208	197	11	Plus/(less) funds provided (used) by Investing Activities	208	
(2,240)	9,191	11,629	(2,438)	= FUNDING SURPLUS/(REQUIREMENT)	(2,454)	
Funded by						
-	-	(1,477)	1,477	Increase/(Decrease) in Cash & Cash Equivalents	(6)	
-	8,316	12,207	(3,891)	Non Cash Changes in Net Current Assets	-	
(3,381)	-	-	-	Less: Proceeds from new borrowings	(3,588)	
1,141	876	900	(24)	Plus: Principal repayments of borrowings	1,141	
(2,240)	9,191	11,629	(2,438)	=Funding Application/(Source)	(2,454)	

Note 1 – Financial Services - Depreciation - \$66,000 favourable

Following a revaluation of Council's Open Space assets the annual depreciation charge is lower than originally budgeted for.

Note 2 – Strategy & Innovation - \$57,000 favourable

Salary savings due to temporary vacancies.

Note 3 – Community Development - \$51,000 favourable

Salary savings due to temporary vacancies (\$33,000) and the timing of various community programs (\$14,000).

Note 4 – Community Events - \$64,000 favourable

Additional revenue raised from concerts on the beach, running of a ferris wheel and various summer markets and events (\$30,000), savings on various events including Christmas Pageant (\$13,000), Australia Day (\$10,000) and Bay Sheffield (\$6,000).

Note 5 – Community Wellbeing - \$70,000 favourable

The favourable variance is mainly due to timing as the allocation of Council's administrative costs, full cost attribution, has not yet been applied to these grant funded programs.

Note 6 – City Regulation - \$54,000 favourable

Additional hoarding fee income from construction works at Glenelg (\$32,000) and salary savings due to temporary vacancies (\$26,000).

Note 7 – Development Services - \$57,000 favourable

Salary savings due to temporary vacancies (\$12,000), additional planning fees (\$10,000) and savings on contributions (\$24,000) and legal fees (\$6,000).

Note 8 – Net Gain/Loss on Disposal of Assets - \$52,000 favourable

Net gain on the sale of Council vehicles.

Note 9 – Capital Expenditure - \$2,036,000 favourable

There are positive variances on a number of capital projects due to timing, savings on completed projects and projects that cannot be completed in 2018/19. A number of major projects are expected to be incomplete as at 30 June 2019 and include the following:

- Brighton Oval clubrooms construction
- Glenelg Town Hall renovations including the Bay Discovery Centre
- Coast Park shared pathway at Minda
- Jetty Road, Glenelg Masterplan design and construction works
- Brighton Caravan Park upgrade – stage 2
- Major plant and equipment on order, but not yet delivered



City of Holdfast Bay Capital Expenditure Summary by Budget Item to May 2019

2018-19 Original Budget \$'000	Year to Date				2018-19 Adopted Forecast \$'000
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000		
(816)	-	-	-	- Full Cost Attribution	(816)
(280)	(274)	(331)	57	Information Technology	(320)
(94)	(94)	(18)	(76)	Commercial and Economic Enterprises	(94)
(86)	(81)	(81)	-	- Brighton Library	(86)
(8)	(8)	(8)	-	- Community Centres General Admin	(8)
-	(6)	(28)	22	Sport and Recreation	(90)
(12)	(12)	(1)	(10)	Depot and Stores	(12)
(401)	(663)	(646)	(17)	Machinery Operating	(873)
(642)	(762)	(732)	(30)	Road Construction and Re-seal Program	(762)
(60)	(122)	(80)	(42)	Car Park Construction	(122)
(246)	(244)	(179)	(64)	Footpath Program	(244)
(2,750)	(400)	(307)	(93)	Stormwater Drainage Program	(853)
(70)	(77)	(74)	(3)	Traffic Control Construction Program	(77)
(661)	(703)	(656)	(47)	Kerb and Water Table Construction Program	(707)
(110)	(110)	(97)	(13)	Other Transport - Bus Shelters etc.	(110)
(5,439)	(1,942)	(1,097)	(845)	Reserve Improvements Program	(3,888)
(1,711)	(686)	(588)	(98)	Land, Buildings and Infrastructure Program	(2,038)
(3,726)	(1,653)	(862)	(791)	Streetscape Program	(4,526)
(50)	(50)	-	(50)	Street Lighting	(50)
(5,396)	(2,292)	(2,356)	64	Foreshore Improvements Program	(5,898)
-	-	-	-	- Caravan Park - General	(102)
(22,558)	(10,179)	(8,143)	(2,036)	Total	(21,677)



Alwyndor Aged Care Funds Statement as at 31 May 2019

2018-19 Original Budget \$'000	Year to Date				2018-19 Adopted Forecast \$'000	Proposed Forecast Adjustment \$'000	Note
	Adopted Forecast \$'000	Actual YTD \$'000	Variance \$'000				
3,723	3,379	3,290	88	User Charges	3,681	-	1
10,224	9,480	9,323	158	Operating Grants and Subsidies	10,334	-	2
424	418	447	(28)	Investment Income	478	-	
3,145	2,777	2,890	(113)	Reimbursements	3,178	-	3
1,934	1,929	1,938	(8)	Other Income	2,007	-	
19,450	17,983	17,886	96	Operating Revenue	19,678	-	
(14,039)	(12,913)	(12,815)	(98)	Employee Costs - Salaries & Wages	(13,986)	-	4
(4,248)	(4,024)	(4,065)	41	Materials, Contracts and Other Expenses	(4,451)	(268)	5
(70)	(120)	(140)	20	Finance Charges	(126)	-	
(907)	(1,079)	(1,089)	10	Depreciation	(1,173)	-	
(19,264)	(18,136)	(18,110)	(26)	Less Operating Expenditure	(19,736)	(268)	
186	(153)	(223)	70	=Operating Surplus/(Deficit)	(58)	(268)	
907	1,079	1,089	(10)	Depreciation	1,173	-	
127	98	20	78	Provisions	78	-	
1,034	1,177	1,110	68	Plus Non Cash Items in Operating Surplus/(Deficit)	1,251	-	
1,220	1,024	886	138	=Funds Generated from Operating Activities	1,193	(268)	
(889)	(815)	(243)	(572)	Capital Expenditure on New and Upgraded Assets	(889)	-	
(889)	(815)	(243)	(572)	Less Total Capital Expenditure	(889)	-	
331	209	643	(434)	= Funding SURPLUS/(REQUIREMENT)	304	(268)	
Funded by							
331	209	643	(434)	Increase/(Decrease) in Cash & Cash Equivalents	309	-	
331	209	643	(434)	=Funding Application/(Source)	304	(268)	

**Alwyndor Aged Care – Notes
May 2019**

1 User Chargers – \$88,000 unfavourable

The Government has recently clarified details with regard to the Income Test Fee component for Home Care Packages and has advised that we are required to charge clients that fee. This means that for those clients that have had the income test fee waived the amount waived to date will need to be reimbursed into their budget. From 1 June 2019 these clients will also now be charged the assessed income test fee amount. The result of this funds reimbursement is that unspent funds for those clients, and the organisation, will increase. The total funding to be reimbursed to these clients is approximately \$72,000.

2 Operating Grants and Subsidies - \$158,000 unfavourable

Additional government funding of 9.5% will increase grants by approximately \$60,000 per month until June 2019.

3 Reimbursements – \$113,000 favourable

Reimbursement Income and Other Income is generated from Consumer Directed Care packages. Packages are steadily increasing, with six higher package levels in May.

4 Employee Costs – \$98,000 favourable

Slightly down due to two vacant senior roles.

5 Materials, Contracts and Other Expenses – budget forecast update – \$268,000 unfavourable

Additional costs of consultancy and resources required to prepare for accreditation.



**City of Holdfast Bay
Municipal Funds Statement as at May 2019**

	July		August		September		October		November		December		January		February		March		April		May		YTD Revised	Actual
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	YTD
	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000
Administrative Services	(113)	(79)	(130)	(134)	(35)	(58)	(35)	(37)	(35)	(31)	(56)	(53)	(47)	(34)	(45)	(40)	(74)	(105)	(35)	(41)	(35)	(8)	(639)	(620)
FAG/R2R Grants	-	-	184	314	-	-	-	-	300	431	261	-	4	-	131	131	-	-	-	-	131	131	1,010	1,006
Financial Services	(51)	(50)	(250)	(263)	(73)	(51)	(51)	(20)	(54)	(42)	(32)	(64)	(57)	(48)	(67)	(46)	(91)	(15)	(17)	(40)	(66)	(128)	(809)	(767)
Financial Services-Depreciation	-	3	-	-	(2,258)	(2,261)	-	-	-	-	(2,258)	(2,259)	-	-	-	-	(2,258)	(3,505)	-	-	1,313	-	(6,775)	(6,709)
Financial Services-Interest on Borrowings	(1)	73	65	(6)	1	4	(27)	(5)	(230)	(230)	(63)	(82)	(21)	-	1	(5)	4	-	-	(4)	(223)	(223)	(503)	(474)
General Rates	35,306	35,391	(323)	(311)	111	19	4	(8)	(305)	(301)	12	16	4	(1)	4	(1)	(287)	(292)	4	3	(305)	(305)	34,224	34,210
Governance & Risk	(197)	(254)	(82)	(137)	(86)	(78)	(138)	(159)	(173)	(48)	(166)	(167)	(192)	(193)	(97)	(123)	(103)	(123)	(206)	(168)	(83)	(106)	(1,522)	(1,555)
Human Resources	5	-	(89)	(73)	(24)	(8)	(81)	(24)	(60)	(60)	(68)	(59)	40	(21)	(61)	(50)	(12)	(33)	(54)	(58)	(61)	(79)	(463)	(465)
Net Gain/Loss on Disposal of Assets - non cash item	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	52
Strategy & Innovation	(382)	(132)	(351)	(639)	(199)	(248)	(155)	(246)	(166)	(265)	(364)	(160)	(153)	(180)	(233)	(184)	(213)	(182)	(215)	(154)	(244)	(229)	(2,677)	(2,620)
Business Development	(147)	69	46	(152)	(41)	(14)	(29)	(32)	(42)	(35)	(19)	(46)	(62)	(62)	(35)	(31)	(62)	(49)	(41)	(48)	(31)	(25)	(462)	(424)
Community Development	(44)	(48)	(83)	(100)	(72)	(84)	(92)	(48)	(73)	(56)	(91)	(100)	(54)	(68)	(71)	(49)	(83)	(80)	(74)	(61)	(110)	(102)	(847)	(797)
Community Engagement Admin	(15)	(30)	(31)	(37)	(25)	(18)	(28)	(43)	(27)	(32)	(22)	(28)	(29)	(29)	(24)	(20)	(31)	(21)	(21)	(25)	(30)	(20)	(281)	(303)
Community Events	(50)	(34)	(53)	(47)	(30)	(56)	(64)	(75)	(103)	(87)	(121)	(98)	(115)	(105)	(122)	(64)	(68)	(70)	(1)	(38)	(44)	(31)	(769)	(706)
Community Services Administration	(15)	(14)	(31)	(32)	(21)	(46)	(23)	(27)	(21)	(21)	(23)	(23)	(21)	(22)	(21)	(28)	(34)	(35)	(21)	(23)	(44)	(30)	(274)	(300)
Community Transport	(10)	(6)	(13)	(17)	(10)	(9)	(17)	(8)	(12)	(17)	(16)	(12)	(21)	(15)	(9)	(9)	(9)	(16)	(12)	(7)	(11)	(7)	(141)	(123)
Community Wellbeing	164	188	(75)	(93)	(73)	(71)	154	173	(71)	(89)	(77)	(71)	129	183	(39)	(62)	(97)	(107)	197	183	(119)	(68)	95	165
Customer Service	(31)	(31)	(61)	(55)	(42)	(43)	(41)	(40)	(42)	(40)	(42)	(39)	(42)	(42)	(41)	(40)	(61)	(61)	(51)	(43)	(51)	(42)	(505)	(476)
Jetty Road Mainstreet	228	609	114	(177)	23	(66)	(31)	(55)	(79)	(57)	(61)	(41)	(28)	(35)	(70)	(65)	(33)	(31)	(44)	(29)	(21)	(10)	(3)	41
Library Services	(95)	(72)	(172)	(165)	(119)	(111)	(123)	(120)	23	13	(118)	(129)	(121)	(109)	(117)	(120)	(177)	(178)	(88)	(119)	(130)	(115)	(1,238)	(1,224)
SA HACC	69	63	(20)	(32)	(16)	(19)	66	63	(16)	(20)	(17)	60	63	(18)	(20)	(16)	(57)	(25)	61	64	(22)	(17)	91	103
Tourism & Marketing Admin	(19)	(11)	(36)	(20)	(25)	(23)	(25)	(24)	(24)	(24)	(24)	(26)	(24)	(23)	(25)	(20)	(36)	(37)	(25)	(23)	(25)	(24)	(287)	(254)
Asset Management	(100)	(38)	(121)	(174)	(123)	(99)	(130)	(134)	(103)	(149)	(102)	(97)	(154)	(181)	(151)	(101)	(156)	(177)	(125)	(149)	(119)	(103)	(1,385)	(1,401)
Assets and City Services	(83)	(116)	(156)	(152)	(106)	(90)	(120)	(111)	(118)	(105)	(115)	(131)	(110)	(103)	(101)	(100)	(127)	(172)	(102)	(107)	(110)	(110)	(1,249)	(1,299)
Cemeteries	25	15	14	10	17	(3)	-	22	15	16	(2)	15	(17)	9	(2)	-	11	6	1	3	16	3	78	97
City Regulation	73	98	(36)	(48)	58	31	125	87	78	189	20	(72)	175	326	114	95	20	(1)	166	89	33	75	815	869
Commercial - Brighton Caravan Park	15	23	(1)	(13)	70	62	56	149	37	-	215	244	263	346	77	74	130	(39)	(21)	152	148	(42)	990	956
Commercial - Partridge House	(8)	7	(11)	(15)	(22)	(9)	(4)	11	16	(5)	16	(7)	9	(1)	10	6	24	(10)	(1)	12	-	(1)	28	(11)
Commercial - Recreational Clubs Leases	42	33	44	37	39	29	35	30	24	28	24	31	31	26	36	30	35	23	28	26	33	45	372	337
Development Services	(27)	(3)	(70)	(72)	(75)	(61)	(57)	(110)	(29)	(27)	(73)	(86)	(90)	(61)	(51)	(29)	(100)	(102)	(72)	(50)	(55)	(25)	(701)	(644)
Environmental Services	(32)	(26)	(38)	18	57	22	(41)	(24)	(49)	(96)	(94)	(52)	(13)	(16)	(44)	(54)	(31)	(45)	(6)	(38)	(65)	(53)	(355)	(362)
Infrastructure Maintenance	(19)	(12)	(23)	(20)	(40)	(34)	(12)	(5)	(48)	(22)	(44)	(30)	(47)	(149)	(21)	(32)	(27)	(110)	(171)	(21)	(21)	(30)	(503)	(466)
Property Maintenance	(1)	(1)	-	(1)	(1)	-	(1)	(2)	-	-	-	(1)	(2)	(3)	(20)	(7)	(27)	(23)	(9)	(10)	(1)	(8)	(62)	(55)
Public Spaces	(503)	(408)	(553)	(708)	(659)	(627)	(545)	(640)	(623)	(543)	(489)	(452)	(771)	(754)	(479)	(485)	(770)	(752)	(676)	(689)	(463)	(500)	(6,532)	(6,558)
Waste Management	(39)	(25)	(293)	(280)	(262)	(268)	(303)	(303)	(303)	(350)	(308)	(270)	(297)	(338)	(304)	(345)	(299)	(261)	(292)	(272)	(294)	(284)	(2,995)	(2,995)
=Operating Surplus/(Deficit)	33,945	35,184	(2,635)	(3,592)	(4,063)	(4,289)	(1,736)	(1,764)	(2,313)	(2,074)	(4,316)	(4,288)	(1,799)	(1,742)	(1,898)	(1,792)	(5,107)	(6,567)	(1,934)	(375)	(2,418)	(2,471)	5,725	6,231
Net Gain/loss on disposal of assets	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	(56)	-	-	-	-	-	(52)
Depreciation	-	(3)	-	-	2,258	2,261	-	-	-	-	2,258	2,259	-	-	2,258	3,505	-	-	2,258	-	(1,313)	-	6,775	6,709
Plus Non Cash Items in Operating Surplus/(Deficit)	-	(3)	-	-	2,258	2,264	-	-	-	-	2,258	2,259	-	-	2,258	3,449	-	-	2,258	-	(1,313)	-	6,775	6,657
=Funds Generated from Operating Activities	33,945	35,181	(2,635)	(3,592)	(1,805)	(2,025)	(1,736)	(1,764)	(2,313)	(2,074)	(2,058)	(2,029)	(1,799)	(1,742)	(1,898)	(1,792)	(2,849)	(3,119)	(1,934)	(1,687)	(2,418)	(2,471)	12,500	12,887
Amounts Received for New/Upgraded Assets	-	50	6,242	6,242	-	-	-	-	50	-	-	-	33	-	39	3	33	3	-	(36)	-	10	6,325	6,341
Proceeds from Disposal of Assets	-	-	28	-	-	28	43	1	60	40	-	61	31	32	114	-	62	-	55	62	68	68	337	346
Plus Funds Sourced from Capital Activities	-	50	6,269	6,242	-	28	43	1	110	40	-	61	31	64	114	39	33	66	-	19	62	78	6,662	6,687
Capital Expenditure on Renewal and Replacement	(228)	(70)	(259)	(294)	(267)	(215)	(463)	(735)	(399)	(730)	(624)	(344)	(273)	(244)	(371)	(240)	(371)	(176)	(93)	(208)	(597)	(275)	(3,945)	(3,531)
Capital Expenditure on New and Upgraded Assets	(30)	(215)	(119)	(11)	(48)	(52)	(31)	(59)	(454)	(434)	(463)	(443)	(191)	(202)	(807)	(578)	(766)	(565)	(227)	(1,166)	(3,097)	(886)	(6,234)	(4,612)
Less Total Capital Expenditure	(258)	(285)	(378)	(305)	(315)	(267)	(494)	(793)	(854)	(1,165)	(1,087)	(787)	(464)	(447)	(1,178)	(818)	(1,137)	(741)	(319)	(1,374)	(3,694)	(1,161)	(10,179)	(8,143)
Plus:Repayments of loan principal by sporting groups	-	-	3	1	4	2	184	184	8	8	-	-	-	-	3	-	4	-	1	-	2	2	208	197
Plus/(less) funds provided (used) by Investing Activities	-	-	3	1	4	2	184	184	8	8	-	-	-	-	3	-	4	-	1	-	2	2	208	197
= FUNDING SURPLUS/(REQUIREMENT)	33,686	34,946	3,259	2,345	(2,116)	(2,262)	(2,003)	(2,372)	(3,049)	(3,192)	(3,145)	(2,755)	(2,233)	(2,124)	(2,960)	(2,571)	(3,949)	(3,794)	(2,253)	(3,043)	(6,048)	(3,553)	9,191	11,629
Funded by																								
Increase/(Decrease) in Cash & Cash Equivalents	(720)	(720)	1,488	1,488	2,210	2,210	(1,020)	(1,020)	(339)	(339)	42	42</												

Item No: **14.4**

Subject: **PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT CHANGES TO HERITAGE CONTRIBUTORY ITEMS**

Date: 25 June 2019

Written By: Strategic Planner

A/General Manager: Business Services, Ms P Jackson

SUMMARY

This report is to advise Elected Members of the South Australian Government's intended changes to heritage properties under the Planning, Development and Infrastructure (PDI) Act 2016. As part of the PDI Act 2016, Council's Development Plan will be rescinded and replaced by a single state wide Planning and Design Code in July 2020. The State Government has recently released a series of advisory papers detailing how heritage places will operate under the PDI Act 2016.

Local Heritage and State Heritage places will retain their heritage status under the new PDI Act, but not the Heritage Contributory items. Holdfast Bay Council currently has 534 places listed as Heritage Contributory Items, which will no longer have any heritage status once the PDI Act becomes operational on 1 July 2020. The State Planning Commission (SPC) has advised Council's that they can lodge a Development Plan Amendment (DPA) to request the contributory items be upgraded to a local heritage place to ensure that the contributory items maintain a heritage status.

RECOMMENDATION

That Council:

- 1. writes to the Minister for Planning advising that Council:**
 - **supports the recommendations of the Environment Resources and Development Court (ERDC) and considers that these should be the basis for the Government's and the Commission's approach to heritage places, conservation areas, contributory places and character areas in the new planning system;**
 - **is opposed to the removal of contributory items in the first generation (Gen 1) of the Planning and Design Code and considers that these should be transferred over intact in Gen 1 of the Code;**
 - **the proposal for councils to prepare Development Plan Amendments to list existing contributory items as local heritage places does not recognise the**

- **significant difficulties inherent in using the current DPA rezoning process to list local heritage properties; and**
 - **considers that the proposed new criteria for assessing demolition need to be strengthened to create a balance between protection and demolition.**
2. **This letter should also be forwarded onto the Member for Morphett, as all of the impacted Heritage Contributory Items are located in that electorate.**
 3. **Lodges a Statement of Intent to undertake a Development Plan Amendment to analyse which of the 534 Heritage Contributory Items should be upgraded to Local Heritage Places to ensure their protection under the new Planning and Design Code.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

Planning Development Infrastructure Act 2016

Development Act 1993

Development Regulations 2008

Heritage Places Act 1993

BACKGROUND

The State Planning Commission (SPC) has been releasing various information and discussion papers about the Code and how it will operate, and the documents released in May about heritage form part of that conversation. Before these papers were released, Council had little understanding of how heritage properties would be carried over into the PDI Act. According to the SPC there are approximately 11,810 heritage contributory items across South Australia, with all except 112 located within a Historic Conservation Zone, Policy Area, or Area. Importantly, all of the 534 Heritage Contributory Items within Holdfast Bay Council are located within a Historic Conservation Area, an overlay in the Residential Character Zone. The Historic Conservation Overlay is expected to continue in the new Code as a Local Heritage Area Overlay.

The “Position Papers” on heritage and character published by the SPC outline its position for the Code. The SPC released a number of separate but related short papers, the three most relevant being:

- Community Guide to Heritage and Character in the new Planning System
 - Heritage and Character in the new Planning System – A Snapshot for Practitioners
 - Practitioner Overview of Heritage and Character in the new Planning System
- Refer Attachments 1-3*

A high level outline of the Commission’s position is that:

- State Heritage places and areas will be carried over into the new planning system and continue to be identified as such. (The PDI Act legislates that this must happen)
- Local Heritage places will be carried over into the new planning system and continue to be identified as such. (The PDI Act also legislates that this must happen)
- Historic Conservation Areas will be either Residential or Residential Character Zone with a Local Heritage Overlay. (It is not clear if the boundaries will be redrawn)
- Contributory Items will not be carried over into the new system but Councils will be given extended timeframes to prepare Local Heritage DPA under the current system if they consider any of these contributory items should be individually identified as local heritage places.
- Character areas will be carried over into the new system.

REPORT

Holdfast Bay’s Development Plan is to be revoked in July 2020 (along with all other Councils’ Development Plans) and replaced by a single State-wide Planning and Design Code. The implementation of the Code is being conducted in three phases across the State, based on different areas of the state. Consultation for land not within a Council area (Outback Areas) was undertaken earlier this year and will commence on 1 July 2019. Formal consultation on Phase 2 of the Code (Regional Councils) was expected to commence in June 2019, but has been delayed until later this year with consultation dates for Phase 3, Metropolitan Councils likely later this year.

Given these timeframes, there is a growing urgency with respect to the development of the planning policy content for Phases 2 and 3 of the Code. This new planning policy will constitute the new “planning rules” and what the associated rezoning of every single property in our Council area will actually mean. With such major changes to the planning system there are numerous policy matters and positions that are not clear. For example, how many new zones, how many subzones, will there still be Concept Plans, how much local variation will be accepted in light of the Government’s commitment to simplified, uniform and consistent planning rules across the state, how strongly will infill development be pursued and where.

Over recent months Council has considered numerous reports about the State Government led Planning Reforms as the *Development Act 1993* is progressively phased out and replaced by the PDI Act 2016. Council has made submissions on a range of discussion papers and the new

Development Regulations. As the 'go-live' date for the Code in Metropolitan Adelaide approaches, the pace and nature of reform initiatives is shifting from high level ideals and concepts into detailed policy about future development assessment processes and land use policy.

One issue of significant interest and concern is how the future planning system will treat heritage places, conservation areas and contributory items. This is a matter of community interest in Holdfast Bay Council given the amount of heritage properties located in the Glenelg precinct.

In recognition of this widespread community interest, and significant problems with the existing South Australian heritage system, the Environment, Resources and Development Committee of Parliament (ERDC) resolved to conduct an inquiry into the current state and potential for reform of local, state heritage in South Australia.

After an extensive and comprehensive investigation, in which the ERDC received 144 submissions, it released its findings and recommendations in its report in April 2019. The ERDC's recommendations recognise the value and importance of heritage conservation and recommend both short and long term actions to sort out the many problems with the existing South Australian heritage system in the context of the Planning Reforms.

Short term, the ERDC recommends that:

- the Government revoke Section 67(4) & (5) of the PDI Act – (otherwise no Historic Conservation Areas (HCAs) can come across into the P & D Code unless 51% of people in those area agree to it)
- existing heritage places and databases come across in Generation 1 (Gen 1) of the Code - this would include our Council area's HCAs and their 1,000 or so Contributory Items.

Slightly longer term, the Committee recommends (amongst other things):

- a staged, state-wide, state funded, collaborative and strategic approach to creating a new heritage system commencing in 2019 and reporting to the houses with a plan on how a staged approach might work in early 2020.
- that an audit or review be undertaken of local and state heritage places and contributory items - to commence in 2020.

The Policy Papers released by the SPC does not incorporate or reflect the findings and recommendations of the ERDC report and is not consistent with many fundamental aspects of the ERDC's findings and recommendations.

According to the information released all State and Local Heritage Places will maintain their heritage status under the PDI Act 2016 when it becomes operational. They will be identified by a heritage overlay in the Code, which will contain a single set of consistent policies that will apply across South Australia, with no local content as there currently is in the Development Plan.

Although the documents released by the Department outline an overview of how heritage places will operate under the Code, the precise wording and Principles have not been released. Without

the detail of how the Code will work, it is not entirely clear how Heritage Contributory Items will be protected in the new Code without any heritage status, especially in regards to demolition control, or if the existing Historic Conservation Areas will be retained as is.

Demolition control of Local and State heritage places is proposed to remain similar to the existing principles under the *Development Act 1993*. Complete demolition of a local heritage place will be a performance assessed application, similar to an 'on-merit' application under the current *Development Act 1993*.

The SPC has stated the reason that Heritage Contributory items will not be individually identified in the Code is due to there being no legislative criteria for them, unlike State Heritage and Local Heritage Places, which are defined under the *Development Act 1993*. Nonetheless they are listed in Council's Development Plan and referred to in Principles of Development Control that highlights their significance to the locality. It is also noted that there are many aspects that are not set out in the *Development Act 1993*, but will be carried over into the Code.

There will be no local content or Desired Character Statements in the Code that currently exist in the Development Plan. With the loss of the local content, combined with the loss of heritage status, Councils across Adelaide have raised concerns about the potential for the overall character of these heritage areas will be lost. The detailed policy relating to these heritage places will be available later this year, when Phase 2 of the Code (regional Councils) is released for consultation. Until Phase 2 of the Code is released, Council will not know what the full implications of these changes will be.

The SPC has advised that the information released on May 2 is not out for consultation, but merely advising Councils, and the general public of how heritage places will be managed under the new Code. However, the SPC has advised that Council can submit feedback. Alternatively, the SPC has also advised that Councils can prepare a Local Heritage DPA to change the states of Contributory Items as Local Heritage Places.

Council can lodge a Statement of Intent with the Minister for Planning to undertake a Local Heritage DPA to redesignate Contributory Items as Local Heritage Places as an interim measure prior to the release of Phase 2 and Phase 3 of the Code. By doing this Council potentially has an alternative path should the relevant Principles relating to heritage in the Code is considered not to be adequate.

Whilst a review of the Heritage Contributory Items has not been undertaken, it is considered unlikely that all 534 existing Contributory Items would be supported for Local Heritage status. Alternatively, after a review of the existing Contributory Items during the DPA process, it may be resolved that none of the Heritage Contributory Items warrant Local Heritage status. This is a possibility given that when previously assessed the places were considered to be Contributory Items, and not Local Heritage places as defined in Section 23 (4) of the *Development Act 1993*. The definition of Local Heritage Places remains the same in the *PDI Act 2016*, as it is currently worded in the *Development Act 1993*.

It is recommended Council formally write to the Minister for Planning and the State Government Member for Morphett, Stephen Patterson raising concerns about the loss of heritage status for 534 properties in his electorate.

All of the Heritage Contributory Items are located in the suburbs of Glenelg, Glenelg East and Glenelg South, which are all located in the Morphett electorate. By writing to Mr Patterson it is considered that will become aware of the implications of the proposal to his electorate and raise the matter with the Minister of Planning.

Although the matter is not formally out on consultation, it is considered appropriate that Council should formally write to the Department advising of our concerns. The submission to the SPC should state that Council:

- Supports the recommendations of the ERDC and considers that these should be the basis for the Government's and the Commission's approach to heritage places, conservation areas, contributory places and character areas in the new planning system
- Is opposed to the removal of contributory items in the first generation (Gen 1) of the Planning and Design Code and considers that these should be transferred over intact in Gen 1 of the Code
- The proposal for councils to prepare Development Plan Amendments to list existing contributory Items as local heritage places does not recognise the significant difficulties inherent in using the current DPA rezoning process to list local heritage properties.
- Considers that the proposed new criteria for assessing demolition need to be strengthened to create a balance between protection and demolition.

In addition, the Minister for Planning has stated councils can lodge for a Local Heritage DPA to upgrade the status of the Heritage Contributory Items to Local Heritage Places. The concerns relating to this advice are that DPAs can be expensive, a short time frame is provided, and the policies relating to Heritage Contributory Items has not been released, and therefore it isn't entirely clear if a DPA is necessary. The Minister has advised that if a council is wanting to undertake a DPA, it will need to lodge a Statement of Intent in July 2019, with the DPA to be finalised by December 2020.

Without knowing the full implications of the heritage policies within the Code, and what the consequences will be to heritage places, it is recommended that Council lodges a Statement of Intent for a local heritage DPA, but with the option to withdraw, should the policies relating to Local Heritage Areas be considered satisfactory. Council will also have the opportunity to raise concerns about the policies when the Code is released for consultation for Phase 2 regional councils later in 2019, and Phase 3 consultation.

This is recommended as it will give Council the option to undertake a DPA should the heritage policies be considered unacceptable when they are released in Phase 2 and 3 of the Code. Alternatively, should the new Code be considered adequate protection for the existing heritage places, Council can withdraw the DPA. The initial work for the DPA can be undertaken by Council staff, with external consultants engaged after details of the Code has been released, thereby minimising costs should the DPA be withdrawn.

BUDGET

The cost of writing to the Minister for Planning would be consumed in normal business operations and therefore will not result in any additional costs

Whilst it is hard to estimate the cost for a Development Plan Amendment, it would involve the services of a heritage architect and given the short time frame available, potentially a planning consultant.

LIFE CYCLE COSTS

There would be no ongoing costs to either option once both are completed.

Attachment 1



Rundle Street in Adelaide features many Local Heritage Places

MAY 2019



COMMUNITY GUIDE TO HERITAGE & CHARACTER IN THE NEW PLANNING SYSTEM

EQUAL PROTECTION, MORE CONSISTENT DECISION-MAKING

Heritage and character is important to the social and cultural fabric of our community. It is a big part of what makes Adelaide and some of our regional towns unique.

We have 17 State Heritage Areas and 2,295 State Heritage Places identified under specific legislation. There are another 7,000 Local Heritage Places.

There are also a number of historic, streetscape and character 'areas' across council regions that have similar sounding names and that aim to conserve community character. In addition to this, there are approximately 12,000 sites that have been identified as 'contributing' to this character.

Currently the way all these items are treated varies across the state, and the results are similarly inconsistent. Some heritage and character policy works well, other heritage and character policy does not. This has also been identified in the State Parliament's recent heritage inquiry.

*Glenelg Jetty is listed as a
Local Heritage Place*



The State Government believes it is crucially important to ensure heritage and character places and spaces receive the protections they deserve, and that there is better and more consistent guidance as to how these places are conserved, maintained and enhanced over time.

With the introduction of South Australia's new planning system, we have a chance to identify the best approach to heritage and character preservation and embed this in future planning policy.

For the first time we will be able to map all of our heritage and character places accurately and thoroughly and treat the same types of places consistently – while still allowing for unique local differences.

How this will be achieved is identified in this Community Guide.

Heritage and character in the Planning and Design Code

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning system, and will offer a single set of planning policies ('rules') for

assessing development applications across the state. The Code will replace all of the individual planning policies held by councils (called Development Plans) by mid-2020.

The Code is being progressively introduced across South Australia in three phases, commencing in land outside of council boundaries (outback and coastal waters) in mid-2019 before moving to regional council areas in late 2019 and concluding in metropolitan Adelaide in mid-2020.

The community will have multiple opportunities to preview and comment on proposed planning policy that relates to heritage and character in the new Code throughout 2019, prior to each implementation phase (outlined above).

Further information

For more information on the Planning and Design Code or upcoming opportunities to have your say, please see the SA Planning Portal at www.saplanningportal.sa.gov.au.

Main Street, Hahndorf



STATE HERITAGE AREAS

WHAT HAPPENS NOW

State Heritage Areas are clearly defined regions with extensive natural or cultural elements significant to South Australia's identity.

Examples of State Heritage Areas include the township of Hahndorf, Belair National Park and Moonta Mines. There are currently 17 State Heritage Areas listed in the South Australian Heritage Register.

Although State Heritage Areas are protected under the *Heritage Places Act 1993*, places within these Areas may be altered or developed as long as the work is sympathetic to the heritage of the area. Currently most councils maintain a record of their own State Heritage Areas in their Development Plans.

Any proposal to undertake development within a State Heritage Area must be referred to the Heritage Minister. Exemptions to this include certain types of simple development that have no bearing on the heritage value of the Area. However the Heritage Minister is only empowered to provide advice on such development proposals, not a final direction. This means that the ultimate decision regarding new development within a State Heritage Area rests with the council.

At the moment, councils have their own individual policies and assessment processes to guide development within a State Heritage Area, as there is not currently a single, state-wide policy for the treatment of such Areas.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, our current State Heritage Areas will continue to be protected under the *Heritage Places Act 1993*. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own State Heritage Areas, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for State Heritage Areas that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that State Heritage Areas are addressed by councils.

Further, although any proposal to undertake development within a State Heritage Area will continue to be referred to the Heritage Minister, the Minister will now have greater authority to direct decision-making (i.e. if the Minister recommends that an application be refused, the application cannot progress).

Port Pirie Museum



STATE HERITAGE PLACES

WHAT HAPPENS NOW

State Heritage Places are places that embody important aspects of the state's history and/or are of significant cultural value.

Examples of State Heritage Places include the Port Pirie Museum, the Old Gum Tree at Glenelg and the Adelaide Festival Theatre. There are currently 2,295 State Heritage Places listed in the South Australian Heritage Register.

For a site to be recognised as a State Heritage Place, it has to meet certain criteria in the *Heritage Places Act 1993*. Currently most councils maintain a record of their own State Heritage Places in their Development Plans.

Any proposal to alter or demolish a State Heritage Place must be referred to the Heritage Minister, however the Heritage Minister is only empowered to provide advice, not a final direction. This means that the ultimate decision regarding the alteration or demolition of a State Heritage Place rests with the council (or sometimes the **State Commission Assessment Panel**¹).

These planning authorities may use different assessment processes to determine what kind of development can take place within a State Heritage Place, as there is not currently a single, state-wide policy for the treatment of such Places.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, the criteria for State Heritage Places will not change. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own State Heritage Places, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for State Heritage Places that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that State Heritage Places are addressed by planning authorities such as councils and the State Commission Assessment Panel.

Further, although any proposal to alter or demolish a State Heritage Place will continue to be referred to the Heritage Minister, the Minister will now have greater authority to direct decision-making (i.e. if the Minister recommends that an application be refused, the application cannot progress).

The Elder Smith Wool Store in Port Adelaide



LOCAL HERITAGE PLACES

WHAT HAPPENS NOW

Local Heritage Places are structures or buildings that demonstrate important local historical attributes or contribute to the historical themes of a local area.

Examples of Local Heritage Places include the Elder Smith Wool Store in Port Adelaide, the Angaston District Cemetery in the Barossa, and the Post Office in Dry Creek. There are currently more than 7,000 Local Heritage Places listed in the South Australian Heritage Register.

For a site to be recognised as a Local Heritage Place, it has to meet certain criteria in the *Development Act 1993*. Currently most councils maintain a record of their own Local Heritage Places.

Any proposal to alter or demolish a Local Heritage Place is assessed by the local council (or sometimes the **State Commission Assessment Panel**), who makes the final decision about whether or not a proposal can go ahead.

Different councils use different policies and assessment processes to determine what kind of development can occur within a Local Heritage Place, as there is not currently a single, state-wide approach to the treatment of such Places.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Local Heritage Places will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own Local Heritage Places, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Local Heritage Places that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that Local Heritage Places are assessed.

Demolition of a Local Heritage Place will only be considered if the place in question has little heritage value, is structurally unsound or is economically unviable. Before demolition can take place, an assessment of heritage value will be undertaken.

The new planning system will also make it easier for Local Heritage Places to be adapted for modern uses, with a view to retaining them in the community and giving them new purpose.

Rose Park in Burnside



HISTORIC CONSERVATION ZONES

WHAT HAPPENS NOW

Historic Conservation Zones are local areas that exhibit discernible historic character that is worthy of retention for present and future generations.

Historic Conservation Zones are split up into areas or streets that have their own Desired Character Statement, such as Rose Park in Burnside, Fitzroy Terrace in Prospect and Livingston Street in Naracoorte. There are currently 140 Historic Conservation Zones in South Australia.

While there is no legislative criteria for the creation of an Historic Conservation Zone, the State Government has developed guidelines to help establish them. Each council maintains a list of its own Historic Conservation Zones.

Any proposal to alter or demolish a building within an Historic Conservation Zone is assessed by the local council, who makes the final decision on whether or not such a proposal can go ahead.

Different councils use different policies and assessment processes to determine what kind of development can occur within an Historic Conservation Zone, as there is not currently a single, state-wide approach to the treatment of such Zones.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Historic Conservation Zones will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*.

Historic Conservation Zones will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Historic Conservation Zones that will apply across South Australia. Historic Conservation Zones will become known as Local Heritage Areas. Such a policy for these Areas does not currently exist. This new policy will bring consistency to the way that Historic Conservation Zones are currently treated.

Any proposal to alter or demolish a building within an Historic Conservation Zone (which will become known as a Local Heritage Area) will be assessed by the planning authority alongside a single set of criteria which will consider the building's existing heritage values, the extent to which these values are mirrored in other neighbourhoods, and the nature of the replacement building.

Elston Street in Brooklyn Park



CONTRIBUTORY ITEMS

WHAT HAPPENS NOW

Contributory Items are specific examples of built form that represent a particular historical period and/or architectural character.

Contributory Items typically exist within Historic Conservation Zones, but they themselves have no set criteria and are not recognised in the *Development Act 1993*. As such, no new Contributory Items have been recorded by councils or added to the South Australian Heritage Register since 2012.

Currently there are 12,000 Contributory Items listed by councils across South Australia. Examples of Contributory Items include homes on Elston Street in Brooklyn Park, the War Memorial Garden in Echunga and the Clarendon Bakery.

Any proposal to alter or demolish a Contributory Item is currently assessed by the local council. As Contributory Items are not recognised under law, their conservation is entirely at the discretion of the local council.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, Contributory Items will no longer exist. This is because there is no legislative criteria for them.

However, the vast majority of Contributory Items will be afforded a level of protection under the new state-wide policy for Local Heritage Areas. This means they will no longer be recorded as individual items but will instead be considered within the context of an entire Local Heritage Area.

Prior to the new planning system being introduced, some Contributory Items may be eligible to become Local Heritage Places, however they will have to undergo a rigorous heritage assessment and meet the criteria for a Local Heritage Place, as outlined in the *Development Act 1993*.

In the future state, any proposal to alter or demolish a former Contributory Item will be assessed by the local council according to the new Local Heritage Areas policy. As part of this assessment, the council will consider the item's existing heritage values, the extent to which these values are mirrored in other neighbourhoods, and the nature of any replacement development.



CHARACTER AREAS

WHAT HAPPENS NOW

Character Areas are local areas that exhibit desirable character attributes that give a community its identity. Not to be confused with heritage areas, Character Areas do not necessarily represent a specific cultural legacy or history, but rather capture a desired visual appearance. Unlike heritage, character can be enhanced by new development that strengthens desirable character traits.

Character Areas may be called different things by different councils, but are typically split into 'precincts' that have their own unique development guidelines in order to retain a specific streetscape "look." An example of such an area is Ballara Street in Mile End.

Currently there is no legislated criteria for the creation of a Character Area and councils determine their own Character Areas and accompanying policy.

Council approval for demolition within a Character Area is not required. This is because the general emphasis of council policy is on maintaining the 'look and feel' of character through replacement dwellings, and not by preserving existing dwellings.

Different councils use different assessment processes to determine what kind of new development can occur within a Character Area, as there is not currently a single, state-wide approach to the treatment of such Areas.

WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Character Areas will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*.

Character Areas will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Character Areas that will apply across South Australia. Such a policy for these Areas does not currently exist. This new policy will bring consistency to the way that Character Areas are currently treated by councils. However, the special individual characteristics of these Areas will still be reflected in **zone** and **subzone** policies.

As in the former planning system, demolition within a Character Area will not require planning approval. However, proposals for replacement dwellings within a Character Area will undergo rigorous assessment according to the new Character Areas policy. This will help ensure that such development maintains or enhances the existing character of the area.

GLOSSARY

Planning and Design Code

The Planning and Design Code will be the single source of planning policy for the state, and will consolidate and replace the individual planning policies held by councils (and out-of-council areas) across South Australia.

State Atlas

The State Atlas is an interactive mapping tool that shows the zones and policies that apply to land across South Australia and the types of development that the Department of Planning, Transport and Infrastructure is currently assessing or has approved.

State Commission Assessment Panel

The State Commission Assessment Panel is an advisory committee set up to assess specific development applications that are particularly complex, irregular or large in scale and impact across the state.

Zones

Zones identify envisaged land uses within specified land boundaries, in effect outlining 'what' can happen in an area.

Subzones

Subzones exist within zones and may include more specific policy to guide development at the neighbourhood level, to ensure that it reflects important local characteristics. The prevailing purpose of the overarching zone must still be achieved.

Attachment 2



WHAT HAPPENS NOW → WHAT WILL HAPPEN IN THE NEW PLANNING SYSTEM



Port Pirie Museum is one of 2,295 State Heritage Places

STATE HERITAGE AREAS & PLACES

- The *Heritage Places Act 1993* refers to the creation of State Heritage Areas but no criteria is identified.
- The criteria for State Heritage Places is outlined under the *Heritage Places Act 1993*.
- Development Plans provide a list of State Heritage Areas and State Heritage Places.
- Development Plans usually spatially map and provide policy to guide development within State Heritage Areas and Places.
- The assessment process for the demolition of State Heritage Areas and Places varies between Development Plans but is usually 'non-complying'.
- Development applications are referred to the Heritage Minister for 'advice' only.

STATE HERITAGE AREAS OVERLAY & STATE HERITAGE PLACES OVERLAY

- Existing State Heritage Areas and State Heritage Places will be equally protected in the new planning system via the Planning and Design Code.
- A new **State Heritage Areas Overlay** and a new **State Heritage Places Overlay** will more accurately map and identify these areas and places.
- Alterations, additions and demolition control will be '**performance-assessed**'. However, development applications will continue to be referred to the Heritage Minister who will have **increased power 'to direct'** decision-making.
- A single set of consistent policies will apply across the state.
- Heritage impact statements will be retained as an assessment tool.
- There may be an opportunity for Design Review.



The Exeter Hotel on Rundle Street is one of 7,000 Local Heritage Places

LOCAL HERITAGE PLACES

- The *Development Act 1993* includes specific criteria for Local Heritage Places.
- Relevant Development Plans provide a list of Local Heritage Places and provide maps and policy to guide development.
- The assessment process for the **demolition** of Local Heritage Places varies between Development Plans but is usually '**on merit**'.
- It is the responsibility of a local council or the State Commission Assessment Panel to assess applications.

LOCAL HERITAGE PLACES OVERLAY

- Existing Local Heritage Places will transition to the Planning and Design Code.
- A new **Local Heritage Places Overlay** will more accurately map and identify Local Heritage Places and related policy.
- A single set of consistent policies will apply across the state.
- Alterations, additions and demolition control will be assessed against criteria ('**performance-assessed**').
- Demolition will only be considered if a building:
 - » has little heritage value
 - » is structurally unsound or has public safety issues
 - » is economically unviable.
 A heritage impact assessment will be required.
- Adaptive reuse policies will be strengthened.
- Deemed-to-satisfy policies will be available for development that does not affect heritage values e.g. demolition of a modern 'lean-to'.
- There may be an opportunity for Design Review.



Grant Avenue, Rose Park is one of many Historic Conservation Zones in South Australia

HISTORIC CONSERVATION ZONES

- There is currently no legislative criteria for the creation of Historic Conservation Zones/policy areas (including Contributory Items).
- Relevant Development Plans map Historic Conservation Zones/policy areas and contain policy to guide development.
- The *Development Act 1993* lists development activity that is exempt from development approval within Historic Conservation Zones/policy areas.
- The assessment process for the demolition of buildings within Historic Conservation Zones/policy areas is '**on merit**'.
- Many Historic Conservation Zones/policy areas include Contributory Items (however no new Contributory Items have been added since 2012).

LOCAL HERITAGE AREA OVERLAY

- Historic Conservation Zones/policy areas and related policy areas will be mapped under a new **Local Heritage Area Overlay** in the Planning and Design Code.
- A single set of consistent policies will apply across the state.
- Alterations, additions and demolition control will be assessed against criteria ('**performance-assessed**').
- The criteria for demolition approval will include consideration of:
 - » heritage values of the existing building and contribution to the heritage values of the area
 - » proposed replacement dwelling
 - » contextual analysis outcomes
 - » how well the theme is represented.
- **Contributory Items** will not be individually identified in the new planning system but the policies within this new Local Heritage Area Overlay will address them.
- Eligible **Contributory Items** may be elevated to Local Heritage Places through the Development Plan Amendment process prior to the new planning system being implemented.
- There may be an opportunity for Design Review.



Cuming Street, Cowandilla is one of many Character Areas in South Australia

CHARACTER AREAS

- There is currently no legislative criteria for the creation of residential character/streetscape zones/policy areas.
- Relevant Development Plans map residential character/streetscape zones/policy areas and contain policy to guide development.
- Planning consent for demolition is not required in the majority of residential character/streetscape zones/policy areas as the policy focus is on the form and character of the replacement building/s.

CHARACTER OVERLAY

- Residential character/streetscape zones/policy areas will be mapped under a new **Character Overlay** in the Planning and Design Code.
- A single set of consistent policies will apply across the state.
- Alterations and additions may be '**performance-assessed**'.
- Certain types of simple development that does not impact on character will be exempt from development approval.
- Demolition will be classified as **accepted development** and therefore will not need planning consent.
- The development assessment process for **replacement dwellings** will require a contextual analysis to ensure that existing character is maintained/enhanced.
- There may be an opportunity for Design Review.

THESE OVERLAYS WILL APPLY OVER THE RELEVANT RESIDENTIAL OR NON-RESIDENTIAL ZONE

Attachment 3



Elder Hall at the University of Adelaide is listed as a State Heritage Place

MAY 2019



PRACTITIONER OVERVIEW OF HERITAGE & CHARACTER IN THE NEW PLANNING SYSTEM

This overview document outlines the proposed framework, timelines and high-level processes for transitioning heritage and character policies from Development Plans into the Planning and Design Code (Code).

Across South Australia there are currently 17 State Heritage Areas and around 2,300 State Heritage Places identified under specific legislation. There are another 7,000-plus Local Heritage Places. There are also hundreds more different zones and policy areas with similar names and the intent to conserve and protect character - plus about 12,000 items identified as 'contributing' to this character.

The way all these items are treated varies across the state, and the results are similarly inconsistent. Some things work well, others don't. This has also been identified in the State Parliament's recent heritage inquiry.

With the introduction of the new Code there is an immediate chance to ensure best practice regarding heritage and character and embed it across the state using new tools. For the first time we will be able to map all these different places accurately and thoroughly within the planning system and treat the same types of places consistently, while still allowing for unique local differences via consideration of local context.

The key tool in the Code to address heritage and character will be **overlays**.

OVERLAYS

THE NEW TOOL FOR HERITAGE AND CHARACTER

Heritage and character considerations appear in many different zones. The new way to deal with this and avoid duplication and inconsistency will be to use specific **overlays**.

An overlay can apply to many zones, or part of a zone, or even only a particular property in a zone. The policy in overlays will override policy in zones. Where there is no overlay only the zone rules will apply.

There will be a number of different overlays addressing different sorts of heritage and character types. Each overlay will have a different level of protection and set of development controls or requirements, as appropriate – for example, any applicable demolition controls, certain aspects regarding the design of replacement buildings, and rules relating to alterations/additions, conservation works and land division. Overall though, the overlays will largely be procedural in nature, with the relevant zone/subzone reflecting the different neighbourhood types and desired character.

DEVELOPMENT PLANS (VARIOUS)	TRANSITION PROPOSAL →	PLANNING AND DESIGN CODE
Existing 2,300 State Heritage Places	<i>will transition to be included under</i>	State Heritage Place Overlay
Existing 17 State Heritage Areas	<i>will transition to be included under</i>	State Heritage Area Overlay
Existing 7,000+ Local Heritage Places	<i>will transition to be included under</i>	Local Heritage Place Overlay
Existing 'Historic Conservation Zones' and similar zone policy areas	<i>will be addressed via</i>	Local Heritage Area Overlay
Existing 12,000+ 'Contributory Items'	<i>will not be identified individually but will be addressed via</i>	Local Heritage Area Overlay
Other character and streetscape type zones and policy areas	<i>will be addressed via</i>	Character Overlay

**Prior to the introduction of the Code there will also be an opportunity for councils to undertake Development Plan Amendments to obtain Local Heritage Place status for Contributory Items they believe meet the legislative criteria.*

Drafts of the **State Heritage Area Overlay** and **State Heritage Place Overlay** were released with the draft Phase 1 Code for consultation in January 2019, with feedback now being considered.

	DRAFT CODE INCLUDES THE FOLLOWING OVERLAYS	DRAFT CODE RELEASED FOR FORMAL CONSULTATION	CODE 'GOES LIVE' BY	CODE WILL APPLY TO
Phase 1	State Heritage Area Overlay State Heritage Place Overlay	Jan 2019 – March 2019	July 2019	Outback areas only (outside of any council)
Phase 2	As above, plus: Local Heritage Place Overlay Local Heritage Area Overlay Character Overlay	Mid-2019	End 2019	As above, plus: most regional council areas
Phase 3	All of the above, plus: any 'metropolitan specific' content not included in Phase 2	End 2019	July 2020	As above, plus: Greater Metropolitan Adelaide council areas

Further detail on the proposed treatment of each type of heritage and character appears in the following pages and a glossary appears at the back.

STATE HERITAGE PLACES

EXISTING PLANNING SYSTEM

To conserve our cultural heritage, the *Heritage Places Act 1993* includes specific criteria for the identification of **State Heritage Places**. The State Heritage Branch of the Department of Environment and Water manages the register of State Heritage Places, which currently includes almost 2,300 listings.

Most existing Development Plans provide a list and, in some instances, a map identifying the State Heritage Places in the relevant Council Area (note: this is not currently a statutory requirement). These Development Plans also typically include provisions that guide the assessment of development applications (DAs) relating to State Heritage Places.

The assessment process for the demolition of State Heritage Places varies between Development Plans. For example, the demolition of State Heritage Places is subject to the ‘on-merit’ assessment process in the City of Burnside, and the ‘non-complying’ assessment process in the Cities of Adelaide, West Torrens and Port Adelaide Enfield.

Currently DAs that “directly affect a State Heritage Place” are referred to the Minister for the Heritage Places Act, who comments but does not have powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that “in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated” can be referred to the Heritage Minister. The decision to undertake such a referral is subjective and typically left to the assessing planner at council. Again, the Heritage Minister can comment, but does not have powers of direction.

PROPOSAL FOR THE NEW CODE

It is proposed that all existing State Heritage Places will transition to the Code via inclusion in a **State Heritage Place Overlay** (see table below).

A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 ‘Outback Areas’ (land not within a council area) Code, from January-March 2019. The draft can be viewed here: www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	The <i>Heritage Places Act 1993</i> outlines the criteria for State Heritage Places	No change
Listing and mapping	Currently in State Heritage Register and some Development Plans	Overlay to list and map all State Heritage Places across South Australia
Demolition controls	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
Exemptions from requiring approval	Currently none	Certain simple development listed in Code, not impacting heritage value
Referral to Heritage Minister	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.

STATE HERITAGE AREAS

EXISTING PLANNING SYSTEM

State Heritage Areas are established under the *Heritage Places Act 1993*. The *Development Act 1993*, which provides for the establishment of Development Plans, does not define a State Heritage Area.

Some Development Plans identify 'State Heritage Areas' and structure them similarly to Zones and/or Policy Areas, with maps and development assessment policy within each Development Plan.

Development applications (DAs) that "directly affect a State Heritage Place" (which includes a State Heritage Area) are referred to the Heritage Minister, who has no powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that "in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated" can be referred to the Heritage Minister.

The decision to undertake such a referral is highly subjective and typically left to a planner at local council, with the Heritage Minister able to comment, with no powers of direction. It is also important to note that the Heritage Minister is not bound by the provisions of Development Plans when commenting on DAs that relate to State Heritage Areas.

The *Development Regulations 2008* include specific exemptions from approval for certain types of simple, non-heritage-impacting development in the Colonel Light Gardens State Heritage Area.

PROPOSAL FOR THE NEW CODE

State Heritage Areas will transition to the Code via inclusion in a **State Heritage Area Overlay**. A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 'Outback Areas' (land not within a council area) Code, from January-March 2019.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	The <i>Heritage Places Act 1993</i> determines State Heritage Areas	No change
Listing and mapping	Currently not all State Heritage Areas are mapped in Development Plans	Overlay to list and map all State Heritage Areas across South Australia
Demolition controls	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
Exemptions from requiring approval	Currently some within Development Regulations (e.g. Colonel Light Gardens)	Certain simple development listed in Code, not impacting heritage value
Referral to Heritage Minister	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.

LOCAL HERITAGE PLACES

EXISTING PLANNING SYSTEM

The *Development Act 1993* includes specific criteria for the identification of Local Heritage Places. There are currently in excess of 7,000 across South Australia.

Most existing Development Plans provide a list of Local Heritage Places in a table and, in many instances, a map identifying them. These Development Plans also include provisions that guide the assessment of DAs relating to Local Heritage Places.

The assessment process for demolition of Local Heritage Places varies between Development Plans, however the vast majority are on merit, with a handful using 'non-complying'.

There is currently no statutory referral of Development Applications relating to Local Heritage Places to the Heritage Minister. It is the responsibility of the local council or State Commission Assessment Panel to determine such applications.

These bodies are required to make a balanced decision regarding such Development Applications against all relevant provisions of the Development Plan, heritage being one aspect of such decisions.

PROPOSAL FOR THE NEW CODE

It is proposed that all existing Local Heritage Places will transition to the Code via inclusion in a **Local Heritage Place Overlay**, which will bring a consistent set of policies for how Local Heritage Places are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	Definition from <i>Development Act 1993</i>	Definition replicated in <i>PDI Act 2016</i>
Listing and mapping	Currently Local Heritage Places are listed in Development Plans but not always mapped	Overlay to map all Local Heritage Places across South Australia
Demolition controls	Vast majority assessed on merit within Development Plans, handful of non-complying	Demolition approval in the Code will be Code Assessed (Performance Assessed) and will only be considered if a building: <ul style="list-style-type: none"> • has little heritage value¹ • is structurally unsound or has public safety issues² • is economically unviable to repair³ A heritage impact assessment will also be required In addition, adaptive reuse policies will be strengthened to make adaptive reuse easier
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect heritage values e.g. demolition of a modern lean-to
Exemptions from requiring approval	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting heritage value
Referral to Heritage Minister	No referrals	No referrals

¹ It would be a rare occurrence where a local heritage place was inaccurately identified. Specialist heritage advice would be required to demonstrate this.

² A report from a suitably qualified person would be required to demonstrate this.

³ This will require further definition about what is unviable for repair and would likely consider the repair cost in comparison to the capital value of the property.

HISTORIC (CONSERVATION) ZONES / POLICY AREAS

EXISTING PLANNING SYSTEM

The *Development Act 1993* provided the opportunity for the establishment of 'Historic (Conservation) Zones' (HCZs) or 'Historic (Conservation) Policy Areas' (HCPAs) within Development Plans.

There are no legislative criteria for the establishment of Historic (Conservation) Zones (HCZs) or Historic (Conservation) Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in The Planning Bulletin – Heritage, Planning SA, October 2001.

Many existing Development Plans map HCZs and HCPAs and include specific policies (including desired character statements).

The South Australian Planning Policy Library (SAPPL) includes 'Historic Conservation Areas' with related provisions being located in the General Section of the Development Plan, rather than HCZs or HCPAs. Such Historic Conservation Areas have similar statutory planning effect to Zones or Policy Areas.

This means that the approval of council is required to demolish a building located within a HCZ or HCPA regardless of whether it is listed as a local heritage place. This assessment process is considered 'on-merit'.

PROPOSAL FOR THE NEW CODE

It is proposed that all existing Historic (Conservation) Zones and Policy Areas will transition to the Code via inclusion in a Local Heritage Area Overlay, which will bring a consistent set of policies for how these zones and areas are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	There are no current legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs), but they have been based on the outcomes of heritage surveys	No change
Listing and mapping	Currently mapped within many Development Plans through a range of zones and policy areas. No consistent approach.	Overlay to list and map all Local Heritage Areas across South Australia
Demolition controls	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> • heritage values of the existing building and contribution to the heritage values of the area • proposed replacement building • contextual analysis outcomes • how well the theme is represented
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
Exemptions from requiring approval	Currently some within Development Act and Regulations	Certain development listed in Code
Referral to Heritage Minister	No referrals	No referrals

CONTRIBUTORY ITEMS

EXISTING PLANNING SYSTEM

As part of the identification of Historic (Conservation) Zones and Policy Areas, the State Government has previously accepted the identification of ‘Contributory Items’ (CIs) by local Councils. There are almost 12,000 contributory items across South Australia, however no new items have been added since 2012.

Unlike State and Local Heritage Places, there is no legislative criteria for the identification of Contributory Items. It is typical for CIs to sit within Historic (Conservation) Zones and Policy Areas. In fact, it is common for them to constitute the bulk of listed properties in a Historic Conservation Area, with some rare exceptions. The demolition of CIs is typically subject to the on-merit assessment process in all Development Plans.

Given the structure of some Development Plans and current statutory tools, it is understood that some Councils with CIs typically anticipated they would be retained rather than demolished and replaced. That is, councils considered the identification of CIs to have a similar statutory force to Local Heritage Place listing because of their location within historic conservation areas. In other words, CIs currently perform much like de-facto Local Heritage Places, but without having being through a rigorous assessment. This presents equity issues for property owners. For example, owners of Local Heritage Places get directly notified and have a right of appeal under the new PDI Act.

PROPOSAL FOR THE NEW CODE

It is proposed that CIs not be carried across to the Code because, unlike Local Heritage Places, there is no clear definition, nor are there any statutory criteria against which they should be assessed and justified.

However, given the undoubted contribution these places make to the broader character values of our neighbourhoods, it is proposed that existing CIs are captured by the proposed Local Heritage Area Overlay. It is intended that appropriate demolition controls/replacement controls will be established at the overlay level, eliminating the need for building-specific controls. It is also proposed that, converse to the current system, places that do not contribute to existing heritage and/or character values will be exempted from the more vigorous protections to enable their replacement/improvement over time.

It is also acknowledged that there may be some instances where existing CIs may be worthy of elevation to the status of a Local Heritage Place. Prior to the introduction of the Code there will be an opportunity for councils to undertake Development Plan Amendment processes (with extended timeframes) to obtain Local Heritage Place status for contributory items they believe meet the legislative criteria.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	There are no current legislative criteria for the establishment of Contributory Items	Contributory Items will not be individually identified but will be addressed within the new Local Heritage Areas overlay
Listing and mapping	Currently mapped within some Development Plans	Overlay to list and map all Local Heritage Areas across South Australia
Demolition controls	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> • value of the existing building to the streetscape • proposed replacement building • contextual analysis outcomes • how well the theme is represented
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
Exemptions from requiring approval	Currently some within Development Act and Regulations	Certain development listed in Code
Referral to Minister	No referrals	No referrals

RESIDENTIAL CHARACTER / STREETSCAPE ZONES / POLICY AREAS

EXISTING PLANNING SYSTEM

Character is the presence of, or desire for, particular defined physical attributes, or visual appearance. It may or may not be related to history or historical appearance. In a character area, it is generally anticipated that the existing buildings that make a positive contribution to the character value of the area may be demolished, but the tests will be stringent as to the desired character of new buildings.

The SAPPL includes a Residential Character Zone; which does not require Development Plan Consent (in accordance with Schedule 1A of the Development Regulations 2008) so the focus of the provisions in this Zone are on the form and character of *replacement development* rather than demolition control. A number of development plans also include streetscape zones/policy areas.

The development assessment provisions relevant to such areas focus on the key design elements of any new buildings (including alterations and additions) that will make them complementary to the established desirable character, as well as adaptive re-use of existing buildings, and replacement of any buildings undesirable/no character value.

PROPOSAL FOR THE NEW CODE

It is proposed that existing Residential Character and Streetscape Zones and Policy Areas will transition to the Code via inclusion in a **Character Area Overlay**.

The Character Area Overlay will sit over a relevant zone/subzone which will reflect different neighbourhood types and desired character. Developing the suite of Code zones and subzones will involve identifying common character themes within neighbourhoods. For example row cottages with no setback from the boundary vs areas with large sites and detached houses with large setbacks.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
Legislative criteria	There is currently no legislative criteria for the creation of Residential Character and Streetscape Zones/Policy Areas	No change
Listing and mapping	A range of zones and policy areas have been used to define areas of character value in relevant Development Plans	Overlay to list and map all Character Areas across South Australia
Demolition controls	Development consent for demolition is not required in the majority of Character Areas as the policy focus is on the form and character of the replacement building/s.	Development consent for demolition will not be required as it will be classified as accepted development The development assessment process for the replacement dwelling will require a contextual analysis to ensure that the existing character is maintained/enhanced
Alterations and additions	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect character value e.g. demolition of a modern lean-to
Exemptions from requiring approval	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting character value
Referral to Minister	No referrals	No referrals

GLOSSARY

Adaptive Reuse

Adaptive reuse is the process of repurposing buildings for viable new uses and modern functions, other than those originally intended, to address present-day needs, action and sustainable investment.

Character

All areas have character that can be analysed and described. Character is a value-neutral concept that captures the distinctive interrelationship between built form, vegetation and topography in the public and private domain that distinguishes one place from another. The concept of character is broader than just architectural style or the era of development. It is about buildings and spaces and the features around them, and how they relate to each other.

Code Assessed (Performance Assessed)

Development categorised as 'performance assessed' must be assessed on its merits against the Planning and Design Code. This applies for developments which require more intensive assessment of their potential impacts, design, and how they fit within their neighbourhood.

Context

The 'context' refers to the environment in which a development is located. It is the specific and immediate setting in which the development sits and with which it engages. It could be as small as a row of houses, or as large as a village centre.

Contextual analysis

Planning applications within Character or Local Heritage Overlay Areas will be required to include 'contextual analysis' information with their development application. This will include a site analysis and descriptive statement explaining how a proposal responds to its site and its context.

Deemed-to-satisfy requirements

These will be measurable criteria that are considered to be acceptable solutions to achieve a performance outcome. The inclusion of deemed-to-satisfy policy provides a mechanism to readily approve low risk and minor development expected for an area thereby ensuring the system provides certainty for lower scale development, while qualitative performance outcomes allow design flexibility to achieve the desired outcomes for more intense and larger scale development.

Design Standards

Design standards will be a new planning tool that will outline design principles, standards and specifications for infrastructure and the public realm. They will be useful in establishing desirable characteristics for an area through streetscape features such as trees, public seating, street lighting and vehicle cross overs.

Design review

Design Review is currently a free, independent advisory service offered to developers in certain geographical areas and for certain types of development (e.g. 5 storey in the Urban Corridor Zone). As part of the Design Review, a panel of built environment experts review the design quality of development proposals. Design review might be expanded to be available to a wider variety of projects e.g. development affecting a local heritage place or certain kinds of development within character areas.

Desired Outcomes

Zones, subzones and overlays in the Planning and Design Code will all share a common structure, including a high level description of the 'Desired Outcome'. Desired Outcomes will outline the broad objectives, purpose and envisaged form of development in the zone, subzone or overlay, guiding land use and built form intensity and essential desired future character.

Heritage

Heritage has an established international frame of reference (COMOS/Burra Charter) and is about how a place represents history and evolution of an area and its people or activities that have taken place. Heritage and cultural significance is embodied in the fabric and setting of the place.

Heritage impact assessment

An assessment undertaken by a heritage expert which identifies the impact of the proposed development on heritage values.

Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs)

There are no legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in *The Planning Bulletin – Heritage*, Planning SA, October 2001. These guidelines indicated that HCZs or HCPAs should comprise and demonstrate:

- significant built form composed of historic elements that contribute to the character of the streetscape;
- physical character including natural and cultural landscapes and land division patterns which relate to historic development of the local area; and
- unified, consistent physical form in the public realm with an identifiable historic, economic or social theme associated with an earlier era of development.

Local Heritage Place criteria

Local heritage places are structures or buildings that demonstrate important local historical attributes or contribute to the historical themes of a local area. To be listed as a Local Heritage Place, a property must meet one or more of the following criteria (outlined in Section 23(4) of the *Development Act 1993*):

- it displays historical, economic or social themes that are of importance to the local area
- it represents customs or ways of life that are characteristic of the local area
- it has played an important part in the lives of local residents
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
- it is associated with a notable local personality or event
- it is a notable landmark in the area
- in the case of a tree (without limiting a preceding paragraph) – it is of special historical or social significance or importance within the local area.

Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as **heritage places**. They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence. There are **examples** of the use of overlays in the current system e.g. Affordable Housing Overlay and Air and Noise Emissions Overlay.

Performance Outcomes

The Code will include performance-based policy that clearly describes the outcome sought for a particular issue. Performance Outcomes should align with the Desired Outcomes.

Referrals

There will no longer be referrals for 'advice'. Referrals will, in future, be confined only to matters for 'direction'. Referral bodies will be statutorily required to confine their comments to matters relevant to the purpose of the referral and within their field of expertise.

The Heritage Minister will be the referral body for State Heritage Places and Areas (same as the current system) but will have increased decision-making powers.

Regional Plans

Regional Plans provide a long-term vision for the integration of land-use, transport, infrastructure and public realm within specific regions or areas. South Australia's existing Planning Strategies are currently operating as interim Regional Plans until new ones are developed (including *The 30-Year Plan for Greater Adelaide*). For example, the *The 30-Year Plan for Greater Adelaide*, includes a policy to 'recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully'.

Restricted development

Development may be classified as '**restricted**' by the Planning and Development Code. Restricted development may not be assessed unless the State Planning Commission determines otherwise. This will enable the Commission to provide an applicant with an 'early no' on a similar basis.

State Heritage Areas

State Heritage Areas differ in size, location and historic elements. A State Heritage Area is notable for its distinct character or 'sense of place', formed by:

- buildings and structures
- spaces and allotments
- patterns of streets
- natural features or the developed landscape.

Although State Heritage Areas are protected under legislation, places within the area can be altered or developed as long as the work is sympathetic to the character of the area.

State Heritage Place criteria

A place is eligible for entry on the State Heritage Register if it meets one or more of the criteria in Section 16 of the *Heritage Places Act 1993*. It would need to meet one or more of the following criteria:

1. It demonstrates important aspects of the evolution or pattern of the state's history
2. It has rare, uncommon or endangered qualities that are of cultural significance
3. It may yield information that will contribute to an understanding of the state's history, including its natural history
4. It is an outstanding representative of a particular class of places of cultural significance
5. It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of a particular constructive technique or design characteristics
6. It has strong cultural or spiritual associations for the community or a group within it
7. It has a special association with the life or work of a person or organization or an event of historical importance.

Refer to www.environment.sa.gov.au/topics/heritage/sa-heritage-register for further information.

State Planning Policies

State Planning Policies are a new policy instrument that set out the state's overarching goals and requirements for the new planning system. For example, State Planning Policy #2 (Design Quality) aims to elevate the design quality of South Australia's built environment and public realm and State Planning Policy #7 (Cultural Heritage) aims to protect and conserve heritage places and areas for the benefit of our present and future generations.

Thematic analysis

Assessing buildings for their heritage value involves assessing how a building is important historically. Historians refer to important historical themes. When assessing a building for its heritage value, an assessment can be made regarding its importance in representing historical themes.

Item No: **14.5**

Subject: **LIVE STREAMING OF COUNCIL MEETINGS**

Date: 25 June 2019

Written By: Team Leader Governance

A/General Manager: Business Services, Ms P Jackson

SUMMARY

At the Council meeting on 29 January 2019, Mayor Wilson asked administration prepare a report on the costs and methods of “live streaming” Council meetings.

For the purposes of this report, live streaming is defined as the ability to simultaneously record and broadcast in real time the video and audio coverage of Ordinary meetings of Council over the Internet. There are a number of benefits and disadvantages to the live streaming of Council meetings and these are outlined in the report. There are also a number of considerations, including compliances with the *State Records Act 1997*.

In order to live stream Council meetings, a technology upgrade would be required. The current Chamber operates an analogue audio technology, which is end of life. In order to live stream this technology would need to be replaced with digital technology to ensure audio quality of the broadcast. In addition, video cameras would need to be installed in the Chamber. This report outlines the options available to Council and the related costs.

RECOMMENDATION

That Council notes the report.

COMMUNITY PLAN

Community: Fostering an engaged, contributing community
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Code of Practice – Meeting Procedures

STATUTORY PROVISIONS

Freedom of Information Act 1991

Local Government Act 1999

State Records Act 1997

Surveillance Devices Act 2016

BACKGROUND

Live streaming is considered, for the purpose of this report, as the ability to simultaneously record and broadcast in real time the video and audio coverage of Ordinary meetings of Council over the Internet.

Live streaming enables Council's meetings to be accessible to all at the time of the broadcast, with the option for the recording to be viewable on demand via Council's website post meetings. There are no legislative requirements to live stream or record Council meetings. However, live streaming may be considered a contemporary method of community engagement. The Cities of Adelaide and Burnside currently live stream council meetings, with a number of other councils considering it.

Following the Notice of Motion from Mayor Wilson on 29 January 2019, this report is to provide Council with analysis of live streaming undertaken by other Councils, the implications and the options available for live streaming.

REPORT

The Administration undertook an investigation into other councils' website to determine the landscape for live streaming of Council meetings. The results for metropolitan councils were as follows:

Council	Stream Live	Delayed Video Recording
Adelaide City Council	Yes	Yes
Adelaide Hills Council	No	No
Campbelltown City Council	No	No
City of Burnside	Yes	Yes
City of Charles Sturt	No	No
City of Marion	No	No
City of Mitcham	No	No
City of Norwood Payneham & St Peters	No	No
City of Onkaparinga	No	No
City of Playford	No	No
City of Port Adelaide Enfield	No	No
City of Prospect	No	Yes
City of Salisbury	No	No
City of Tea Tree Gully	No	No

City of Unley	No	No
City of West Torrens	No	No
Town of Walkerville	No	No
Town of Gawler	No	No

Other councils considering live streaming include the City of Playford, City of Onkaparinga, City of Tea Tree Gully and City of Marion.

The Administration undertook analysis on the number of total views for both the City of Adelaide and City of Burnside council meetings over a period. Please note that the view counts are not unique views, that is, the same person could watch any part of the video in 10 separate visits and this would be counted as 10 views.

Council Meeting Views		
Date	ACC	Burnside
22/5/2018	25	207
12/6/2018	45	116
26/06/2018	96	99
10/07/2018	48	66
24/07/2018	18	110
14/08/2018	18	130
28/08/2018	41	632
11/09/2018	42	108
25/09/2018	48	101
9/10/2018	31	103
23/10/2018	49	105
27/11/2018	79	144
11/12/2018	118	248
29/01/2019	82	193
Average	53	169

There are a number of potential benefits to the live streaming of Council meetings. These include:

- Increased accessibility for members of the public to view Council meetings from any location i.e. home, work or other location. Members of the public will have easier access to view the decision making process without attending meetings, thus increasing meeting transparency. This may be of particular benefit to the City of Holdfast Bay residents and businesses.
- Increased accessibility for employees of Council to be able to view the decision making process in the chamber where the report impacts on the role of an employee, without the need to attend meetings in person.
- Elected Members would be able to review previous decisions to recap on the background discussions or for other recollection purposes.

- Increased accountability for Elected Members and staff as the recording would be available to all.
- Assist with minute preparation post meetings.

There are also a number of possible disadvantages to live streaming Council meetings. These include:

- Additional resourcing to arrange live streaming, uploads to the webpage and maintaining the technology in the future.
- The recording and audio may be taken out of context by a third party for purposes other than intended.
- Elected Members will be required to ensure their microphone is switched on to ensure the audio is effective.
- The public gallery may be on display and this would need to be communicated to the public so they are aware of this.
- The voices of members of the public sat in the gallery may be picked up by the recording devices inadvertently.
- The streaming could be impacted by factors out of control of the Council such as technical difficulties, power outages or internet issues.
- Confidential information accidentally released in the Chamber which would live broadcast.

Records Management Act

Digital video recordings of Council meetings constitute official records of Council. As official records, they cannot be damaged, altered or disposed of other than in accordance with an approval from the Manager of State Records.

The General Disposal Schedule (GDS) 20 is the schedule provided by the Manager of State Records which outlines the require retention times of records for Local Government. Live streaming is considered to be a publication, and under the GDS any publication is required to be kept permanently.

The GDS is under review and it is the understanding of Administration that a new GDS should be released to councils by July 2019. It is proposed under the new GDS that recordings made of council meetings “...to facilitate access to those not present” do not have to be retained when they are no longer required by Council, subject to the approval of the Chief Executive Officer. This could allow for live streaming to be treated as more of a broadcast than a publication.

Without the change to the GDS, there is an inherent risk of recording Council debate and decisions without the ability to remove or dispose of the video recording following publication. These publications will also be subject to disclosure under the *Freedom of Information Act* if not made public.

Audio Upgrade in the Council Chamber

In order for the live streaming to be effective there is the requirement to upgrade the existing Council chamber from analogue to digital technology. This is a prerequisite to ensure sufficient audio quality of the broadcast.

The current Council Chamber operates an analogue audio technology, which is end of life. With the current technology there are higher costs for replacement parts costs, increased difficulty finding contractors to resolve audio issues and many contractors are moving towards servicing only digital equipment.

Without an audio upgrade live streaming viewers will likely experience interference, fuzziness, speaker timing delays and generally unclear listening quality.

As part of the audio upgrade hearing loops could be investigated for inclusion, to facilitate improved audio for all attendees at Council meetings.

The estimated cost for a basic audio upgrade to digital technology is \$40,000 to \$60,000.

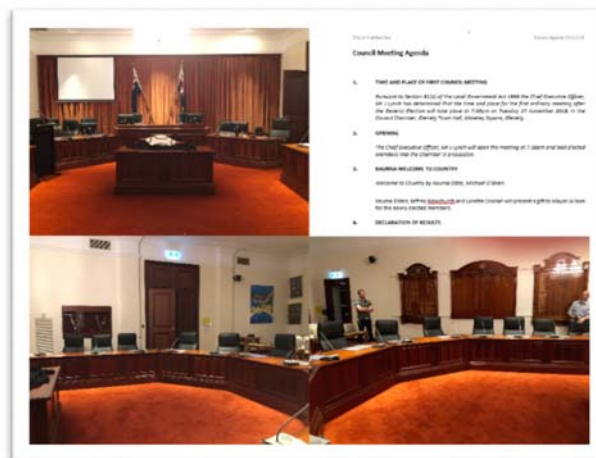
Live Streaming Options

Preliminary investigation has been conducted into a range of live streaming camera options (on the basis of an audio upgrade being undertaken).

Option 1 - Existing Chamber Layout Remains with 2 – 3 Cameras

The chamber layout would remain as it is currently with 2 to 3 cameras recording to give a full view of the chamber and include a display of the live minutes. This option could be considered without the live minutes being displayed.

Below is an example of the possible live streaming view based on our Council’s current chamber set up:



Advantages of 2- 3 cameras with a 4 way split screen on the live streaming view:

- This set up allows for good visibility around a horseshoe chamber where different angles are required to improve visibility of the chamber.
- The cameras can be tailored to limit the view of the public gallery area but allow for a good view of the elected members and key staff.

Disadvantages of 2- 3 cameras with a 4 way split screen on the live streaming view:

- More technical complexity with 2 to 3 cameras in use but this should be a limited issue with new equipment and only a concern as the equipment ages.
- With a more complex set up and equipment required, the cost for this solution is anticipated to be higher with more technical complexity.
- Higher potential maintenance costs with more cameras involved.
- More likely to capture the public in the camera views.

The estimated cost for this option, including audio upgrade, is \$75,000 to \$85,000.

Option 2- Existing Chamber Layout Remains with a Single Fixed Camera

The chamber layout would remain as it is currently with a single camera recording, set up from the gallery, providing a similar view to attendees in the gallery.

Advantages of a fixed camera view:

- This would be the simplest and most cost-effective solution with only one camera installed and to maintain.
- It would allow the same view as a member of the public being seated in the gallery area.
- The gallery would not be on view during the recording (except for possibly limited back of head views).

Disadvantages of a fixed camera view:

- With a fixed view location on the current chamber layout the visibility would be limited to some elected members backs and only receiving their audio.
- With dependence on one camera there is no back-up plan if the camera does not function.

The estimated cost for this option, including audio upgrade, is \$65,000 to \$75,000.

Chamber Refurbishment

The higher cost option would be to undertake a complete chamber refurbishment to change the layout to accommodate live streaming and improve camera visibility of the chamber (including the required audio upgrade).

Due to age of the building and significant changes being required the estimated costs could be as detailed below (based on another local Council's costs).

The estimated cost for this, including audio upgrade, is \$170,000.

This option has not been recommended further due to the costs unless alternative direction is provided by the Council.

Alternative to Live Streaming

If live streaming is not a preferred option then the alternative could be for audio recording of the Council meetings to be available to the public. Audio recording are currently provided by City of Marion, Campbelltown and Alexandrina. The recordings can be placed on Council's webpage after each meeting.

This would be reliant on the pre-requisite audio upgrade being undertaken.

The estimated cost for this option, including audio upgrade, is \$45,000 to \$65,000.

BUDGET

The budget for this will be allocated from funds available through the budget review process.

If further budget is required then a staged process for other improvements could be set over a number years as an additional alternative.

LIFE CYCLE COSTS

Once the IT equipment has been put in place there will be ongoing maintenance costs but this should be limited for the early years of the equipment under warranty initially.

Item No: **14.6**

Subject: **PROPOSED TELECOMMUNICATIONS TOWER – GLENELG OVAL**

Date: 25 June 2019

Written By: Team Leader, Commercial & Leasing

General Manager: City Assets & Services, Mr H Lacy

SUMMARY

On 12 June 2018 Council endorsed (in principle) Vodafone's revised offer of \$23,000 pa to lease a portion of land at the Glenelg Oval Complex for a period of 20 years, for the purpose of installing telecommunications infrastructure.

As the proposed lease term exceeded five (5) years, Administration was required to undertake community consultation in order to obtain the community's view. Community consultation and engagement was undertaken between 19 February 2019 and 12 March 2019. A total of 37 participants responded to the online survey, with 28 (76%) opposed the proposal and 8 in favour of the proposal to lease the land to Vodafone.

Administration is now seeking Council's approval to proceed with the lease, subject to the applicant obtaining full Development Approval.

RECOMMENDATION

1. **That Council enters into a lease agreement with Vodafone over a portion of land (approximately 7m²) contained within Certificate of Title Volume 5869 Folio 949 (Glenelg Oval) for a period of 20 years, subject to:**
 - **the lessee obtaining Development Approval;**
 - **commencing rental of \$23,000 per annum (plus GST) with annual CPI increases.**
 2. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the lease.**
-

COMMUNITY PLAN

Economy: Making it easier to do business

COUNCIL POLICY

Commercial Leasing Policy
Community Consultation & Engagement Policy

STATUTORY PROVISIONS

Local Government Act 1999
Telecommunications Act 1997 (Com)
Retail and Commercial Leases Act 1995

BACKGROUND

Previous Relevant Reports, Applications and Decisions

- Council Report No.: 187/18; Item No.: 14.4, '*Glenelg Oval - Proposed Telecommunications Tower – Revised Offer*', 12 June 2018 (Resolution No.: C120618/1180).
- Council Report No.: 25/18; Item No.: 14.6, '*Glenelg Oval Proposed Telecommunications Tower Site*', 13 February 2018 (Resolution No.: C130218/1036).
- Council Report No.: 332/17; Item No.: 14.9, '*Glenelg Oval Master Plan – Stage One 2018-2019*', 26 September 2017 (Resolution No.: C260917/916).
- Council Report No.: 242/17; Item No.: 14.11, '*Glenelg Oval Master Plan – Consultation Findings*', 11 July 2017 (Resolution No.: C110717/848).
- Council Report No.: 304/16; Item No.: 14.4, '*Glenelg Oval Master Plan*', 13 December 2016 (Resolution No.: C131216/605).
- Council Report No.: 19/16; Item No.: 17.2, '*Glenelg Oval – Telecommunications Tower Site*', 9 February 2016 (Resolution No.: C090216/309) – Report Adjourned.

REPORT

Vodafone – Proposal

On 12 June 2018 Council received a report which outlined Vodafone's desire to lease a portion of land at the Glenelg Oval Complex to erect telecommunications infrastructure atop one of the lighting towers.

Vodafone proposed to lease the portion of land (approximately 7m²) for a period of 20 years, and proposed an annual commencing rental of \$23,000 per year (plus GST) (subject to annual CPI increases). The project works include:

- removal of the existing light pole, replacing it with a new pole;
- reinstatement of Council's lights on the new pole;
- installation of VHA's antennas atop the tower;

- installation of a bay of six (6) cabinets against the wall adjacent existing canteen building; and
- underground cables between the pole and cabinets.

A site layout is provided in Attachment 1.

Refer Attachment 1

Community Consultation

As the applicant was seeking a lease term of more than five (5) years and the land is classified as Community Land, pursuant to Section 202 of the *Local Government Act 1999* prior to proceeding with any further formal lease arrangements Council was required to undertake public consultation to obtain the community's view on the alienation of the community land in question.

Administration conducted community consultation and engagement between 19 February 2019 and 12 March 2019 using a wide variety of media including:

- Council's website.
- 200 engagement notifications hand delivered to surrounding residents & landlords around the Glenelg Oval precinct.
- Displays at Brighton Civic Centre, Brighton and Glenelg Libraries.
- 5 corflute signs placed around Glenelg Oval.
- Council social media:
 - two email posts on 21 January and 07 February 2019 to Council's 1,800 registered email users;
 - posts to Council's Twitter account every week during the engagement period.
- Drop In session (held 2pm-6pm Thursday 28 February 2019 at the oval).

Submissions could be emailed, submitted by post, or provided as a hard copy submission at any council location or during the drop in session. Respondents were requested to indicate 'yes or no' to the following question: *"Do you support Vodafone's proposal to lease a site at Glenelg Oval for up to 20 years to construct and operate a telecommunications tower and associated infrastructure"*. Further comments could also be added.

In summary, 341 people accessed the web page and 2 attended the drop-in session. A total of 37 submissions (plus 1 duplicate) were received. Of those submissions, 31 also provided a written comment.

Of the 37 submissions received, 28 (76%) were **opposed** to the proposal and 8 (24%) were **in favour** of the proposal to lease the land to Vodafone.

A copy of the Engagement Summary (including the respondent's detailed comments) is attached for reference.

Refer Attachment 2

Major Stakeholder Feedback

As immediate major stakeholders to the location, responses were requested from the Glenelg Football Club, Glenelg District Cricket Club and Glenelg Primary School. Of the three (3) immediate

major stakeholders, only Glenelg Primary School officially responded stating that: *“the Glenelg Primary School does not have any particular feedback regarding the proposal and maintains a neutral stance”*.

Refer Attachment 3

Consultation Feedback

The predominant feedback from the Submissions can be summarised into three (3) predominant issues - being:

- Risk posed by electro-magnetic radiation from the tower.
- Potential impact on house prices if the tower is constructed.
- Utilisation of the rental.

Council addressed the risk posed by electro-magnetic radiation when it considered a similar application from Telstra to install a monopole telecommunications tower at Brighton Oval in 2016. A presentation was made to Councillors at the time by representatives of the Telecommunications Industry through an industry group known as the Mobile Carriers Forum (MCF). The presentation set out an explanation of the design and deployment of mobile phone networks as well as the exposure standards, science and medical studies that indicate that mobile phone towers are not considered injurious to public health.

A copy of the 2016 presentation is attached for information

Refer Attachment 4

The existing light tower that is being replaced by the mobile phone tower is approx. 4m shorter than the proposed 30m monopole. The antenna array will be more prominent in the skyline over the oval and will be visible from surrounding streets. It is, however, an individual preference as to whether the more visible phone tower represents an acceptable or unsightly addition to the skyline. It is our view that residential property prices in the vicinity of the oval will not be adversely impacted by the presence of the mobile phone tower as there is already a light tower present at this location.

It is proposed that rental from the mobile phone site be allocated to general revenue.

Development Approval

As the overall height of the tower and antennas is 30m, the proposal avoids any *non-complying* assessment under the Development Act; which will allow it to be assessed on merit alone. Public consultation for the development will be required but in the form of Category 2 notification, which invites comments from adjacent landowners but does not allow appeal rights from third parties following a decision on the proposal.

Upon receipt of the development application, Council staff will apply due diligence and enquire with the Minister for Planning as to whether the commercial benefits from the lease would give rise to a conflict of interest in the assessment of the proposal by Council's Assessment Panel. Should the Minister consider that a conflict does exist, the State Commission Assessment Panel will be appointed as the relevant Planning Authority instead of Council's Assessment Panel.

Glenelg Oval Master Plan

In September 2017, Council endorsed the Glenelg Oval Master Plan, which consists of three (3) separate stages:

- Stage 1 - entailing the redevelopment of the tennis club building, re surfacing of eight courts, new car park and on street parking and upgrades to Margaret Messenger Reserve (funding allocated in the 2019/20 budget);
- Stage 2 - entailing redevelopment of the Cricket Club building and refurbishment of Football Club building, new cricket nets, playground and amenities; and
- Stage 3 - entailing the development of a two court indoor sports stadium at the north-western most corner of the property.

Stage 1 of the Master Plan has received funding approval as part of the proposed 2019/20 Capital Program, however Stages 2 and 3 remain unfunded. Based on the Master Plan details, the proposed VHA antennas atop the tower are considered consistent with the Master Plan development proposals.

However, it should be noted that the proposed demolition of the existing northern toilets and canteen (per Stage 2 plans) may have impacted the proposed location of the six (6) bay cabinets. The cabinets will therefore be sited in such a way as to reduce any potential conflict in the future.

BUDGET

Council staff have negotiated the rental amount as requested by Council from an initial offer of \$15,000 pa to current offer of \$23,000 pa – which is considered an excellent market price for the site.

By comparison, Council leased an area of 20m² to Telstra at the Brighton Oval for a similar installation (about 3 times bigger than the proposed Glenelg Oval site) for an annual rental of \$28,000.

Should this lease proceed, any rental received will be retained by Council and will positively impact budget revenue over the 20 year lease period. All initial costs associated with undertaking public consultation will be offset by the 1st year's rental income.

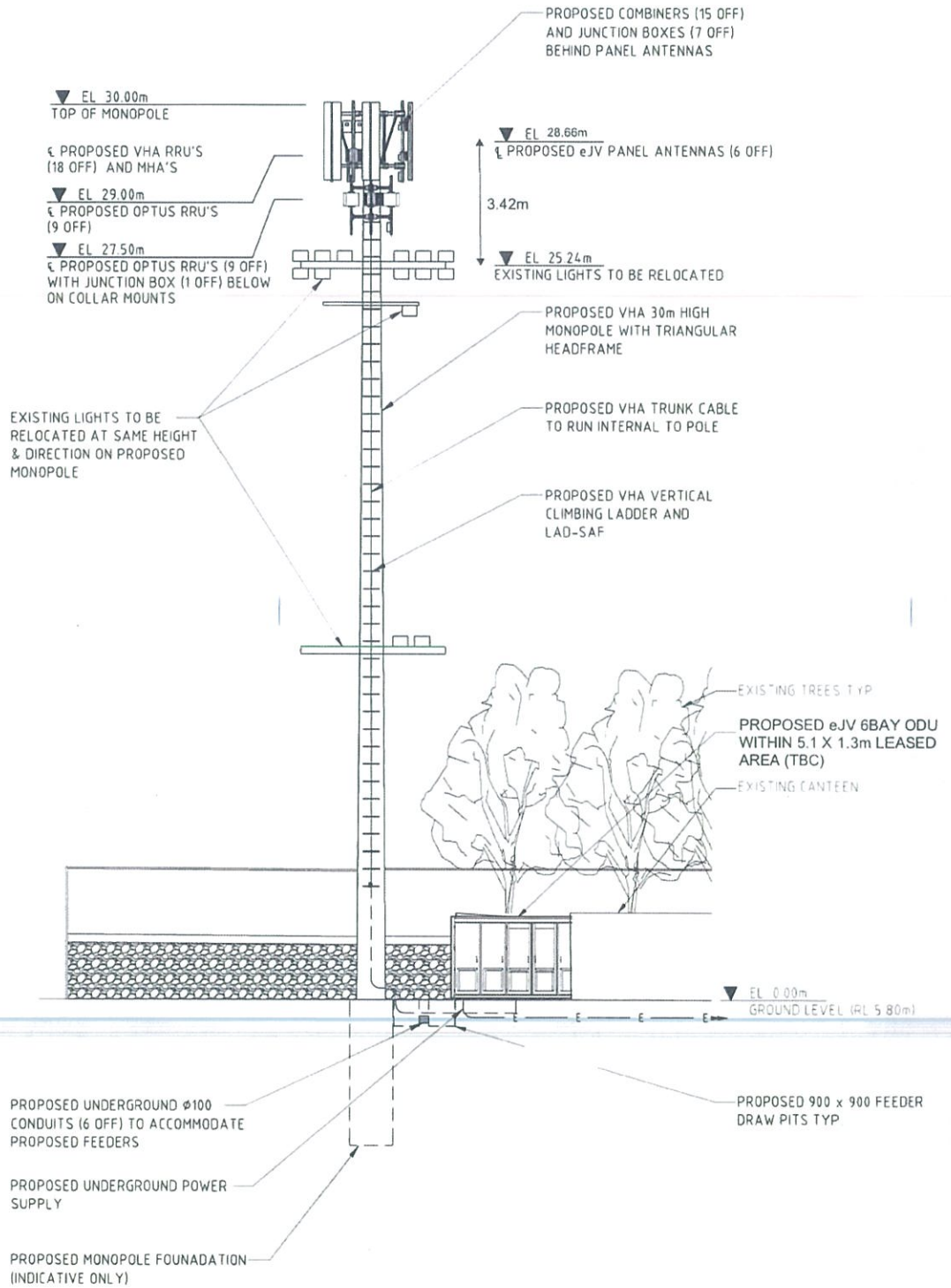
LIFE CYCLE COSTS

All costs of construction and maintenance of the proposed facility will be the responsibility of the applicant. Therefore there will be no impact on Council's Long Term Financial Plan.

Attachment 1



NOTE:
FOR ANTENNA AND ANCILLARIES INFORMATION
REFER TO TABLE IN DRG 54.0074-G4.



NORTH EASTERN ELEVATION

SCALE 1:150

REV	DATE	DESCRIPTION
1	21/11/16	ISSUED FOR PRELIMINARY DESIGN
2	15/02/17	REVISED FOR PRELIMINARY DESIGN

NO.	DESCRIPTION	UNIT	SCALE	DATE
1	DRIVING OFFICE	m ²	1:100	16/11/16
2	RECEPTION	m ²	1:100	16/11/16
3	OFFICE	m ²	1:100	16/11/16
4	STORAGE	m ²	1:100	16/11/16

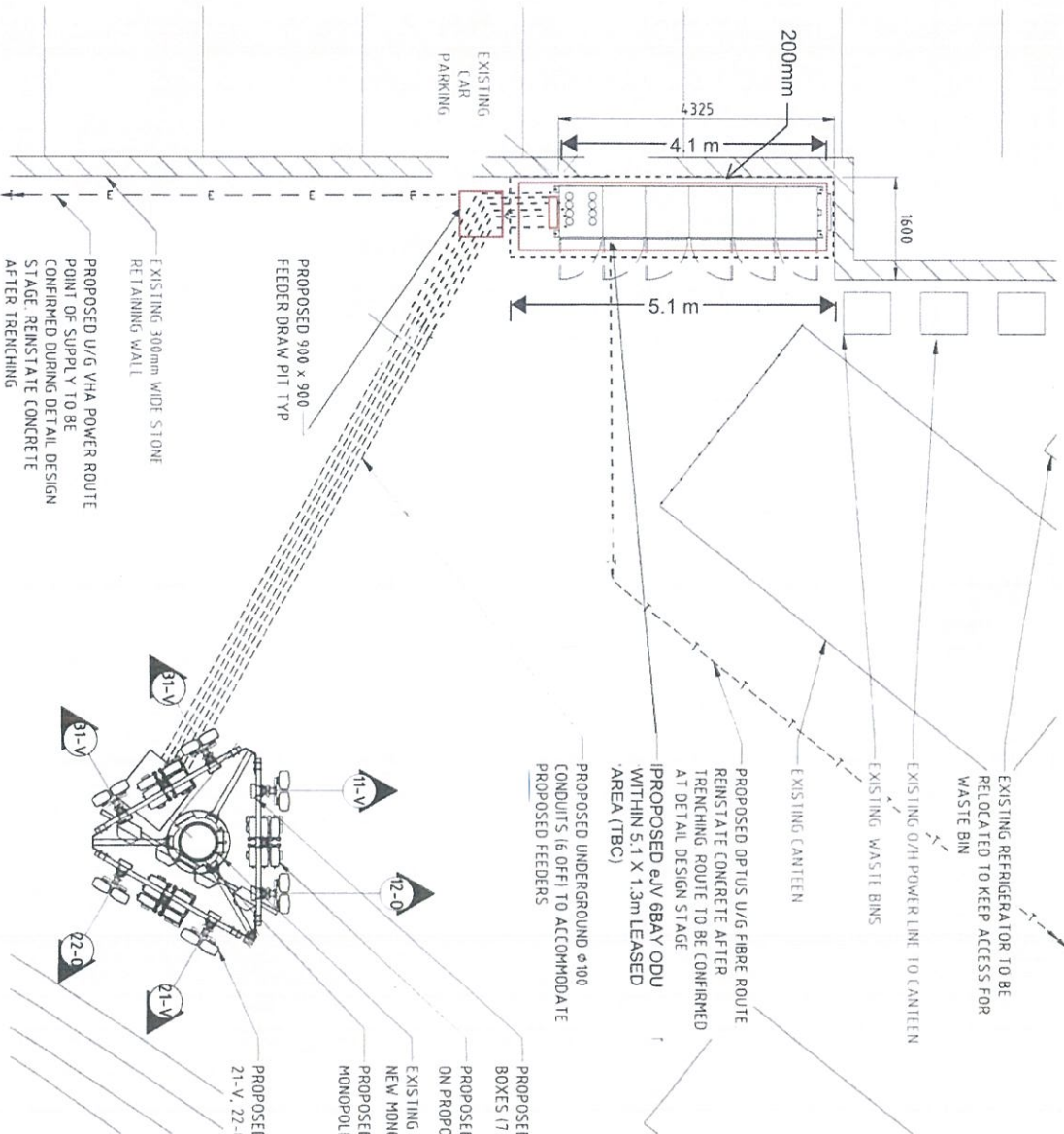
ServiceStream
MOBILE COMMUNICATIONS
1418 3711 9331 | 1418 3711 9332 | www.servicestream.com.au

VHA SITE 54.0074
GLENELG EAST - V
BRIGHTON ROAD
GLENELG EAST, SA 5045

eJV GREENFIELD PROJECT

TITLE	JOINT VENTURE NO:	J13208
SCALE	SITE ELEVATION	
STATUS	PRELIMINARY	
NO.	54.0074-G3	
REV	B	

ANTENNA TYPE	ANTENNA SIZE
TONGYU TQB-D609017 / Q172717DER-60F	2680H x 620W x 160D



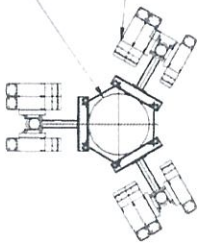
SITE SETOUT PLAN

SCALE 1:75

DATUM POINT	GDA94 CO-ORDINATES	GROUND LEVEL
	LATITUDE -34.98298	AHD RL 5.80m
	LONGITUDE 138.52124	EL 0.00m
MEGA CO-ORDINATES	E 273 738	ZONE
	N 6 126 037	54

RRU PLAN AT ELEV. 27.50m

SCALE 1:50



LEGEND:



NOTES:

1. ALL ORIENTATIONS ARE IN DEGREES RELATIVE TO MGA NORTH
2. PROVIDE CONNECTIONS TO EXISTING EARTHING AS PER VHA D&C MANUAL REQUIREMENT.
3. REFER DRG 54.0074-G4 FOR ANTENNA & ANCILLARIES TABLE.

ANTENNA TYPE		ANTENNA SIZE	
TONGYU T08-0609017 / Q1727108R-60F		2680H x 620W x 160D	
REV	DATE	BY	CHKD
1	11/03/2024	GHANM	GHANM
2	11/03/2024	GHANM	GHANM
3	11/03/2024	GHANM	GHANM
4	11/03/2024	GHANM	GHANM
5	11/03/2024	GHANM	GHANM
6	11/03/2024	GHANM	GHANM
7	11/03/2024	GHANM	GHANM
8	11/03/2024	GHANM	GHANM
9	11/03/2024	GHANM	GHANM
10	11/03/2024	GHANM	GHANM
11	11/03/2024	GHANM	GHANM
12	11/03/2024	GHANM	GHANM
13	11/03/2024	GHANM	GHANM
14	11/03/2024	GHANM	GHANM
15	11/03/2024	GHANM	GHANM
16	11/03/2024	GHANM	GHANM
17	11/03/2024	GHANM	GHANM
18	11/03/2024	GHANM	GHANM
19	11/03/2024	GHANM	GHANM
20	11/03/2024	GHANM	GHANM
21	11/03/2024	GHANM	GHANM
22	11/03/2024	GHANM	GHANM
23	11/03/2024	GHANM	GHANM
24	11/03/2024	GHANM	GHANM
25	11/03/2024	GHANM	GHANM
26	11/03/2024	GHANM	GHANM
27	11/03/2024	GHANM	GHANM
28	11/03/2024	GHANM	GHANM
29	11/03/2024	GHANM	GHANM
30	11/03/2024	GHANM	GHANM
31	11/03/2024	GHANM	GHANM
32	11/03/2024	GHANM	GHANM
33	11/03/2024	GHANM	GHANM
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55	11/03/2024	GHANM	GHANM
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72	11/03/2024	GHANM	GHANM
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74	11/03/2024	GHANM	GHANM
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87	11/03/2024	GHANM	GHANM
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97	11/03/2024	GHANM	GHANM
98	11/03/2024	GHANM	GHANM
99	11/03/2024	GHANM	GHANM
100	11/03/2024	GHANM	GHANM



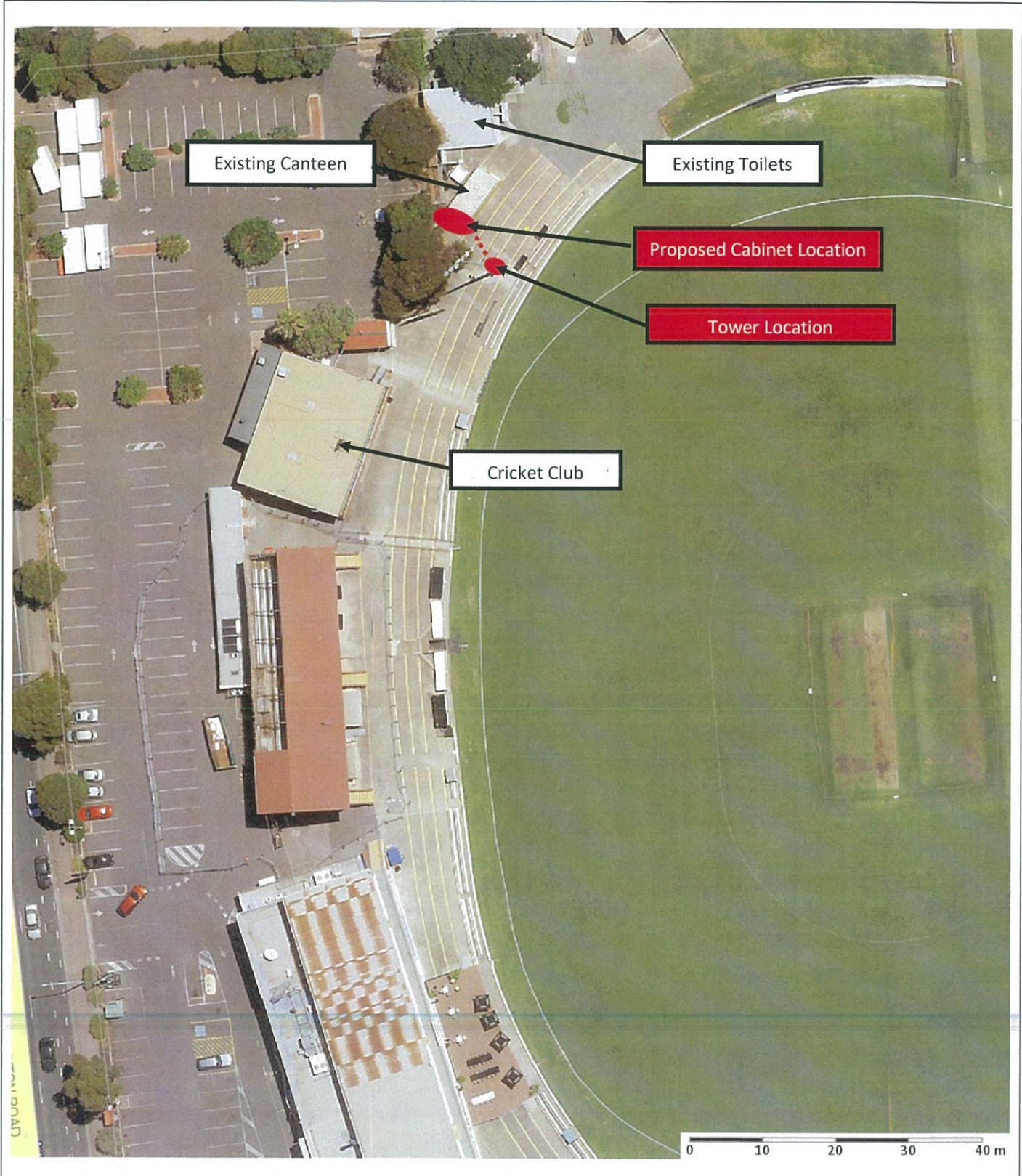
VHA
VHA SITE 54.0074,
GLENELG EAST - V
BRIGHTON ROAD
GLENELG EAST, SA 5045

eJV GREENFIELD
PROJECT

THE SITE SETOUT PLAN

JOINT VENTURE NO. JA3208

DRAWING STATUS: PRELIMINARY
DRAWING NO: 54.0074-G2
REV: B



This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Holdfast Bay. This information is provided for private use only. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property Boundary line network data is supplied by State Government.

VODAFONE TOWER – GLENEILG OVAL



Attachment 2





ENGAGEMENT SUMMARY REPORT

GLENELG OVAL – VODAFONE COMMUNICATIONS TOWER

Report prepared for the Property Management Officer by the
Digital Engagement Partner
April 2019

INTRODUCTION

On Tuesday 19 February 2019, Council sought engagement on a proposal by Vodafone to lease a site at the Glenelg Oval for a period of up to 20 years for the purpose of constructing and operating a telecommunications tower and associated infrastructure.

Background

Vodafone is proposing to negotiate a lease with the City of Holdfast Bay, for up to 20 years, for an area of approximately 7m2 on the north-western side of the football oval at the Glenelg Oval Complex.

On this site they would construct and operate a telecommunications tower and an equipment shelter for associated telecommunications infrastructure. This tower would effectively replace an existing floodlight pole (i.e., the tower would support both floodlights and a telecommunications antenna).

This report provides a summary of the engagement methodology and engagement outcomes.

BRIEF DESCRIPTION OF ENGAGEMENT METHODOLOGY

This community engagement commenced on 19 February to 12 March 2019, a total of 21 days.

The views of the community were collected via:

- Council's website
- Email submissions
- Written submissions
- Hard copy letter notifications
- In person at the Drop In session:
 - 2am-6pm Thursday 28 February 2019

And promoted through:

- Two Registered user update on 21 January and 07 February - via email to a 1,800 database.
- CoHB Twitter account every week for the duration of the engagement
- 5 corflute signs placed around Glenelg oval
- Mail box drop to residents and landlords surrounding Glenelg Oval:
 - 200 engagement notifications were letter box dropped to surrounding residents
- Brighton Civic Centre, Brighton and Glenelg Libraries

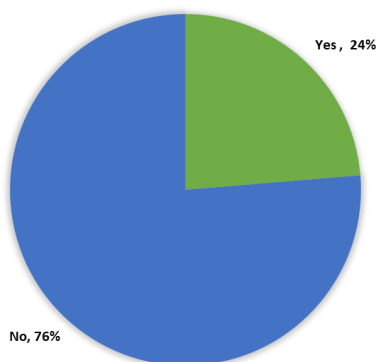
SURVEY FORMAT

Participants were asked to complete a formal submission form asking if results *Council should support Vodafone's proposal to lease a site at Glenelg Oval for up to 20 years to construct and operate a telecommunications tower and associated infrastructure.*

Below is the participants are Reponses:

1. Do you think Council should support Vodafone's proposal to lease a site at Glenelg Oval for up to 20 years to construct and operate a telecommunications tower and associated infrastructure?

- 28 participants responded, "no" (one was a duplicate response)
- 9 participants responded , "yes"



2. COMMENTS

31 participants commented

- 15 of the participants that responded, "no" specially stated they had concerns with local residents health and harmful radiation emissions especially in regards to school children and elderly residents.
- Three participants raised concerns as to where the revenue from the lease would be distributed
- One participant questioned how a telecommunications tower would align with Glenelg east's heritage zone and street scape character.

See appendix 1 for full comments

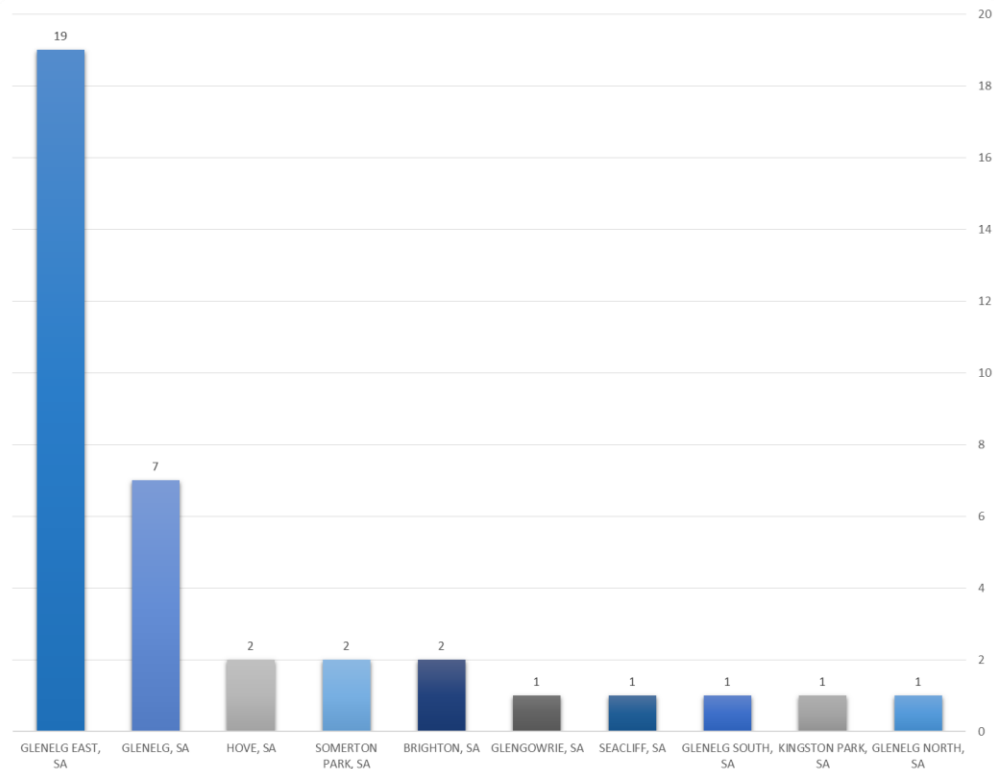
3. COMMUNITY DROP-IN SESSIONS

Community members had the opportunity to speak to Council Administration. Plans were displayed at the sessions to allow residents and the community to see the proposal in a large format.

On Thursday 28 February, two (2) community members visited the drop-in session to speak with Council Administration. Concerns raised were relevant to the potential for radiation, and impact to house process.

4. Your Suburb

- 37 participants identified as being from the City of Holdfast Bay.
- 1 submissions were from neighboring/bordering council areas.
- 19 submissions were from Glenelg East



SUMMARY

The greatest number of respondents were from Glenelg East. The main area identified as to why people were opposed to the lease of the Telecommunications tower at Glenelg oval were concerns over health risks.

HOW FEEDBACK WAS RECEIVED -

A total of 38 (one duplicated) submissions were received by:

- 38 submissions (formal feedback) were received via Yourview
- The page attracted 341 page visits
- Participation level for this engagement was medium as had impact mainly local residents due to the importance residents place on areas that are directly affecting what's happening in their "back yard" and the space which affect them and their lifestyle directly.

SUMMARY

Appendix 1 Comments *Comments received via Your View Holdfast (all comments are verbatim)*

<p>Does the council check that with all of the mobile towers that are in close proximity at Glenelg, Glenelg South and now Glenelg East that the EF still meets Australian requirements.</p>
<p>This to me is another consideration for people thinking of moving into the area that may devalue our homes. Whether it is true or not, many people believe EF can have an impact to the health of people living close by and in this instance close to the school, which the oval is also used for the schools sporting activities.</p>
<p>(Why does the form supplied state 'All personal details provided will be removed from Council reports' yet this page states the opposite?)</p>
<p>... BUT depending on how much the payment is - and how high the tower is. The higher the better. And how much space is consumed by the 'associated infrastructure'. Also whether this opens the door to other users adding to the structure which appears to be the case at other sites.</p>
<p>Why would the council agree to this? Money grabbing council at it again maybe?</p>
<ol style="list-style-type: none">1. Inflation costs should be added each year to anticipate any major increases.2. In the event of any major catastrophic construction or weather event Vodafone should recompense for any damage caused to neighboring properties,
<p>Glenelg East has many properties with strict heritage zones. A tower will not be in line with the streetscape character. Many families and people of all ages use the oval and facilities around the area and it would be unacceptable to have a tower in a popular spot.</p>
<p>The construction of telecommunications infrastructure tower in public areas such as this are not in the communities interest as provide no benefit to those that use and love the area. Despite being disguised as a lighting tower.</p> <p>How does this benefit the community?</p>
<p>It is a far more appropriate site than alternatives on building, for example. Visually it will be little different than a light tower</p>
<p>due to health concerns of young families living close to the area.</p> <p>Plus is extremely ugly</p>
<p>No. As a resident of Glenelg East and with children attending the school, I strongly oppose this proposal.</p>
<p>Providing the Club gets the revenue</p>
<p>Communications and the digital world are with us for the foreseeable future.</p> <p>Satellites may supersede the towers, but when?</p> <p>There are so many towers around the suburbs so one more may not be too intrusive.</p> <p>Why can't the existing towers be used by more than one company-I don't know the answer but it is worth asking the question.</p> <p>The tower will impede any other development of the area for 20 years-quite along time and do they remove it at the end of the lease?</p>
<p>One, they are unsightly, particularly</p> <p>In a residential area and more importantly, Glenelg Primary School is very close and there should be a great concern about radiation emission, which has been proven to cause problems.</p>
<p>Provided the money does not go to the Football club or cricket but is used for improvements to the Margaret Messenger reserve, tree planting and the tennis club.</p>

<p>20 years is a very long period of time. Much can change. I do not want a tower so close to a residential area. More information is needed about the tower. What height will it be? The same as the light tower?? What will the dimensions be at the top of the tower? So no thanks.</p>
<p>I do not support this proposal, with the primary reason being it's close proximity to Glenelg Primary School. This telecommunications tower and associated infrastructure will provide unwanted exposure to electromagnetic radiation to hundreds of primary school aged children. It is not really an option to remove the children from school to remove the associated risk from the electromagnetic radiation, therefore I urge the Council to OPPOSE the proposal so that the risk to the children is removed through the proposal not going ahead. The second reason is that there is already a Tower at the end of Jetty Road, Glenelg, which is only 2 blocks from the proposed site. It is not necessary to have another Tower in such close proximity.</p>
<p>Not near children, health hazards with Vodafone moving towards 5G network. There are a lot of other ways the GLENELG Club can raise money and get out of debt.</p>
<p>1) health risks associated with eventual installation of 5G networks for rate payers and school children 2) no coverage issues so no tower needed 3) shouldn't compromise our local community to large corporates</p>
<p>1) health risks associated with eventual installation of 5G networks for rate payers and school children 2) no coverage issues so no tower needed 3) shouldn't compromise our local community to large corporates</p>
<p>This is so close to Glenelg Primary School - the health risks to the children must outweigh any benefit that this tower may provide.</p>
<p>1, There is medical evidence that harmful radiation could be emitted and this tower is very close to a school Its a risk that should not be taken until scientific evidence is conclusive, 2.. I would encourage council to request vodaphone to negotiate the use of another tower close by There is a second tower approx. 300 meters away 3. The community expects companies will attempt to lighten their footprint on our environment and that council should take a lead role in the promotion of this.</p>
<p>I am very concerned about and vehemently opposed to the construction of a telecommunications tower on Glenelg Oval which is situated opposite my home. This is a residential area which also houses a primary school, the health risks to this community from radiation - see link below - are therefore of primary concern. There is already a telecommunications tower situated some metres away on the corner of Brighton and Jetty roads, why therefore is there a need for yet another so close to residences ?</p> <p>http://it-takes-time.com/2015/09/22/health-effects-of-cell-towers/</p>
<p>Absolutely no. It is right next to a school. I can't honestly believe this is even an option it's shameful.</p>
<p>As a parent of Glenelg Primary School children, I am horrified to think that the Council will support Vodafone's proposal . Please stop our children from being exposed to ahrmful effects of radio frequency radiation! Say NO to a cell tower by the Glenelg Oval and keep our children safe and healthy.</p>
<p>We strongly oppose this proposal. The main reason relates to health concerns, particularly with Glenelg Primary School so close by. Serious issues have been raised about the health implications of communications towers and the council would be putting residents at risk by agreeing to this proposal. Whatever relatively minor monetary benefit is totally overwhelmed by the health and environmental concerns. Please do not agree to this proposal.</p>
<p>We strongly object to the proposed phone tower at the Glenelg Football Oval. As a Fortrose st. residents, we already have the exposure to radio waves generated by recently built mobile phone tower on the corner of Brighton and Jetty rd. Building the new structure will cause the residents to be even more susceptible to health hazard living in such a close proximity to two phone towers from both sides of the street and within a radius of under 350 metres. Please refer to clinical studies mentioned below:</p>

The Influence of Being Physically Near to a Cell Phone Transmission mast on the Incidence of Cancer

Horst Eger, Klaus Uwe Hagen, Brigitt Lucas, Peter Vogel, Helmut Voit

Published in Umwelt-Medizin Gesellschaft 17,4 2014

Increased Incidence of Cancer Near a Cell-Phone Transmitter Station

Ronni Wolf MD, Dannt Wolf MD from

The Dermatology Unit, Kaplan Medical Center, Rechovot, and the Sackler Faculty of medicine, Tel-Aviv University, Tel-Aviv Israel

International Centre of Cancer prevention Number 1 Volume 2 April 2004

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The Dermatology Unit, Kaplan Medical Center, Rechovot, and the Sackler Faculty of medicine, Tel-Aviv University, Tel-Aviv Israel

International Centre of Cancer prevention Number 1 Volume 2 April 2004

Another misuse of community land.

Wording above (1st line is incorrect), you may want to fix this.

Thank you

Another misuse of community land.

Wording above (1st line is incorrect), you may want to fix this.

Thank you

We absolutely object to the Vodafone tower. Is the Holdfast bay Council that desperate to get money this way. Obviously the Council don't care about putting the safety and well-being of adults and especially children at risk by installing this tower. Glenelg Primary school students play on the oval at recess and lunch time. Cricketers train and play on the oval as does footballers. The general public attend football matches and you are exposing them to the phone tower emissions. Surely you can find a better place than next to a school and oval.

1) Future 5G technology has been medically proven to have significant health effects. There are many overseas and local clinical papers demonstrating the impacts so why would Holdfast Council consider putting a tower that would be 5G compatible in our community and so close to a Primary School? Once the information is dispersed as people become more aware of the health dangers, the Football Club will also suffer as fans and locals will not want to be exposed to the radiation and will stop supporting the club. The same could be said for the School, numbers could decrease and the value of houses in the area could fall.

I have always been proud of our Council (and where I live) however my views would change if a decision was made by Council to allow this radiation exposure to the Holdfast Council rate payers, aren't you meant to act to promote a cleaner environment, I would expect the Council to take a lead role in this and say NO to Vodafone's proposed tower.

2) There are no coverage issues in Glenelg, so why is a tower necessary? There is a tower at the top of Brighton/Jetty Rd, Vodafone should be negotiating to use that tower. I and my neighbours cover the larger telecommunication companies Vodafone, Optus and Telstra as customers and have not experienced any issues with coverage.

3) If the Glenelg Football Club needs support for it's debt position, this is not the answer, it is a short-term view of merely \$20-\$25k pa in rent at the detriment and long-term health effects of the residents and school children for the next 20 years. You can't put a price on rate payers and school children's health. The Glenelg Football Club

could be engaging the community to help get out of this debt position, as a suggestion a "think tank" with residents could be set up, I certainly have some ideas to help the Glenelg Football Club but having a tower that will radiate harmful exposure to residents and school children is not one of them!

Attachment 3



Scott Reardon

From: Fischer, Anthony (Glenelg Primary School) <Anthony.Fischer182@schools.sa.edu.au>
Sent: Friday, 3 May 2019 11:27 AM
To: Scott Reardon
Cc: Taggart, Rae (Glenelg Primary School); McArdle, Malcolm (Glenelg Primary School); Lendrum, Paul (Glenelg Primary School); Beswick, Bobbie (Glenelg Primary School); Mudie, Corey (Glenelg Primary School)
Subject: RE: TELECOMMUNICATIONS TOWER CONSULTATION FEEDBACK REQUEST

Hello Scott.

Based on information regarding phone towers that some of the Leadership team read, the Glenelg Primary School does not have any particular feedback regarding the proposal and maintains a neutral stance.

Kind regards,

Anthony Fischer
Deputy Principal
Glenelg Primary School
Ph: 8295 3943

From: Scott Reardon [mailto:SReardon@holdfast.sa.gov.au]
Sent: Thursday, 2 May 2019 12:07 PM
Subject: TELECOMMUNICATIONS TOWER CONSULTATION FEEDBACK REQUEST

Dear stakeholder.

As you are aware, between Tuesday 19 February 2019 and 12 March 2019, Council sought engagement from the community on a proposal by Vodafone to lease a site at the Glenelg Oval for a period of up to 20 years for the purpose of constructing and operating a telecommunications tower.

In summary, Vodafone is proposing:

- to negotiate a lease with the City of Holdfast Bay for up to 20 years;
- for an area of approximately 7m² on the north-western side of the football oval at the Glenelg Oval Complex;
- to construct and operate a telecommunications tower and an equipment shelter for associated telecommunications infrastructure;
 - the tower would effectively replace an existing floodlight pole (i.e., the tower would support both floodlights and a telecommunications antenna).

Prior to submitting the engagement findings to Council for resolution, as direct stakeholders to Glenelg Oval, I now seek your respective feedback on the matter.

I would appreciate if you could provide any related feedback or comments by COB Friday 10 May 2019.

Please do not hesitate to contact me should you require any further information.

Regards,



SCOTT REARDON

Property Management Officer

City Assets and Services

City of Holdfast Bay

P 08 8229 9871

M 0417 819 127

E sreardon@holdfast.sa.gov.au

24 Jetty Road, Brighton SA

Monday, Tuesday, Thursday, Friday

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Attachment 4





Mobile Carriers Forum

Holdfast Council Elected Members Briefing

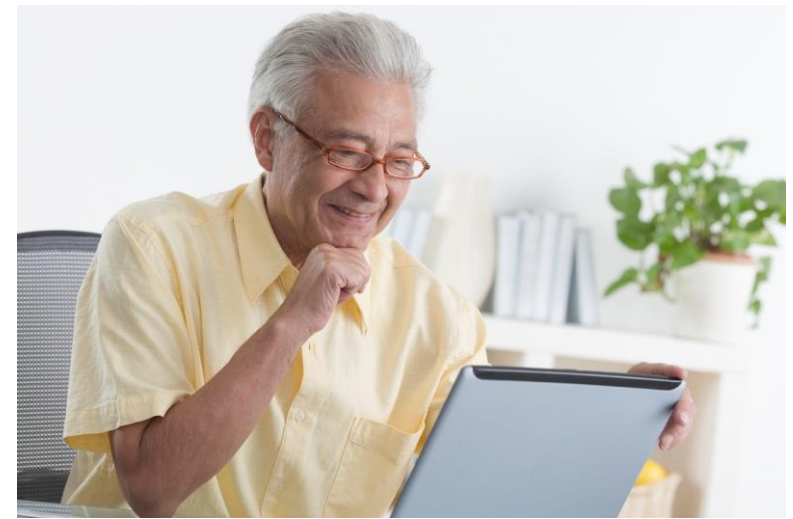
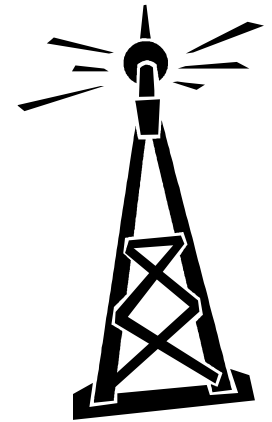
July 2016





Overview

- Introduction
- Quality & Capacity Demand
- How Mobile Networks Work
- Site Selection Criteria
- Community Consultation
- Health
- Discussion





AMTA Overview

- The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry.
- AMTA members include mobile Carriage Service Providers (CSPs), handset manufacturers, retail outlets, network equipment suppliers and other suppliers to the industry.



MCF Overview

- Mobile Carriers Forum is a specialised AMTA Forum that deals specifically with issues related to the deployment and operation of mobile phone networks
- MCF represents the three mobile phone carriers deploying mobile networks in Australia, namely Telstra, Optus and Vodafone Hutchison Australia (VHA)
- *Committed to addressing the social, environmental and regulatory issues – relating to mobile infrastructure deployment and network operations*



Telecommunications Pre mobile

At home



At work



On the move



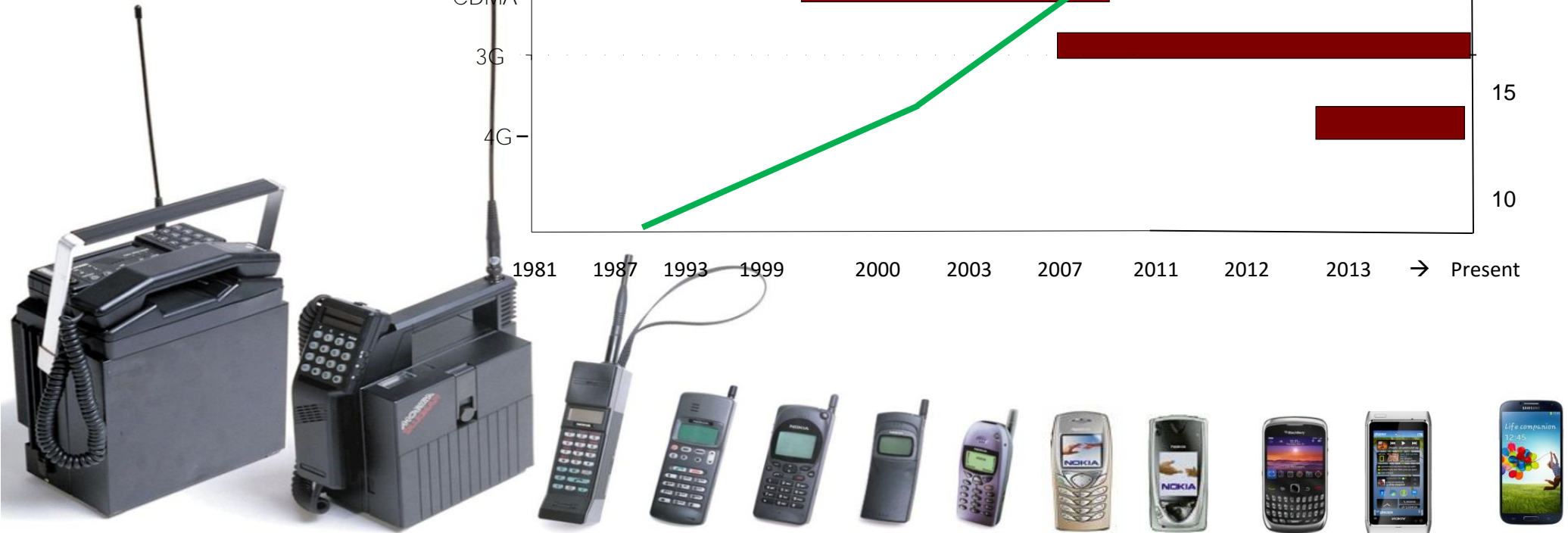
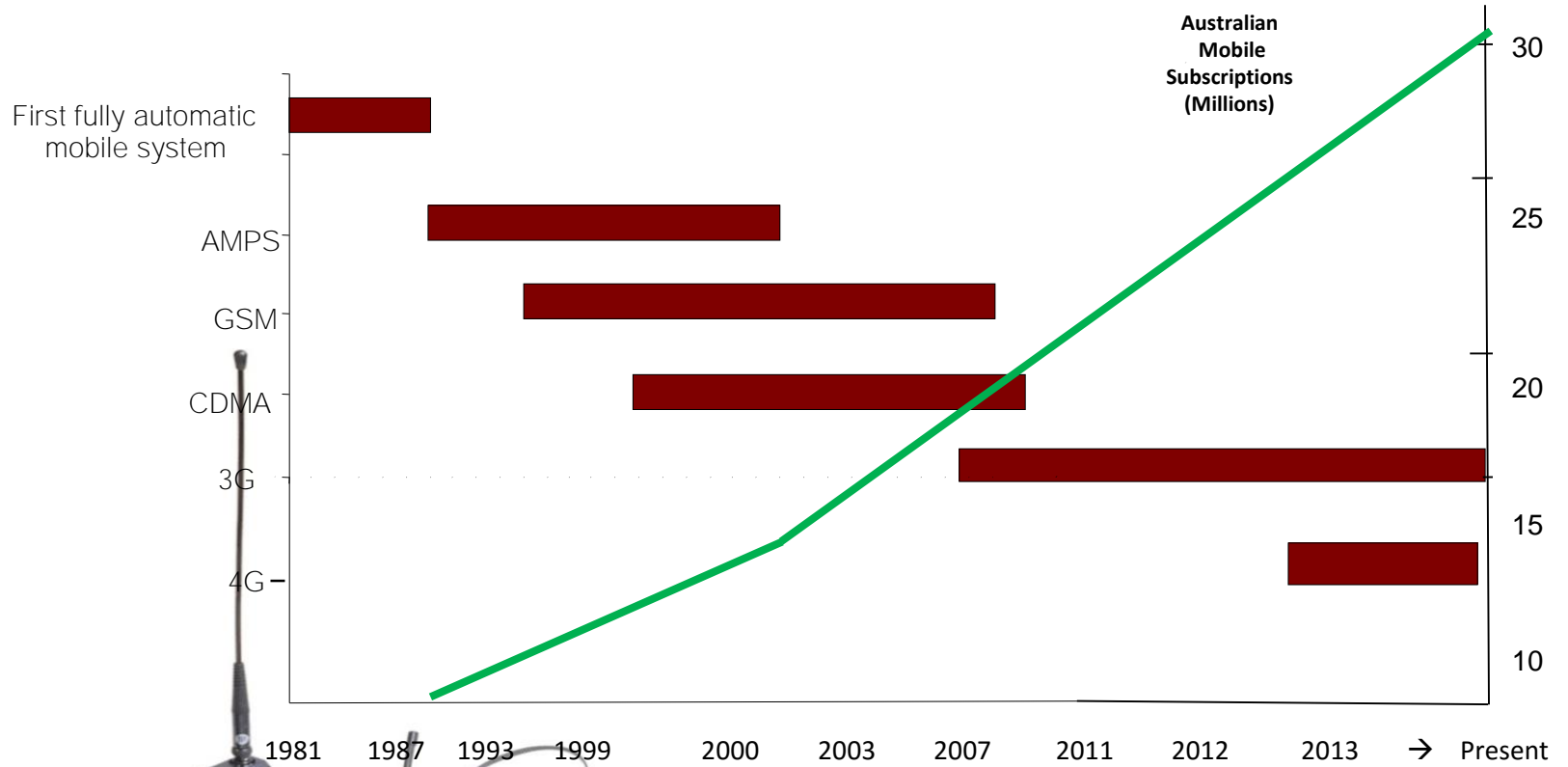


25 years later - how options and expectations have changed !





Mobile History in Australia



Australia's Mobile Sector



- Nearly 32 million mobile phone services in operation
- Mobile penetration rate of ~130% given population of approx 24 million
- Mobile coverage reaches majority of the population
- Mobile internet services 26.5 million

~ top 5 in the world for adoption of mobiles



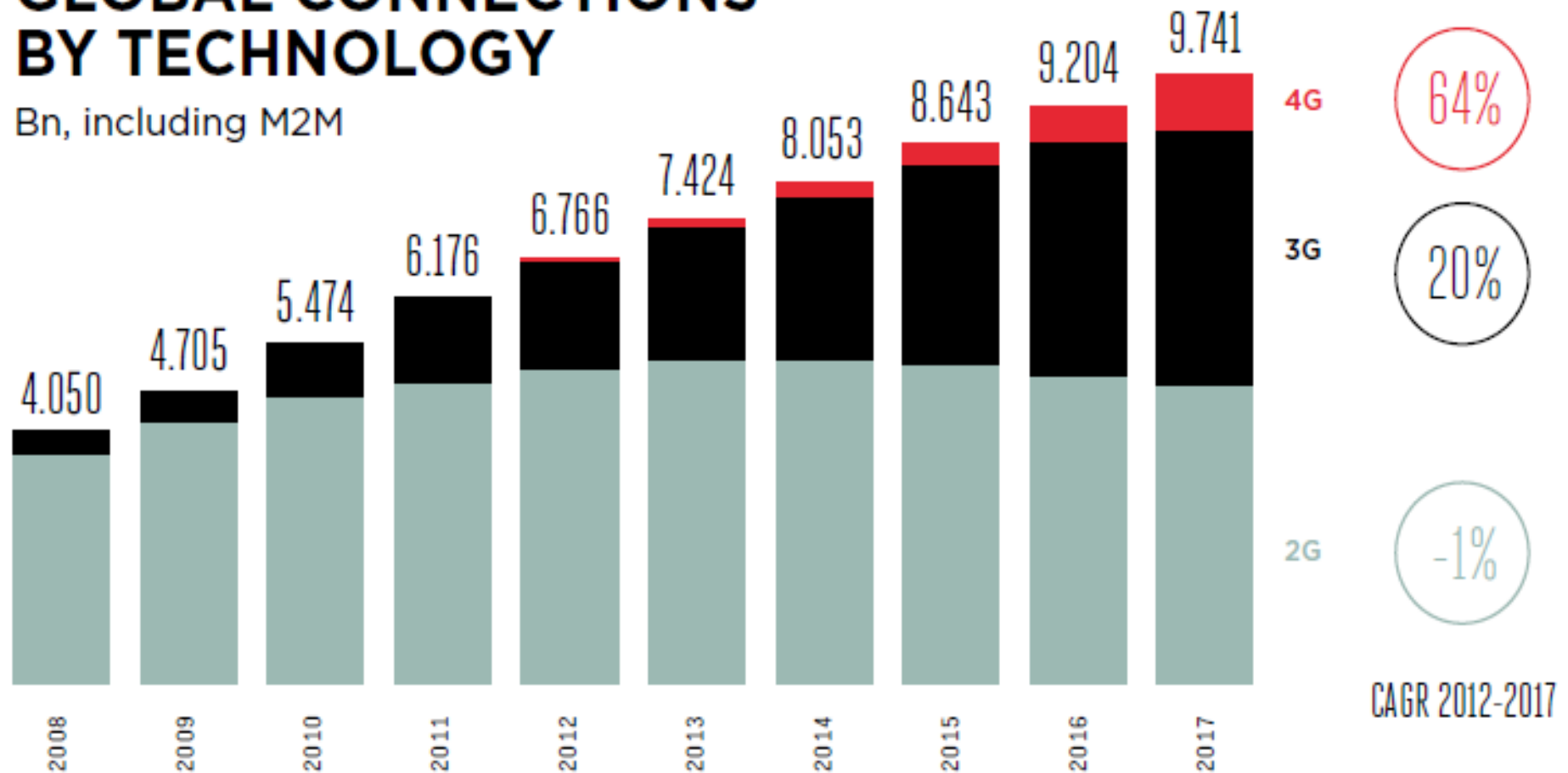
Representative coverage map



Global Connections

GLOBAL CONNECTIONS BY TECHNOLOGY

Bn, including M2M



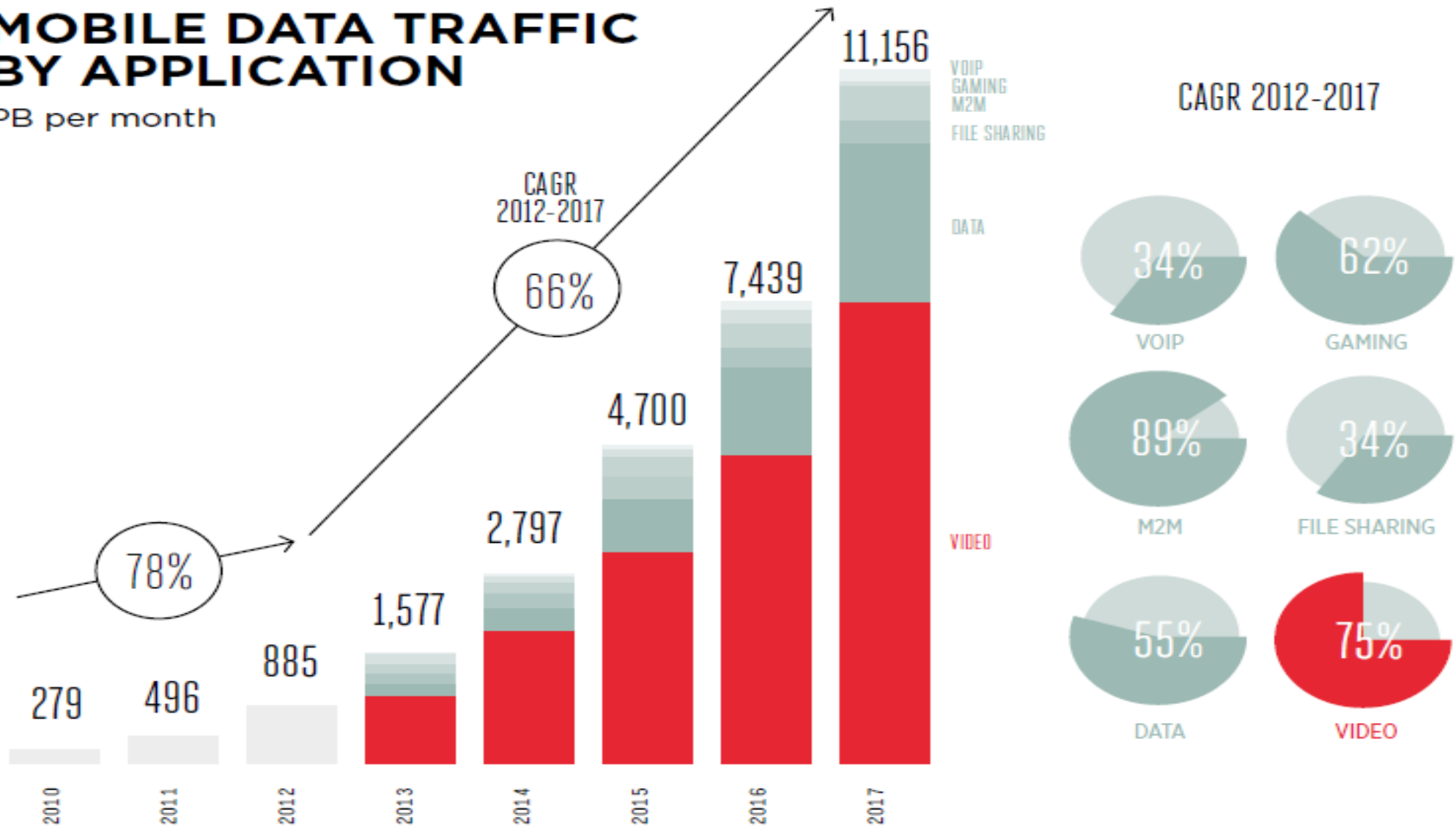
Source: GSMA Wireless Intelligence, Machina Research, A.T. Kearney Analysis



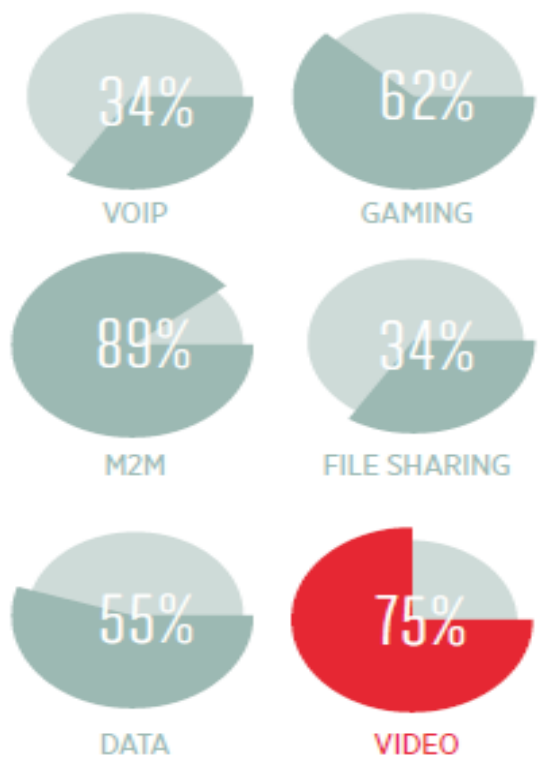
Mobile Data Traffic

MOBILE DATA TRAFFIC BY APPLICATION

PB per month



CAGR 2012-2017



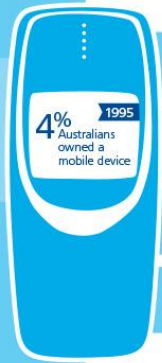


What do we do all day ?

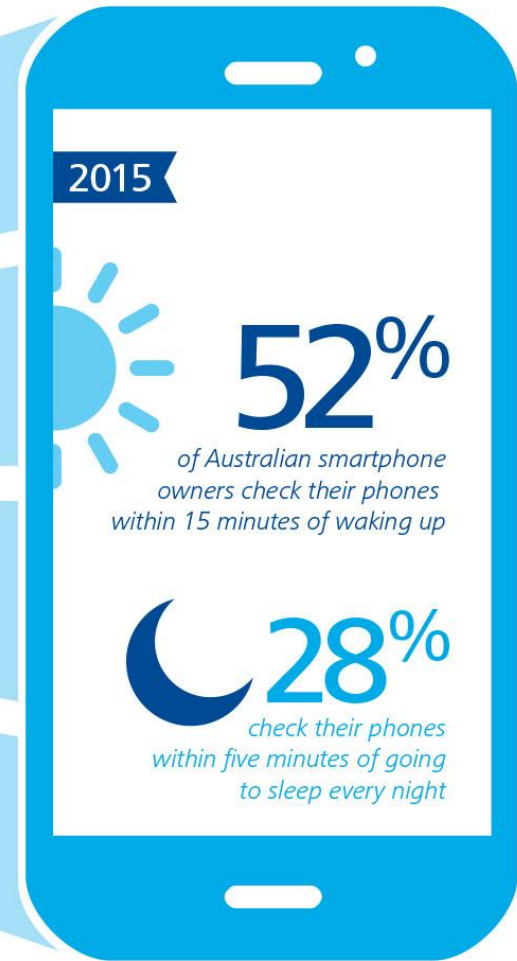
TIME SPENT PER DAY BY UK SMARTPHONE USERS, BY APPLICATION

Minutes Per Day





32 million
mobile services
in Australia
in 2014

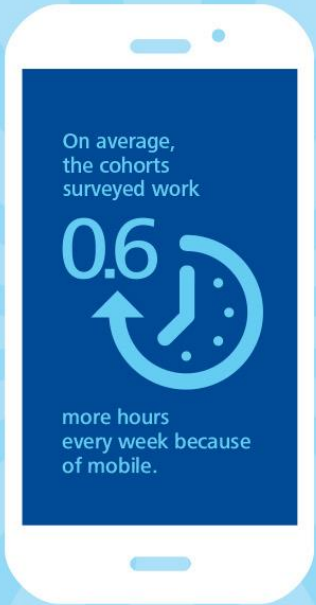




The Australian economy was around

\$34 billion

*larger in 2015 than it would otherwise have
been as a result of long-term productivity
benefits generated by mobile technology take-up.*



The Australian economy is **\$8.9 billion** bigger than it would otherwise have been



65,000 full-time equivalent jobs were supported by this GDP

Ubiquitous adequate bandwidth will significantly underpin our future



E-Health



- Tele-diagnosis
- Monitoring of health indicators
- Secure health records
- Training of health professionals

E-Business



- E-commerce for extended network of customers and suppliers
- E-transactions (efficiency) for supply chain and payment

E-Education



- Wider and better access to knowledge
- ICT literacy development
- Distance E-learning



E-Government



- Enhanced public services delivery
- Public administration efficiency
- Transparency

E-Employment



- Development of ICT work force
- Tele-working to connect remote areas to main office and reduce traffic congestion

E-Environment



- Public alert system
- Climate monitoring
- Flood management

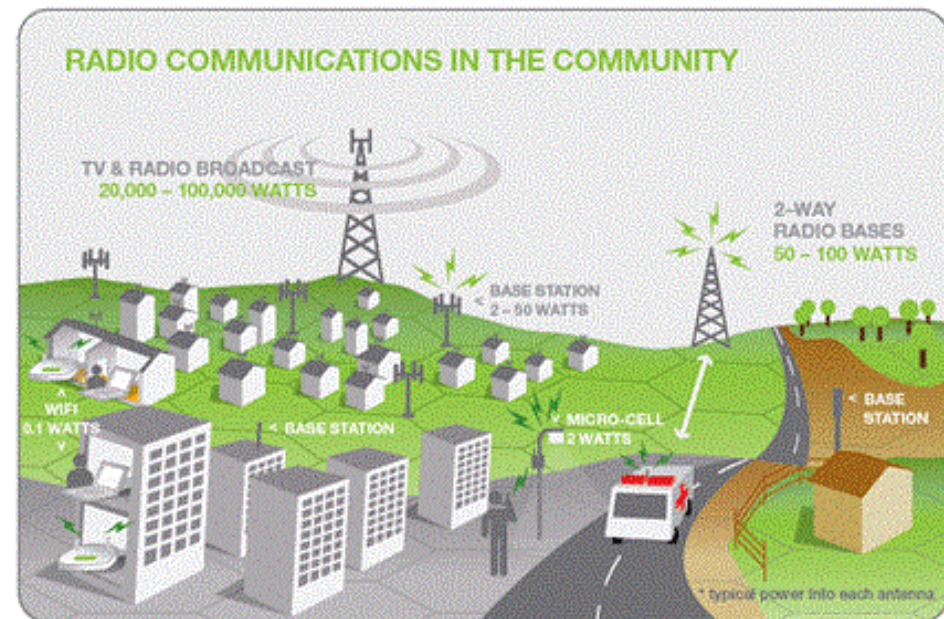


Mobile Network Design and Deployment



How do mobile phone networks work?

- Mobile phones and other mobile devices communicate with nearby base stations
- Base stations then input voice or data call into the fixed network
- Base stations **MUST** be near users to provide quality of service





How do mobile phone networks work?

- Each base station serves a small area (or cell)
- Each cell can only service a fixed number of calls/data (traffic, $\sim <100$ connections)
- Data takes up more 'traffic space' than voice
- More users, especially more data, means more capacity is required
- Increasing capacity in mobile networks requires investment in fixed infrastructure (upgrading and new base stations) and spectrum (new frequencies and technologies)



Ways to Cope with Growth

➤ Optimise existing sites

- Add or upgrade technologies at existing sites
- Use other frequency bands

➤ Construct new facilities

- Need to be located where the demand is being presented
- Needs to be of a suitable height to 'see' over obstructions such as trees and buildings
- Needs to be located to avoid compromising the surrounding network
- Should maximise the benefits of additional capacity by placing facilities close to where the services are required



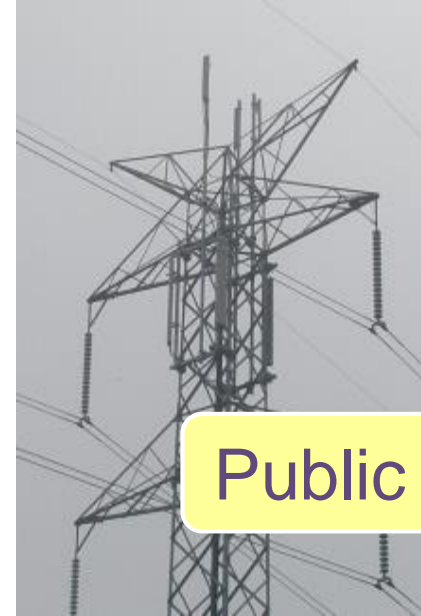
Potential Solutions



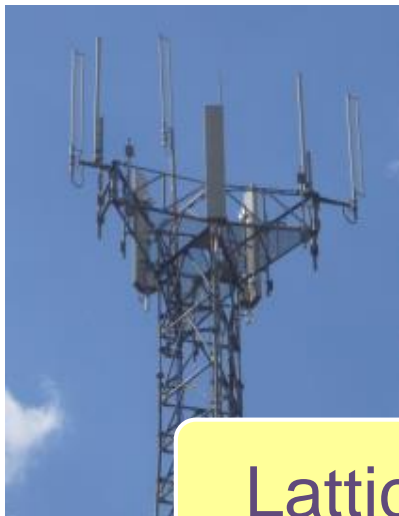
Roof-top



Monopole



Public Utilities



Lattice





Site Selection Issues



- A new facility needs to find a location where:
 - There is sufficient space to build it
 - The antennas can be placed at a sufficient height
 - Planning approval is achievable
 - It can be built and maintained without unreasonable constraints
 - Secure tenure is available and
 - It can address the identified network issue (coverage and/or capacity)



Site Selection

Choosing a site location: Balancing Act

Technical Considerations

Good coverage, capacity and enhanced services

Structural integrity

Efficient rollout and deployment

Safe access and maintenance

Access to power supply

Land and tenure



Community Considerations

Compliance with EME guidelines

Public concern relating to schools, hospitals, child care facilities etc

Visual impact

Compliance with planning regulations

Access to information

Community consultation



Exclusion Zones

- The Australian Communications and Media Authority (ACMA) advises:

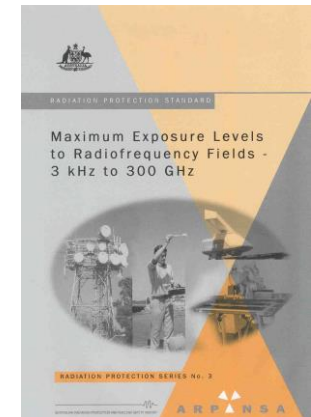
“While carriers must consider the implications of community sensitive locations, they may still place infrastructure at such sites or nearby. The code does not specify a distance at which infrastructure must be sited from community sensitive locations.

All mobile phone base stations must comply with the mandatory regulations for EME. In some instances, locating the infrastructure away from a sensitive area can mean that it has to operate at greater power to meet service requirements, which may result in higher exposure levels in the sensitive location..”



Australia's EME Regulatory Requirements

- Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) - Radiation Protection Standard (RPS) No3
 - requires cumulative assessment of all RF sources
 - adopted by State and Federal OH&S legislation
- Communications Alliance – Industry Code C564:2011 Mobile Phone Base Station Deployment
 - deals with less technical matters including community engagement and precautionary approach
 - mandated by ACMA as registered industry code
 - Due for review in 2017
- Australian Communications & Media Authority (ACMA)
 - EMR Licence Condition Determination (LCD)
 - Requires mobile carriers to comply with RPS3 EME general public limits
 - Requires mobile carriers to comply with C564:2011





Communications Alliance – Industry Code C564:2011 Mobile Phone Base Station Deployment

- Requires compliance with ARPANSA RPS3 EME limits
- Requires publication of ARPANSA Environmental EME Report
- Requires Carriers demonstrate a precautionary approach
- Requires community consultation
 - Specifies timelines for consultation with local Councils and community
 - Suggests affected parties to be considered
 - Suggests consultation methods to be considered

COMMUNICATIONS
ALLIANCE LTD



INDUSTRY CODE
C564:2011
MOBILE PHONE BASE STATION DEPLOYMENT



Site Information and reports

AMTA Radio Frequency National Site Archive

Logout Sites Search Help Quick Search:

Home » Site Details » Site Information and Reports

Site No: 2228002
Westfield Miranda, 600 Kingsway MIRANDA NSW 2228

Site Information and Reports | Consultation | EME Safe Work Procedures

Site Information & Reports

Reports

Report Type	Uploaded
Compliance Certificate	28 Apr 2014 10:30:26
Environmental EME Report	23 Apr 2014 13:18:14

Map

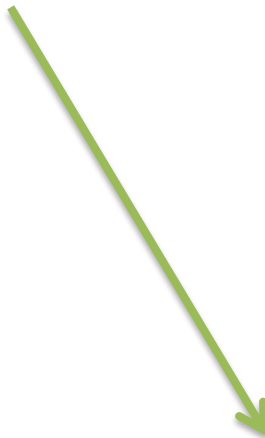
Site location: -34.03516, 151.09869

Carrier Details

Carrier	
Optus	Show Contacts
Telstra	Show Contacts
Vodafone	Show Contacts

Information page

- EME report
- Location Map
- Carrier contacts



Environmental EME Reports

Information for Communities

Environmental EME Report 8 BORONIA RD, VERMONT VIC 3133

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 16/1/2014

RFNSA Site No. 3133002

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 8 BORONIA RD VERMONT VIC 3133. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the existing systems at this site is 7.93% of the public exposure limit and with proposed alterations to this site the calculated maximum EME level will be 13.57% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) regulates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site. The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per metre squared (mW/m^2) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the existing systems at this site is 15.0028 V/m; equivalent to 597.042 mW/m^2 or 7.93% of the public exposure limit.

The maximum EME level calculated for the existing and proposed systems at this site is 19.49 V/m; equivalent to 1007.81 mW/m^2 or 13.57% of the public exposure limit.

Environmental EME Report

Includes:

- Calculation of maximum EME levels in local environment 0 - 500m from base station @ 1.5m above ground level
- Calculation of maximum EME levels at points of interest
- Uses ARPANSA prediction methodology
- Often called the "ARPANSA Report"





ARPANSA Environmental EME Report Predicted Levels for Thompsons Rd Bulleen



Environmental EME Report 123A Thompsons Road - Structure 2. 10m Concrete Pole, BULLEEN VIC 3105

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 11/6/2015

RFNSA Site No. 3105004

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 123A Thompsons Road - Structure 2. 10m Concrete Pole BULLEEN VIC 3105. These levels have been calculated by Huawei using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the existing systems at this site is 11.93% of the public exposure limit and with proposed alterations to this site the calculated maximum EME level will be 12.041% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the existing systems at this site is 17.44 V/m, equivalent to 806.39 mW/m² or 11.93% of the public exposure limit.

The maximum EME level calculated for the existing and proposed systems at this site is 17.55 V/m, equivalent to 817.38 mW/m² or 12.041% of the public exposure limit.

Radio Systems at the Site

This base station currently has equipment for transmitting the following services:

Carrier	Radio Systems
Optus	GSM900, WCDMA900, LTE1800, WCDMA2100, LTE700, LTE2300, LTE2600
Vodafone	LTE1800, WCDMA2100, WCDMA900, WCDMA850, LTE850
Telstra	GSM900, WCDMA850, LTE1800

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Optus	GSM900, WCDMA900, LTE1800, WCDMA2100, LTE700, LTE2300, LTE2600
Vodafone	LTE1800, WCDMA2100, WCDMA900, WCDMA850, LTE850
Telstra	GSM900, WCDMA850, WCDMA2100 (proposed), LTE1800

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at 123A Thompsons Road - Structure 2. 10m Concrete Pole in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Existing and Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m	17.44	806.39	11.93%	17.55	817.38	12.041%
50m to 100m	16.88	756.017	11.11%	17.08	773.8	11.29%
100m to 200m	9.92	260.87	3.86%	10.27	279.61	4.053%
200m to 300m	5.0089	66.55	0.99%	5.19	71.45	1.036%
300m to 400m	3.36	29.93	0.44%	3.48	32.12	0.47%
400m to 500m	2.53	16.97	0.25%	2.62	18.2	0.26%
Maximum EME level	17.44	806.39	11.93	17.55	817.38	12.041
	44.74 m from the antennas at 123A Thompsons Road - Structure 2. 10m Concrete Pole			44.74 m from the antennas at 123A Thompsons Road - Structure 2. 10m Concrete Pole		

Calculated EME levels at other areas of interest

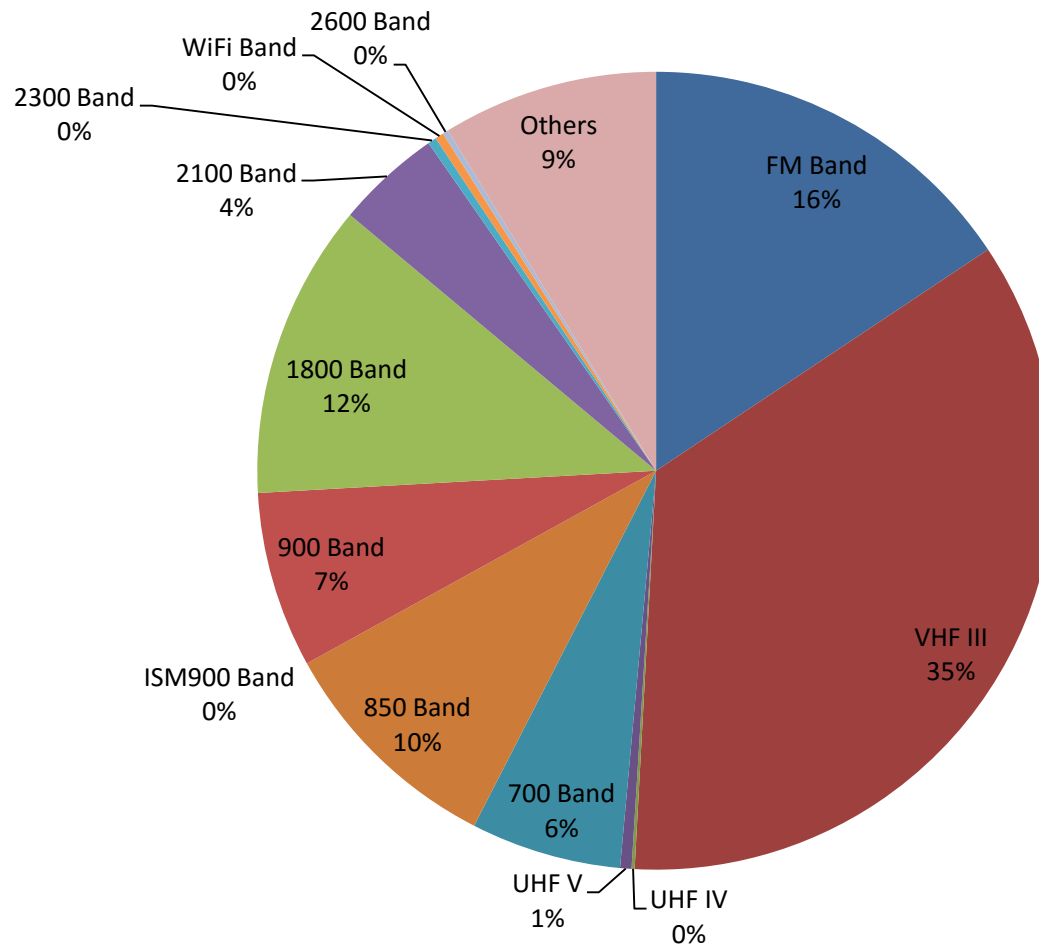
This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
Moresby Ave Childcare Centre	0m to 5m	2.23	13.25	0.19%



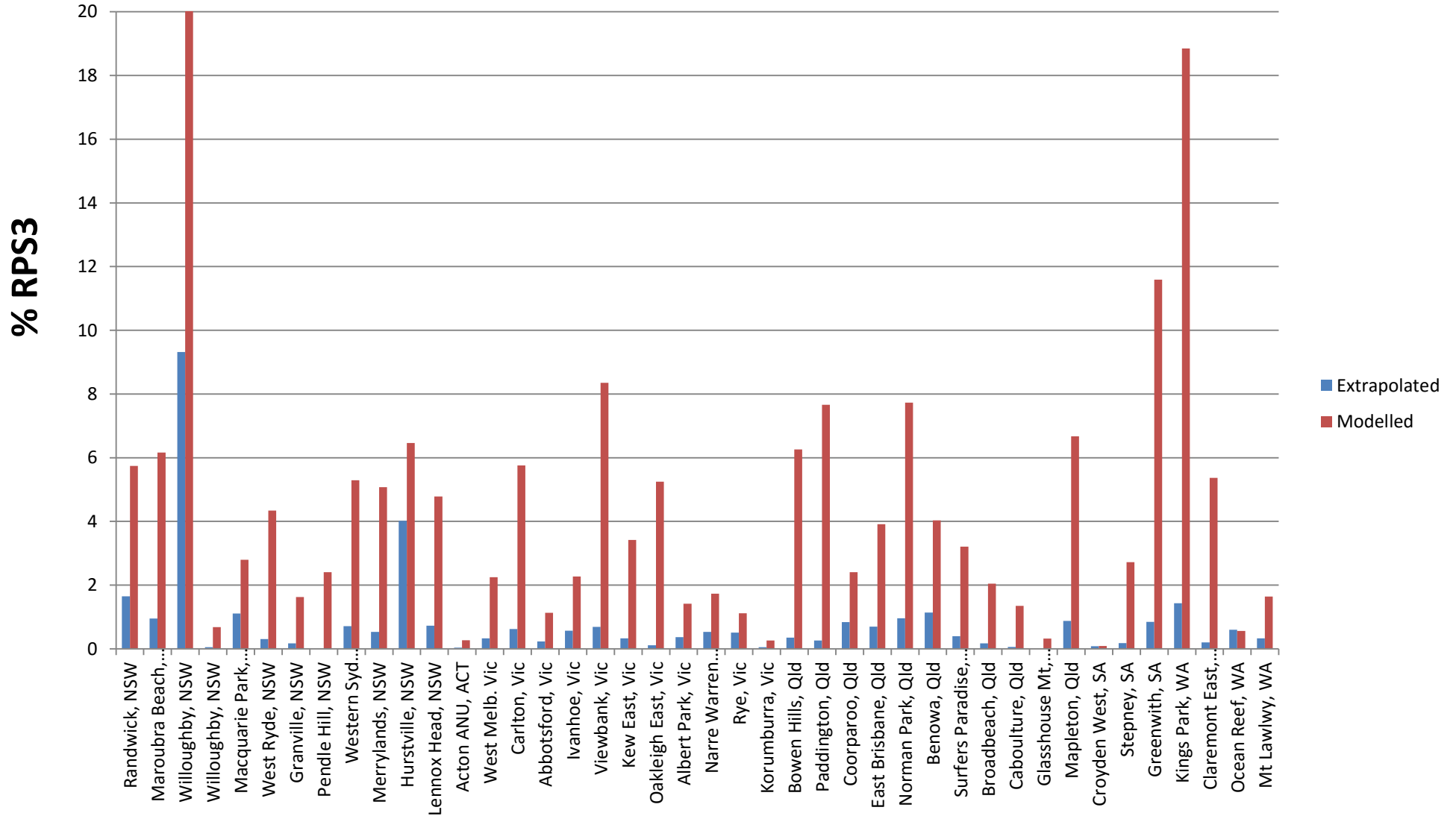
MCF Site Survey Program

Percentage of Measured Background RF EME Level - Jell's Park Vic (27 MHz to 3 GHz)





MCF Site Survey Program

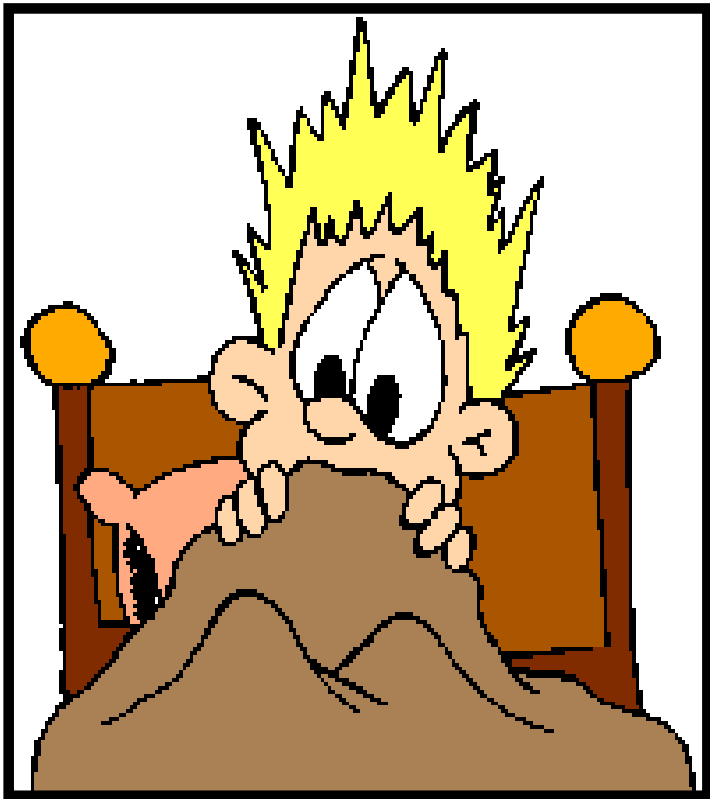




EME health concerns - the latest science



Public concerns about EME



Can't see it

Can't feel it

Unknown long term effects

Involuntary exposure

Complex issue

Cancer causing?



Research on EME and health effects

- Research – Hard science
 - International
 - Independent studies
 - Australia – ACEBR
- Epidemiological – population studies
- 1950's – start of biological research
- Lots of bad science out there – need to take a weight of evidence approach





Recent reviews by national and international expert bodies

- World Health Organisation (2006, 2010)
- Health Council of the Netherlands (2006 - 2010)
- US National Academy of Sciences (2007)
- EU-SCENIHR (2007, 2009, 2015)
- UK MTHR (2007), AGNIR (2012)
- ICNIRP (2009, 2011, 2016)
- ARPANSA (2014)



Latest conclusions from EME research

- WHO Statement (Fact Sheet 193, June 2014)

A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.

- ARPANSA Statement on Mobile Phone Base Stations (Fact Sheet, 2015)

Health authorities around the world, including ARPANSA and the World Health Organization, have examined the scientific evidence regarding possible health effects from base stations. Current research indicates that there are no established health effects from the low exposure to the RF EME from mobile phone base station antennas.



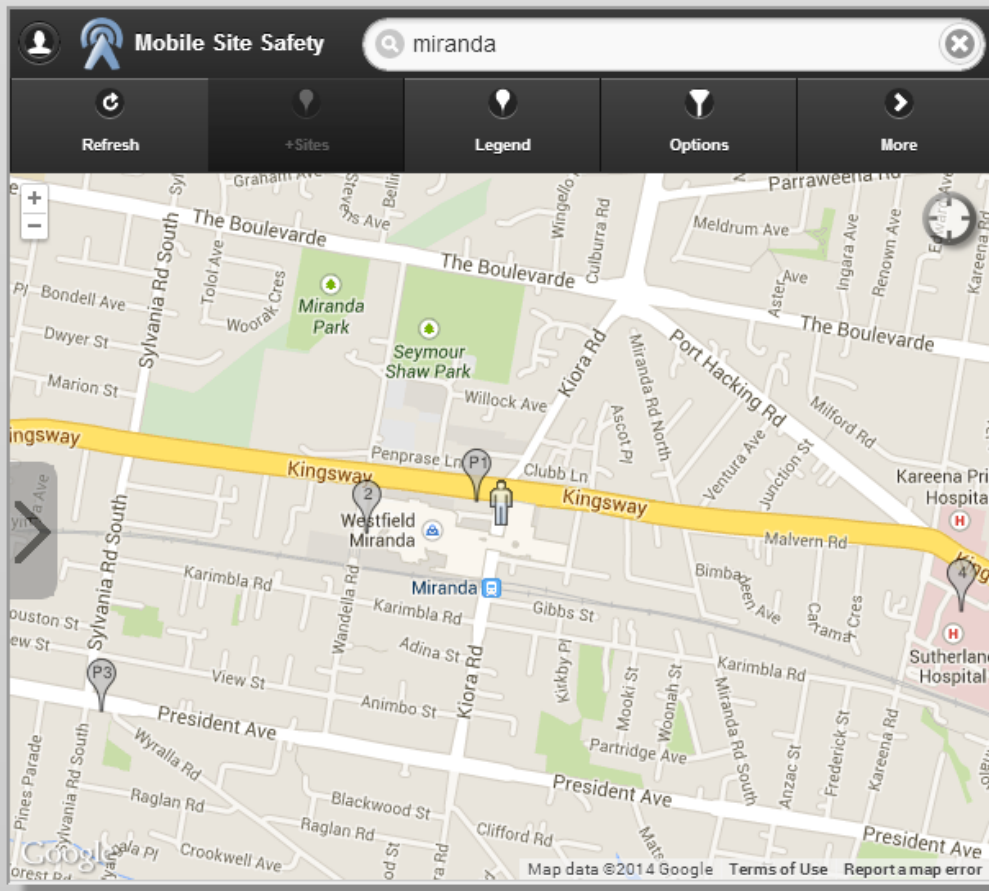
EME Science Update

- University of Sydney Cancer Incidence Study (Chapman et al, Cancer Epidemiology, 2016)
- Compares change in incidence of brain tumour rates in Australia with change in mobile phone use over 29 year period (since 1987)
 - Nearly 20,000 men and over 14,000 women included in study
 - Mobile phone use risen from 9% to over 90% of the population since 1993 (23 years)
 - Age-adjusted brain cancer incidence rates (those aged 20-84 years, per 100,000 people) had risen only slightly in males but were stable over 30 years in females
 - Consistent with studies in UK, US, Nordic Countries and New Zealand
 - Conclusion: *After nearly 30 years of mobile phone use in Australia among millions of people, there is no evidence of any rise in any age group that could be plausibly attributed to mobile phones.*



MobileSiteSafety

MobileSiteSafety.com.au



Welcome to MobileSiteSafety from AMTA

Use the MobileSiteSafety for

- Locating mobile base stations
- Site information
- EME safe working procedures
- Site contact details
- Environmental EME reports
- Site compliance documentation

Go to MobileSiteSafety.com.au on your smart phone or use the web interface here

[Getting Started](#)

[Working Safely on Sites](#)

[Reading the ARPANSA EME Report](#)

Resources



MobileSiteSafety

[Introduction to MobileSiteSafety](#)
[EME Safe Work procedure](#)
[Using Personal RF Monitors](#)
[EME Levels on a mobile tower](#)

Additional Information & Contacts

[Australian Mobile Telecommunications Association](#)

[Mobile Carriers Forum](#)

[RFNSA database](#)

[Australian Radiation Protection and Nuclear Safety Agency](#)

[EMF Explained](#)



Some Useful Links

EME & Health References

- <http://www.acma.gov.au/Citizen/Consumer-info/Rights-and-safeguards/EME-hub>
- <https://www.communications.gov.au/what-we-do/phone/mobile-services-and-coverage/mobile-phone-towers>
- http://www.arpana.gov.au/RadiationProtection/Factsheets/is_antenna.cfm
- **EMF Explained** - www.emfexplained.info



Some Useful Links

References (continued)

- **AMTA Web Site** - www.amta.org.au
- **MCF Fact Sheets** - <http://www.mcf.amta.org.au/pages/Fact.Sheets>
- **RF National Site Archive** – www.rfnsa.com.au
- **Communications Alliance Information Portal**
www.commsalliance.com.au/mobile-phone-tower-information
- **MobileSiteSafety** – mobilesitesafety.com.au



Thank You and Questions

Item No: **14.7**

Subject: **NEW LEASE AGREEMENT – SOUTHERN DISTRICT JUNIOR SOCCER ASSOCIATION INCORPORATED AND SOUTHERN DISTRICT LITTLE ATHLETICS CENTRE HOLDFAST BAY INCORPORATED**

Date: 25 June 2019

Written By: Team Leader, Commercial & Leasing

General Manager: City Assets & Services, Mr H Lacy

SUMMARY

The current sub-lease agreement held between Council and the Southern Districts Junior Soccer Association Incorporated and the Southern Districts Little Athletics Centre Holdfast Bay Incorporated (*"Licensees"*) for their occupancy of a portion of Bowker Oval expired 30 June 2018.

Since that time, the lease has been Hold Over pending the outcome of negotiations between Council and the Department for Education (the owner of Bowker Oval) for renewal of the Head Lease.

Now that Council's Head Lease has been executed, the Licensees seek to enter into a new sub-lease agreement for five (5) years. The term and conditions of the new sub-lease have been endorsed by the Department for Education.

Council approval is now sought for the new sub-lease agreements.

RECOMMENDATION

- 1. That Council enters into a new sub-lease with the Southern Districts Junior Soccer Association Incorporated and the Southern Districts Little Athletics Centre Holdfast Bay Incorporated over a portion of the land contained in Certificate of title Volume 5737 Folio 272 (part Bowker Oval) for a period of five (5) years, commencing 1 July 2019, based on the same terms and conditions as the current sub-lease agreement.**
 - 2. That a commencing annual rental of \$320 (plus GST) (subject to annual CPI increases) be charged.**
 - 3. That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the lease.**
-

COMMUNITY PLAN

A Place with a Quality Lifestyle
 A Place for Every Generation
 A Place that Celebrates Culture

COUNCIL POLICY

Sporting & Community Club Leasing Policy

STATUTORY PROVISIONS

Local Government Act 1999
Retail Commercial Leases Act 1995

REPORT

The Southern Districts Junior Soccer Association Incorporated and the Southern Districts Little Athletics Centre Holdfast Bay Incorporated ("*Licensees*") have occupied Bowker Oval since prior to amalgamation.

The current sub-lease agreement held between Council and the Southern Districts Junior Soccer Association Incorporated and the Southern Districts Little Athletics Centre Holdfast Bay Incorporated for their occupancy of a portion of Bowker Oval expired 30 June 2018.

Council and the Department for Education (the owner of the Bowker Oval site) have recently executed a new Head Lease, so the Licensees now seek to enter into a new sub-lease agreement with Council for a five (5) year term. Details of the proposed sub-lease have been endorsed by the Department for Education.

General Terms and Conditions of Lease Agreement

Lessor	City of Holdfast Bay (ABN 62 551 270 492)
Lessees	Southern Districts Junior Soccer Association Incorporated and Southern Districts Little Athletics Centre Holdfast Bay Incorporated
Address	61 Bowker Street, North Brighton
Leased Areas	A portion of land contained in Certificate of title Volume 5737 Folio 272 and that which is outline in Attachment 1 .
Commencement Date	1 July 2019.
Term of Lease	Five (5) years.
Expiry Date	30 June 2024.
Option to Renew	Nil.
Annual Rent	\$320 (plus GST) subject to annual CPI increases.

Outgoings	Notwithstanding any other provision of the Lease, the Lessee will be responsible for the payment of Outgoings applicable to their respective areas.
Permitted Use	Organising, promoting and playing of junior sports for the community, and servicing the youth of Holdfast bay.
General Maintenance	The Lessee is responsible for the general maintenance, repair and replacement of all fixtures, fittings and chattels, in accordance with the Lease Building Maintenance Schedule.
Assignment or Sub Letting	The Lessee will not assign, Sub-Lease or Sublet any part of the premises without the prior written consent of the Lessor.
Special Conditions	The same conditions as those outline on Lease Agreement dated 11 March 2009.

Refer Attachment 1

BUDGET

An annual budget allocation is provided to Council's City Assets & Services Department for the review and implementation of property leases. This budget includes the engagement of legal advice and services when and where necessary.

LIFE CYCLE COSTS

Under the terms of the lease, Council will be responsible for the structural maintenance of both facilities, the costs of which is included in the Long Term Financial Plan.

Attachment 1





- Az Property Address Labels
- Holdfast Bay
- Az Roads Name
 - Az Arterial
 - Az Sub-Arterial
 - Az Collector
 - Az Local
 - Az Track 2-Wheel Drive
 - Az Undefined
- Roads
 - Arterial
 - Sub-Arterial
 - Collector
 - Local
 - Track 2-Wheel Drive
 - Undefined
- Property
- Property Miss Matches
- CHB Aerial (2019) - 7.5cm



This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Holdfast Bay. This information is provided for private use only. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property Boundary line network data is supplied by State Government.

Bowker Oval Licence

5/06/2019

1:1383



Item No: **14.8**

Subject: **CHAPEL STREET PLAZA – TRAFFIC MANAGEMENT AND SAFETY**

Date: 25 June 2019

Written By: Strategic Planner

A/General Manager: Business Services, Ms P Jackson

SUMMARY

The first stage of implementation of the Jetty Road Glenelg Masterplan (Chapel Street Plaza) involves the closure of Chapel Street, north of the Milton Street intersection. This will result in a change to the intersection and removal of the one-way movement northbound on Chapel Street, between Milton Street and Jetty Road. During the detailed design engagement process, traffic management and safety has been highlighted as a concern by some of the adjoining neighbours, including St Mary's Memorial School. Although supportive of the Plaza concept, St Mary's Memorial School Principal and representatives of the School Board have highlighted existing traffic management and safety concerns and have posed a number of potential short and longer term traffic changes. Administration has investigated these to determine feasibility to provide the desired solutions.

This report is to seek your consideration and direction regarding the proposed changes to alleviate some of the existing traffic issues and future pressures.

RECOMMENDATION

- 1. That Council endorses the installation of 'No Stopping 8am-9am 3pm-4pm Mon-Fri School Days' parking controls on the eastern side of Chapel Street, between Milton Street and High Street, to provide a clearway during school pick up and drop off times immediately prior to construction of the Chapel Street Plaza.**
 - 2. That Council endorse that affected residents are notified of the installation of the No Stopping 8am-9am 3pm-4pm Mon-Fri School Days parking controls.**
 - 3. That Council endorses the installation of Left Turn Only signage at the exit from Milton Street to Jetty Road.**
 - 4. That Council considers a new initiative in the 2020/21 budget process for the construction of the raised platform on the intersection of Milton Street and Chapel Street to improve pedestrian safety.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Community: Providing welcoming and accessible facilities

COUNCIL POLICY

Community Consultation and Engagement Policy

STATUTORY PROVISIONS

Australian Road Rules 1999

Local Government Act 1999

Road Traffic Act 1961

BACKGROUND

On 29 January 2019, Council endorsed the project team to proceed with the proposed concept plans for the Chapel Street Plaza to engagement with stakeholders directly impacted by the changes [C290119/1367]. In addition, endorsement to expand the scope of the Chapel Street Plaza project to include the upgrade of Hindmarsh Lane to allow for consolidation and improvement of existing toilet amenities and improve pedestrian connectivity between the plazas.

The creation of a plaza space involves the closure of Chapel Street, north of the Milton Street intersection. This will result in a change to the intersection and removal of the one-way movement for northbound traffic on the portion of Chapel Street, between Milton Street and Jetty Road. As part of the design process, traffic counts were taken on Chapel and Milton Street and the traffic changes were detailed in a movement investigations report.

During engagement with stakeholders there were some concerns raised with traffic management along Milton Street and interactions with pedestrians, with a particular focus of safety for school children. The two main issues are traffic congestion and pedestrian safety at the peak periods associated with school pick up times. The main administration entrance to the school is on Chapel Street whereas the main student entrance to the school is on Milton Street adjacent the 'kiss and drop' zone.

Vehicles access to the 'kiss and drop' zone is either via High Street, Chapel Street northbound, then turning left onto Milton Street westbound; or, via Jetty Road, Cowper Street and Milton Street westbound. All vehicles leaving the 'kiss and drop' zone then continue along Milton Street and exit at Jetty Road.

Given the narrow road widths of both Chapel Street and Milton Street; and the presence of on-street parking on the eastern side of Chapel Street, there is an existing period of congestion and queuing that occurs, particularly during afternoon school pick up time. A site assessment

conducted on 3 April 2019, observed the congestion occur from 3.10pm: when school finishes, to 3.23pm.

Queuing of vehicles across the Chapel Street and Milton Street intersection is also another concern. Currently, vehicles have the option of exiting Chapel Street at Jetty Road. This includes trucks that deliver to loading zones on Milton Street servicing Jetty Road businesses such as Carusos and Fassina. When construction begins on the Chapel Street Plaza, the exit route to Jetty Road via Chapel Street will be removed. In order to provide another exit route for all vehicles, other than continuing on Milton Street alongside the 'kiss and drop' zone, parking controls are required on the eastern side of Chapel Street, between Milton Street and High Street, to provide the road space for vehicles to access High Street.

The school has one existing Emu crossing on High Street; however, it is not used as most pedestrians walk to and from the Cinema carpark or walk along Chapel Street from Jetty Road or the Coles Car Park.

REPORT

A number of suggested short term and long term changes to improve pedestrian safety and ease congestion have been investigated by Council's traffic consultant for viability including the following:

- installation of a Give Way sign at the intersection of Milton Street and Chapel Street;
- alteration of the exit from Milton Street to Jetty Road to Left Turns Only;
- Installation of a parking clearway on the eastern side of Chapel Street, between High Street and Milton Street, immediately prior to the plaza construction;
- a raised platform at the new intersection with Chapel Street and Milton Street following the plaza construction; and
- removal of footpaths from the northern side of Milton Street and widening of footpath on the south eastern side of Milton Street to provide a safer pedestrian connection between the cinema car park and the school where many parents chose to park and walk to the school alleviating congestion.

All of these suggestion are considered to have some merit albeit with varying degrees of scope and costs to implement. The Give Way sign at the intersection of Milton Street was the first measure to be investigated and has already been installed to alleviate queuing over the intersection and clarify which approach to the intersection has priority.

Refer Attachment 1

Another short term solution to queuing along Milton Street is to install a Turn Left Only applicable to traffic on Milton Street turning onto Jetty Road. Currently, traffic is able to also turn right and continue straight into Sussex Street, causing delays during peak periods.

Refer Attachment 2

Commentary on the other proposals is detailed in the report below, including the construction of a raised platform at the intersection of Milton Street and Chapel Street; and the possible

restriction of parking along Chapel Street during school start and finish times to allow traffic to flow.

Chapel Street Clearway

With the closure of Chapel Street, north of Milton Street, it is anticipated that there will be additional vehicle movements along Chapel Street, south of Milton Street, especially around the times of school drop off and pick up. To alleviate the traffic congestion, it is proposed that parking be restricted on the eastern side of Chapel Street, between High Street and Milton Street. The restriction will be No Stopping 8am-9am 3pm-4pm Mon-Fri School Days. This No Stopping area will provide sufficient road space for two-way traffic flow on this portion of Chapel Street as there is currently a yellow line on the western side of Chapel Street that prohibits stopping at any time.

The combination of No Stopping on both sides of Chapel Street, between High Street and Milton Street, at peak morning and afternoon school times, will enable westbound vehicles approaching Chapel Street via Jetty Road and Cowper Street to be able to exit the area via Chapel Street to High Street, in addition to continuing westbound on Milton Street west of Chapel Street where the school's 'kiss and drop' zone is located.

The existing parking controls on the eastern side of Chapel Street, between High Street and Milton Street, are 2P 9am to 5pm and this time limit applies to nine car parks. With the installation of the No Stopping area, the parking controls at this location would then operate No Stopping 8am-9am 3pm-4pm Mon-Fri School Days and 2P 9am-3pm Mon-Fri 9am-5pm Sat-Sun.

With the introduction of this parking restriction on Chapel Street, it is anticipated that there would be an increased parking demand on High Street at school drop off and pick up times only; however, this could be offset with more parents choosing to park and walk from the nearby Cinema car park.

It is noted that there is one group of ten units that front onto this portion of Chapel Street and one group of three units that front High Street that are adjacent to the subject portion of Chapel Street. As all of these units have access to off-street parking; and, the No Stopping area will only operate at the school drop off and pick up times on school days only; reverting to 2P 9am-3pm Mon-Fri 9am-5pm Sat-Sun, it is anticipated that this change to parking controls will have limited impact on the residential amenity. It is proposed residents are notified of the change well prior to the construction of the Chapel Street Plaza construction works. In addition, it is recommended that the changes to parking controls are installed immediately prior to the closure of Chapel Street for Plaza construction.

Refer Attachment 3

Raised Intersection Platform

A raised platform is proposed across the intersection of Milton and Chapel Street to act as a traffic calming device for the intersection that is in close proximity to the school, and the new pedestrian mall. The platform will extend for 8 metres along each street from the corner of the intersection before dropping down to the existing street level. The raised intersection would also ensure that

vehicles entering Chapel Plaza to service the shops that have a service bay accessed by Chapel Plaza, will do so at a reduce speed in the shared area.

The design of the raised platform also allows for the footpath on each corner to be widened to allow for more room for pedestrians. The existing pram ramps on the southern side of the intersection do not currently meet the Australian Standard for appropriate gradients, due to the minimal amount of footpath area available and their existing alignment. With the increased area for pedestrians and pram ramps, appropriate gradient will be able to be provided that will be compliant with the Australian Standards.

The raised platform will not result in any additional loss of on-street parking spaces, as the area where the platform will extend to is already marked with yellow lines restricting parking.

There would be considerable disruption to traffic flows through the area during the construction phase given the one-way nature of the streets network, but the outcome of the proposal being constructed is considered to be favourable and will complement the construction of the Chapel Street Plaza. The platform would slow traffic speeds on the approach to the intersection and new plaza which would support the high volumes of pedestrians at school start and finish times and also additional pedestrians using the plaza area. Therefore the construction period would need to be carefully timed as to have minimal impact on access to the school and the traders along Jetty Road.

Refer Attachment 4

Milton Street Footpaths

The removal of the footpaths on the northern side of Milton Street and increasing the footpath widths on the southern side of Milton Street would provide a better connection for pedestrians, including parents and children, walking to and from the Cinema car park to the School and Jetty Road. However, this work would constitute a significant capital works program and is not likely in the short to medium term.

BUDGET

A minimal cost would be associated with changes to the on-street parking provisions, including the cost of the street signs, installation and line marking which can be accommodated within the operations budget.

For the raised intersection platform, initial cost estimates from Fulton Hogan determine a construction cost of approximately \$135,000. These funds exceed the amount available from the operational budget and fall outside of the scope for the plaza upgrade, warranting a new initiative process. Council should consider this as a new initiative in the 2020/21 budget.

LIFE CYCLE COSTS

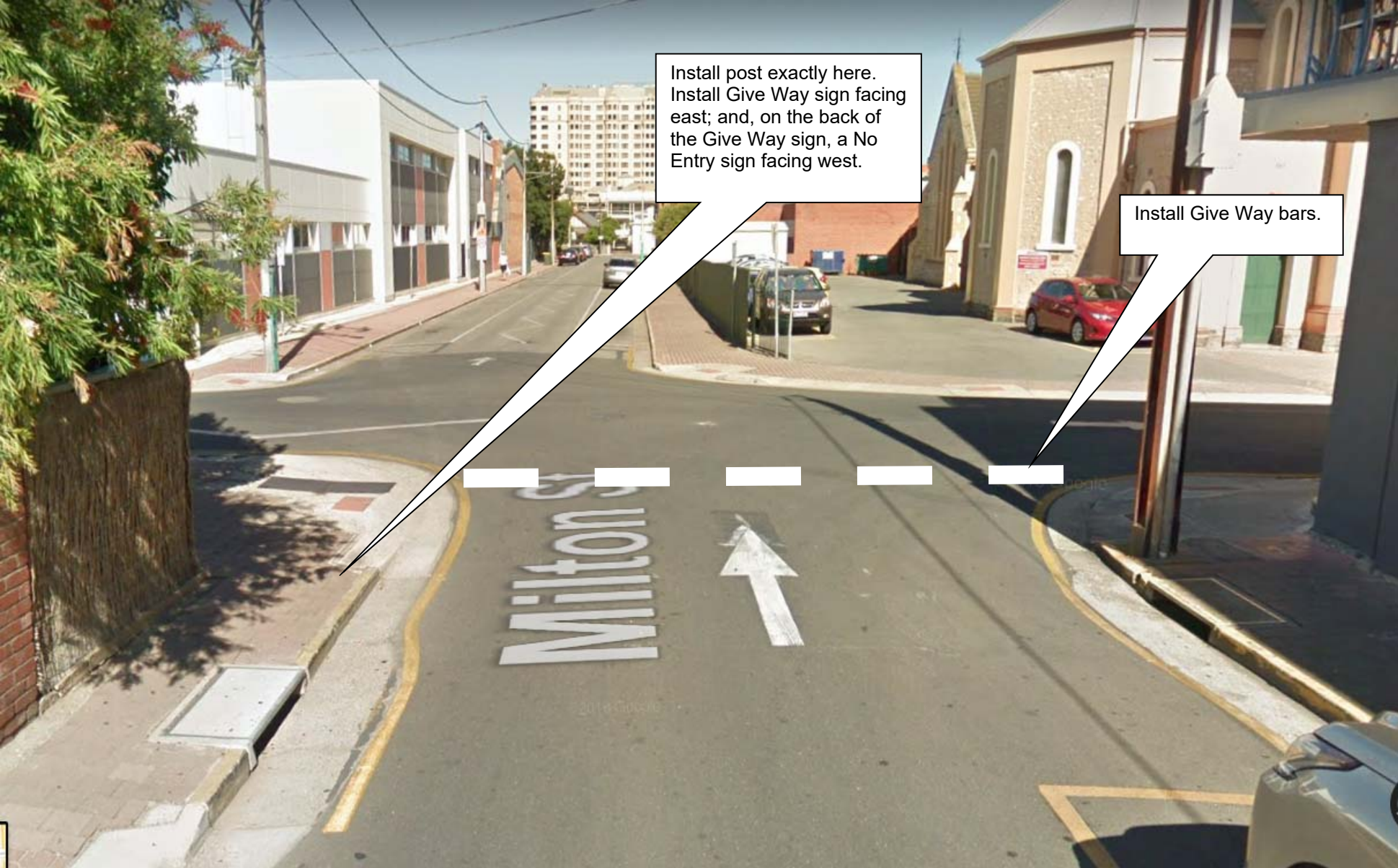
On completion of construction, annual maintenance costs will be managed by existing operation budgets with the aim to ensure that materials are selected that are in accordance with depot staff specification.

Attachment 1



Milton Street, Glenelg – Give Way

Requirements – one post, one Give Way sign & one No Entry sign



Install post exactly here. Install Give Way sign facing east; and, on the back of the Give Way sign, a No Entry sign facing west.

Install Give Way bars.

Attachment 2



Attachment 3



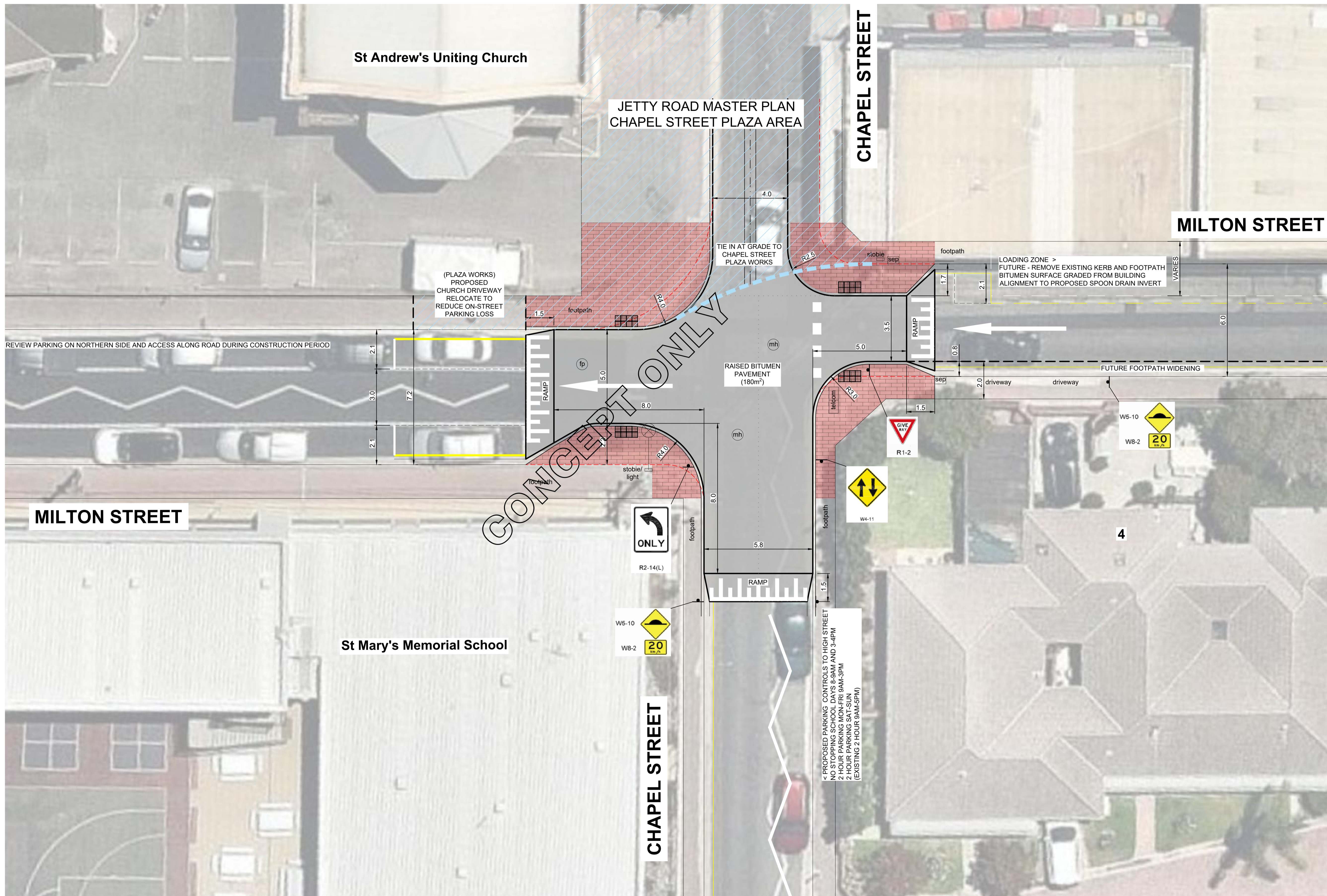
Milton Street - Left Turn Only Proposal





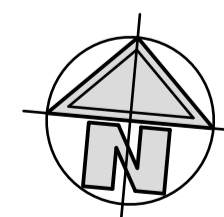
Attachment 4





GENERAL TRAFFIC NOTES

1. DO NOT SCALE FROM THIS DRAWING. PLOTTED ON AERIAL IMAGE.
2. ALL LANE DIMENSIONS QUOTED ARE TO THE CENTRE OF LINEMARKING OR TO THE FACE OF KERB.
3. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH AS 1742 AS MODIFIED BY THE CODE OF TECHNICAL REQUIREMENTS FOR THE LEGAL USE OF TRAFFIC CONTROL DEVICES AND THE PAVEMENT MARKING MANUAL (DPTI).
4. RAISED PAVEMENTS SHALL BE INSTALLED ONLY IN ACCORDANCE WITH AUSTRROADS GUIDE TO TRAFFIC MANAGEMENT PART 8: LOCAL AREA TRAFFIC MANAGEMENT AND THE VARIATIONS AND ADDITIONS CONTAINED IN THE CODE OF TECHNICAL REQUIREMENTS FOR THE LEGAL USE OF TRAFFIC CONTROL DEVICES AND THE DPTI PAVEMENT MARKING MANUAL.
5. ROAD HUMPS SIGN (W5-10) SHALL BE INSTALLED ON ALL APPROACHES.
6. PAVEMENT MARKINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS FOR ROAD HUMPS MARKINGS IN AS 1742.13. 'INVERTED PIANO KEY' MARKINGS SHALL BE IN ACCORDANCE WITH THE DPTI PAVEMENT MARKING MANUAL.



**JETTY ROAD MASTERPLAN
OPTION - INTERSECTION RAISED PAVEMENT
MILTON STREET AND CHAPEL STREET
GLENELG**

MAY 2019



Attachment 1



Attachment 2



Item No: **14.9**

Subject: **ARTS AND CULTURE STRATEGY 2019 -2024**

Date: 25 June 2019

Written By: Community, Arts and Culture Officer

A/General Manager: Community Services, Mr M Rechner

SUMMARY

The Creative Holdfast Arts and Culture Strategy and Action Plan 2019–2024 outlines Council’s commitment to enable a creative and cultural city and provides a framework to guide the future planning, coordination and investment for arts and culture for the next five years.

This report summarises the project and presents the final Arts and Culture Strategy and Action Plan for endorsement. The Strategy and Action Plan has been developed in conjunction with Council staff and in consideration of the ideas and feedback provided by the community, businesses and creative industry leaders.

RECOMMENDATION

- 1. That Council notes the outcomes of the community engagement.**
 - 2. That Council endorse the Creative Holdfast Arts and Culture Strategy and Action Plan and its implementation during 2019–2024.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Developing walkable connected neighborhoods
Placemaking: Building character and celebrating history
Community: Building a healthy, active and resilient community
Community: Celebrating culture and diversity
Community: Providing welcoming and accessible facilities
Community: Fostering an engaged and contributing community
Economy: Supporting and growing local business
Economy: Making it easier to do business
Economy: Harnessing emerging technology
Economy: Boosting our visitor economy
Environment: Fostering an environmentally connected community
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Community Consultation and Engagement Policy

STATUTORY PROVISIONS

Not Applicable

BACKGROUND

In October 2018, consultant Trish Hansen from Urban Mind was contracted by Council to develop an Arts and Culture Strategy and Action Plan. The Strategy identifies the key principals, priorities and opportunities in consideration of arts and culture for the next five years.

The community engagement for the Strategy and Action Plan was held in two parts. Part One, was held between 17 January – 11 February 2019, and this initial engagement phase asked the community to tell us “What floats your boat” and share their thoughts, interests and ideas for arts and culture.

Hundreds of responses were received during Part one of the engagement and the data and feedback collected was considered and incorporated into the draft Arts and Culture Strategy and Action Plan.

Part Two, of the engagement was held between the 5–22 April 2019 and provided the opportunity for the community to review and provide feedback on the draft Arts and Culture Strategy and Action Plan. The comments received for this phase of the engagement were considered and helped influence and finalise the draft Strategy and Action Plan.

This report sets out the findings from both Part One and Part Two of the engagement and seeks endorsement of the Arts and Culture Strategy and Action Plan.

REPORT

Part One of the engagement received 181 completed surveys and 401 ‘What floats your boat’ postcard responses. Further consultation was also held with local businesses, arts organisations, creative and cultural practitioners and leaders, arts groups and council staff. Numerous one on one conversations, meetings, workshops and discussions were held as part of the engagement and community conversations were undertaken at four community events.

A workshop facilitated by Trish Hansen, was held with Elected Members on Tuesday 12 February 2019 to introduce the project, provide an initial summary of the engagement findings and consider the value and impact of arts and culture. The Elected Members were asked to contribute to the Strategy and Action Plan with their ideas and focus areas for arts and culture in the city.

Refer Attachment 1

An internal Project Reference Group (PRG) of Council staff was also established to map and incorporate the areas of alignment with other business units and their strategic planning documents. The PRG were crucial in the development of the Strategy and Action Plan as arts and cultural activity spans across the organization in the areas of tourism, economy, placemaking, community wellbeing and council events.

A data document was created to record the current infrastructure, activations and events in the areas of arts, culture and creativity in the city. This document also maps the local businesses, galleries, cinemas and music venues.

The results from the initial engagement indicated that people felt that arts and culture was an important aspect of the community life in Holdfast Bay and recognised the role it plays in creating a vibrant, inclusive and connected community. The data and information collected during the engagement identifying six key Creative Holdfast themes.

- **CREATE**- generate opportunities for all people to participate in making art and being creative all abilities, all cultures, all ages.
- **EXPERIENCE** - provide invigorating meaningful arts and cultural encounters, activities and events.
- **CELEBRATE** - honour, promote and protect our unique and rich creative and cultural identity.
- **GROW** - stimulate creative and cultural talent, skills and opportunities for jobs, businesses and tourism.
- **FORM** - shape the design and provoke the activation of the distinctive and culturally rich places and creative spaces.
- **CONNECT** - develop relationship and build links with state and national arts and cultural practitioners and organisations as well as other councils.

Each of the identified themes have a series of objectives within the Strategy and associated actions that form the Action Plan.

The second part of the engagement, Part Two, asked the community to review and provide feedback on the draft Arts and Culture Strategy including the themes, objectives and actions. The Your View engagement site was viewed 275 times and the survey received a total of ten submissions, with only eight participants completed the survey. All of the participants responded that they were either satisfied or somewhat satisfied that the Arts and Strategy reflects the arts and culture needs of the Holdfast Bay community.

Refer Attachment 2

On Monday 8 April 2019, 32 people attended a Creative Forum at Partridge House, Glenelg. Trish Hansen presented the draft Arts and Culture Strategy and people were encouraged to review the objectives and actions and provide feedback. They also heard from five local cultural leaders about the important creative work they are undertaking in the area of creative arts in the community.

All information and feedback from the second engagement phase has been considered and where relevant, changes have been made or incorporated in to the final Arts and Culture Strategy and Action Plan.

Refer Attachments 3 & 4

BUDGET

Implementation of the Strategy will be within the existing approved budgets and the Community, Arts and Culture Officer will lead the implementation of the Strategy and Action Plan in conjunction with other business units. Relevant grant funding opportunities will be investigated where appropriate.

Budgets for associated actions in the Strategy will be developed during future annual budget deliberations.

LIFE CYCLE COSTS

Within existing annual operating budgets.

Attachment 1





COMMUNITY

ENGAGEMENT SUMMARY REPORT

ARTS AND CULTURE STRATEGY (part one)

17 JANUARY – 11 FEBRUARY 2019

Report Completed for the Community Arts and Culture Coordinator
Written by the Digital Engagement Partner.
February 2019

INTRODUCTION

On 17 January we sought the views of the community to find out '*what floats your boat?*' about arts and culture; what the community value and how can we enhance our position as a creative and cultural city.

The information from this Engagement will feed into the development an Arts & Culture Strategy and Action Plan that will to help shape arts and culture over the next five years.

This report provides the engagement methodology and engagement outcomes.

All submissions and comments have been collated and are available upon request.

BRIEF DESCRIPTION OF ENGAGEMENT METHODOLOGY

This community engagement ran from 17 January to 11 February 2019, a total of 26 days.

The views of the community were collected via:

- Council's website - The Council website provided the opportunity to complete an online survey.
- Email submissions phone calls and letters.
- Traveling conversations at 4 Community events.
- Postcards distributed and collected at 30 sites across the city.
- Meetings and conversations held with 21 local creative and cultural leaders.
- Presentation and discussions at six community meetings.
- Two meetings with the Kurna Nation Cultural Heritage Association.
- Presentation and discussion with the Hold Up Youth Advisory Group.

And promoted through:

- Two registered user update - via email to a 6,637 database.
- CoHB Twitter account every week for the duration of the engagement.
- Email notifications to 63 organisations and key interest groups.
- 83 cafes throughout the City of Holdfast Bay.
- Brighton Civic Centre, Brighton and Glenelg Libraries, Partridge House and the Bay Discovery Centre
- Newsfeed on the City of Holdfast Bay corporate and engagement sites.
- CHB Facebook posts.

ENGAGEMENT FORMAT

- Three Surveys (Adult, Youth & Businesses).
- Six focus groups.
- Over 100 travelling conversations.
- 401 postcard responses.

For the purpose of the report the findings have been sectioned by engagement type

DATA ANALYSIS

All data has been independently reviewed by the Digital Engagement Partner.

Survey 1

- **To what degree do you agree with the following statements**

(Strongly disagree/ Disagree/ Unsure/ Agree /Strongly agree)

- The City of Holdfast Bay is a vibrant and creative Council?
- Arts and Culture are important aspects of community life?
- There are enough opportunities for me to participate in arts and cultural activities in Holdfast Bay.

- **2. What best describes your connection to arts and culture?**

I attend arts & cultural events and activities/I have a creative or cultural business or practice/I have a creative or cultural practice as a hobby/I volunteer in a arts or cultural facility / group or organisation/I support arts and culture either financially or with in-kind support/I am not currently involved or participate in the arts or culture/Other

- **3. What are your areas of interest in arts and culture?**

Visual arts (painting, sculpting, jewellery, print making, photography, ceramics)/Film or animation/Television production/Radio or podcasting production/Digital art / music production/Performing arts (dance, drama, comedy, spoken word)/Music (singing, playing an instrument)/Literature / creative written (writing stories, poetry, book club, reading)/Aboriginal cultural heritage (art, weaving, painting, performances or sharing)

- **4. Which of these statements best describe how you think and feel about arts, culture and creativity in the area?**

Entertainment and enjoyment/Provides opportunities for me to develop my knowledge and skills/Encourages me to express myself/Improves my wellbeing and happiness/Spend time with family / friends/Connects me to other people and my community/Helps shape our community identity/Deepens my respect and understanding of (other) cultures, beliefs and heritage/Support local artists, musicians and creatives/Support the local economy/Helps me to discover new ways of thinking and use my imagination/Affirms my values and beliefs/Other (please specify)

- **5. During the last 12 months, which of the following arts & cultural activities, events or sites have you visited or participated in the City of Holdfast Bay area? (Choose all that apply)**

Art Exhibitions or Museum Performing arts (theatre, concert)/ Aboriginal heritage sites or walks Library programs (e.g. author talks, workshops, activities) History Centre activities, events or walks Live music or concerts Film/ cinema Visual Arts or craft classes (painting, drawing, photography, ceramics, sculpture etc). Aboriginal activities, workshops or ceremonies Drama classes or dance sessions Creative writing, book club, spoken word or poetry Music (singing, playing a musical instrument, writing or composing music) Digital art / music technology Markets Bay Discovery Centre Gallery / Museum South Australian Living Artist (SALA) Festival exhibitions Artisan on Partridge Arts Market Brighton Jetty Sculptures Festival History Month activities Festivals, street parities and community arts events None Other

- **6. In the last 12 months what would you estimate your total spend on arts and cultural activities, events or purchases?**

\$0-\$50/\$50 - \$100/\$100 - \$300/\$300 - \$500/\$500 - \$1000/\$1000 - \$5000/Upwards of \$5000/I prefer not to say

- **7. Do any of the following stop you from participating or attending arts and cultural activities, sites or events?**

- **8. What arts and culture activities or events are most important to you? (Select up to 5)**

Arts in public places / Public Art Festivals and Community Events Performance Art Live Music / Concerts/ Markets /Visual Arts and Exhibitions/ Creative Hubs – spaces for artists to work/ Being creative and following my passion /Preserving and

celebrating Aboriginal heritage, sites and culture /Preserving and celebrating European history, sites and events /Arts & cultural workshops and education/ Increasing the diversity of arts and cultural events on offer/ Support for artists, musicians, performers and creatives /Youth Arts and creative and cultural opportunities for Young people/ Exhibition spaces and facilities Cultural tourism and business/ Supporting the creative economy and jobs for the future.

9. What arts and cultural events, programs, installations, sites or facilities would you most like to see supported by Council?

10. Which words best describe how you want your neighbourhood / area to be? Choose up to 5 (Choose all that apply)

vibrant/ safe /welcoming/ intellectual/ sophisticated/ relaxed /comfortable/ chilled /cool /creative/ thriving/ quiet /friendly bold /progressive /kind/ respectful /adventurous/ playful/ resilient/ curious /sensible/ peaceful /happy/ imaginative beautiful/ meaningful /joyful /modern/ easy

11. Thinking about the suburbs in Holdfast Bay, tell us about the place/s you think have the best arts or cultural vibe locally and why?

12. Is there anything else you think should be a focus for Arts and Culture in Holdfast Bay for the next 5 years?

13. When you think of 'art' and 'culture' what words, phrases or statements come to mind?

14. Age

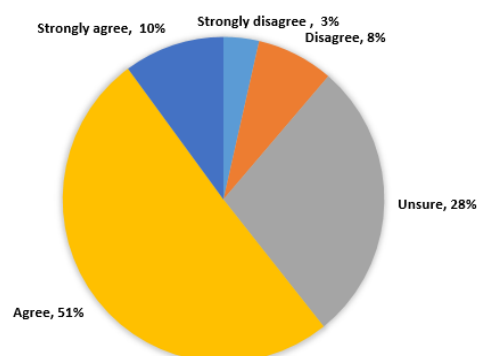
15. Gender

16. Suburb

SURVEY OUTCOMES A total of 171 submissions were received. 155 were online survey submissions and 16 hard copy surveys were received during the engagement period, providing the following responses to the question: To what degree do you agree with the following statements

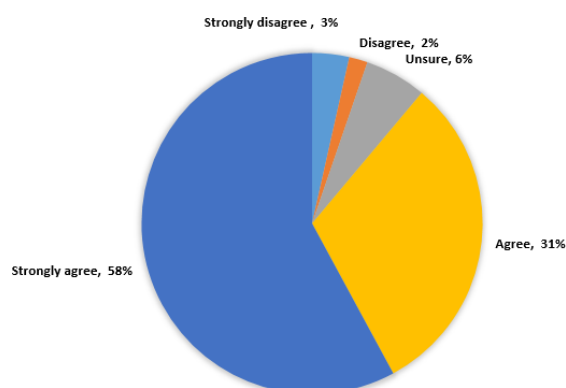
1a.) The City of Holdfast Bay is a vibrant and creative Council?

- 85 (51%) participants selected agree.
- 45 (28%) participants were unsure.
- Six (3%) strongly disagreed.



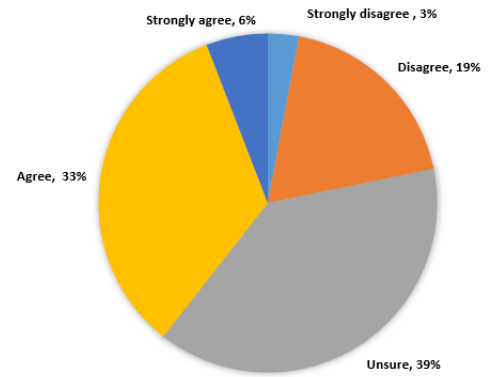
1b.) Arts and Culture are important aspects of community life?

- 99 (58%) participants strongly agreed.
- 53 (31%) participants agreed.
- Six (3%) participants strongly disagreed.



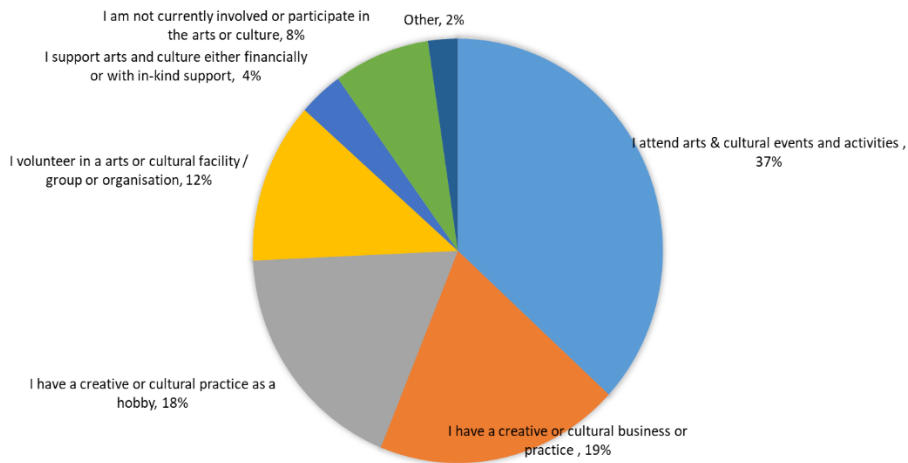
1c.) There are enough opportunities for me to participate in arts and cultural activities in Holdfast Bay.

- 66 participants (39%) are unsure.
- 57 participants (33%) agree.
- Five participants (3%) strongly disagree.



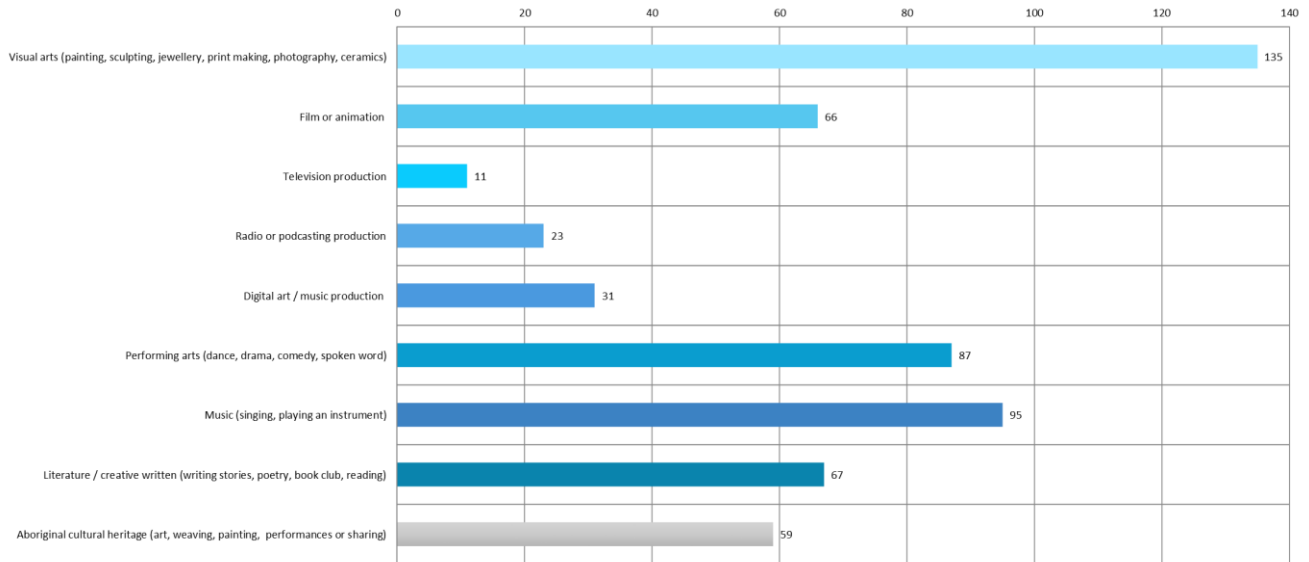
2. What best describes your connection to arts and culture?

- 63 (37%) participants selected “I attend arts & cultural events and activities”
- 33 (18%) of participants selected “I have a creative or cultural business or practice”
- Four (2%) participants provided other (only three commented) : I work in the arts sector; I also paint and knit as a hobby and I am involved in local amateur theatre;



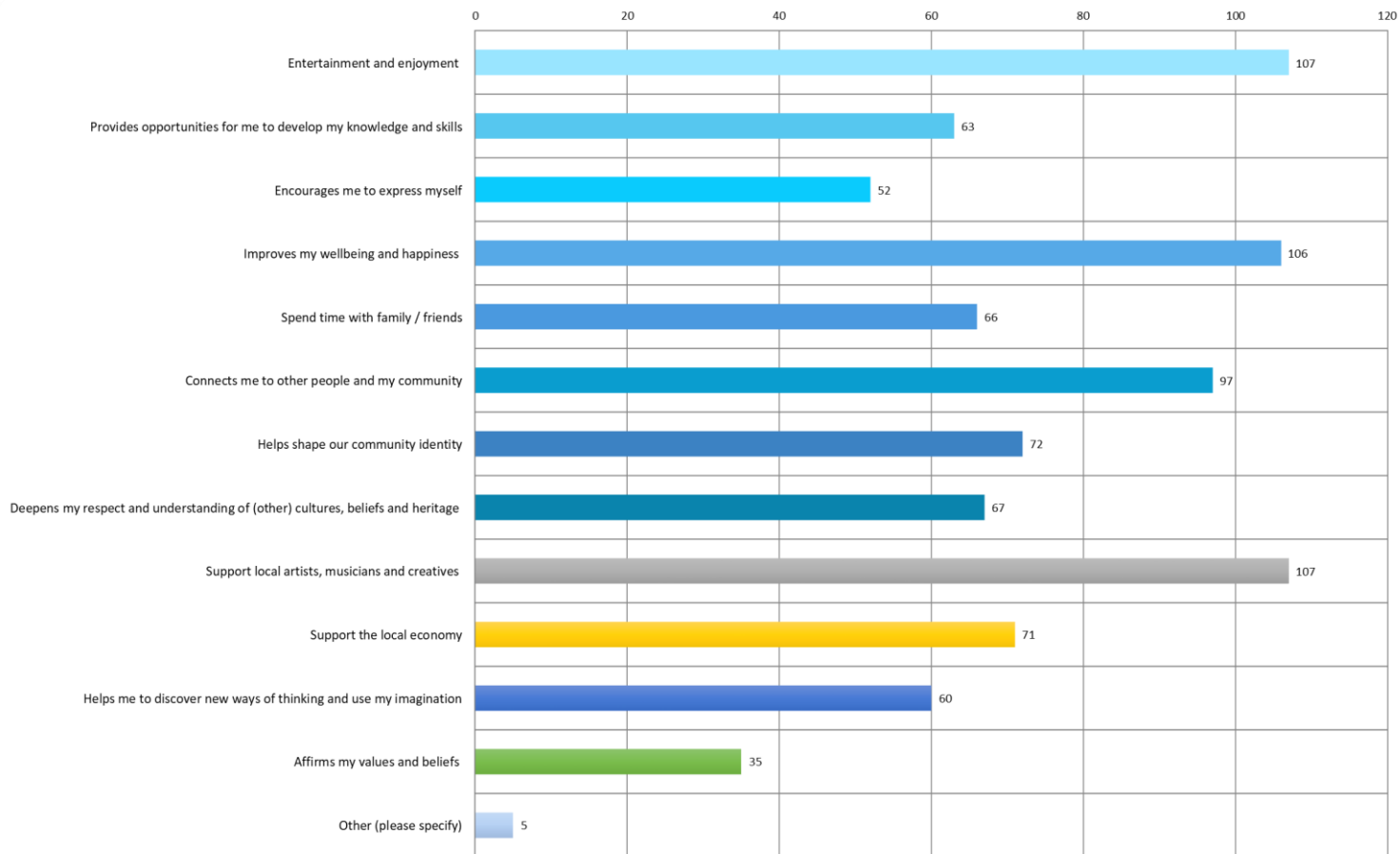
3. What are your areas of interest in arts and culture? (choose all that apply)

- 135 participants selected Visual arts (painting, sculpting, jewellery, print making, photography, and ceramics).
- 95 participants selected Music (singing, playing an instrument).
- 87 participants selected Performing arts (dance, drama, comedy, spoken word).



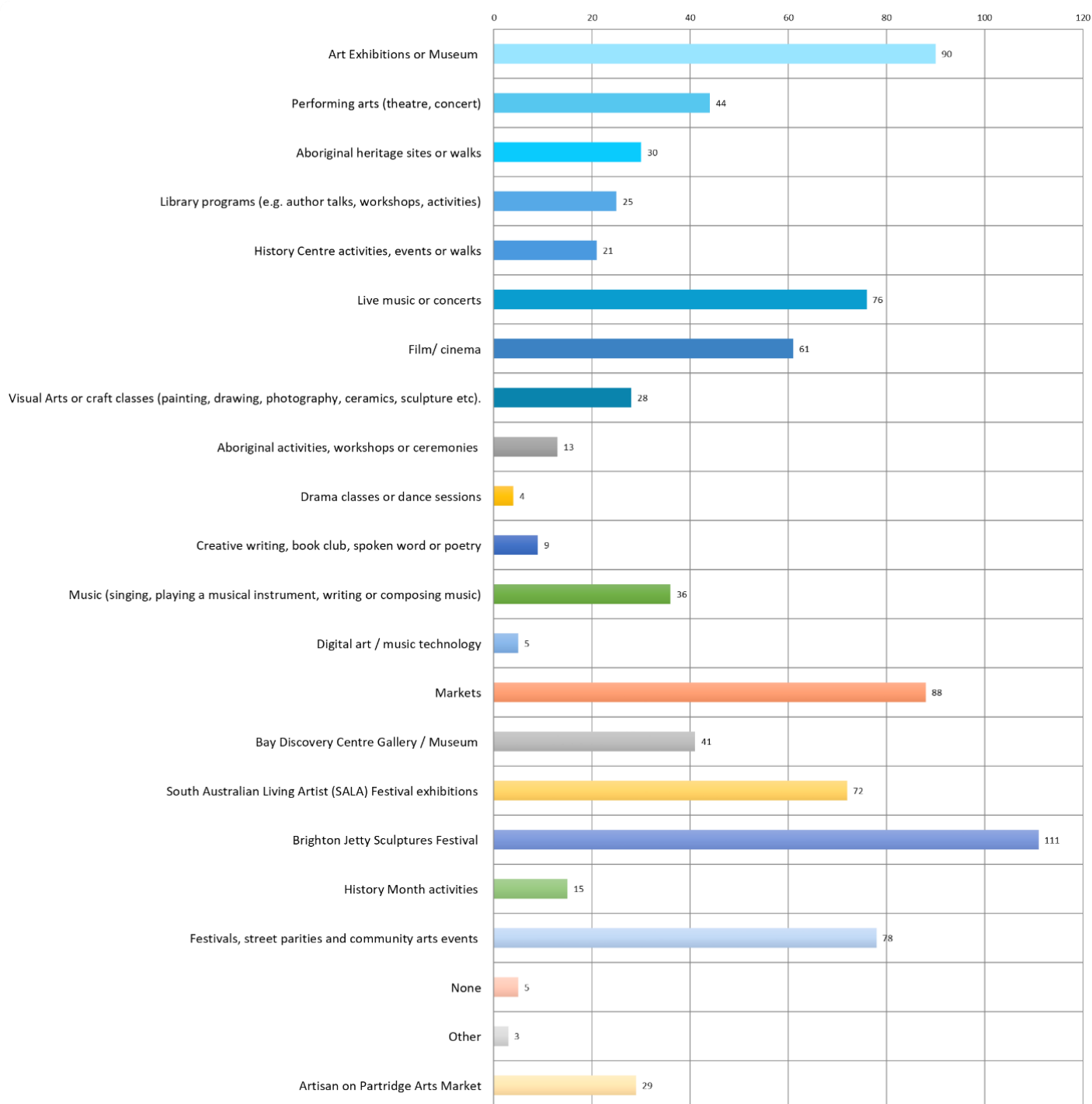
4. Which of these statements best describe how you think and feel about arts, culture and creativity in the area?
(choose all that apply)

- The highest ranking area was *Entertainment and enjoyment* selected by 107 participants
- 107 participants also selected: Support local artists, musicians and creatives
- Five participants selected *other*:
 - Look for value for money. Usually the cost outweighs the benefits.
 - Add interest to public places - eg the coast park sculptures.
 - No answer is applicable. Is this survey just trying to save or create more jobs within council!
 - Helps me to be more creative!
 - The council should concentrate on its core business not "Arts and Culture."



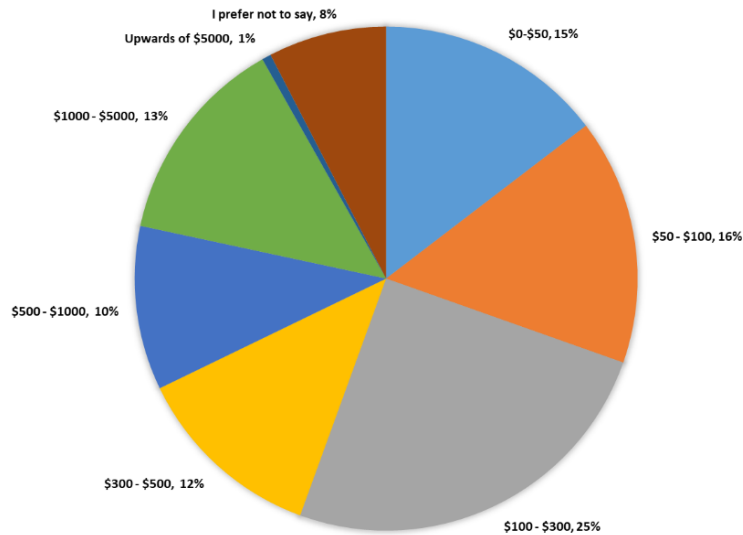
5. During the last 12 months, which of the following arts & cultural activities, events or sites have you visited or participated in the City of Holdfast Bay area? (Choose all that apply)

- The most attended event by participants was the Brighton Jetty Sculptures Festival (111).
- 90 participants also identified as attending Art Exhibitions or Museum.
- 3 participants selected *other*:
 - Sue Norman's mandalas and also her meditation and wellbeing classes;
 - ANZAC Dawn Service;
 - NYE Brighton beach; Visited public art.



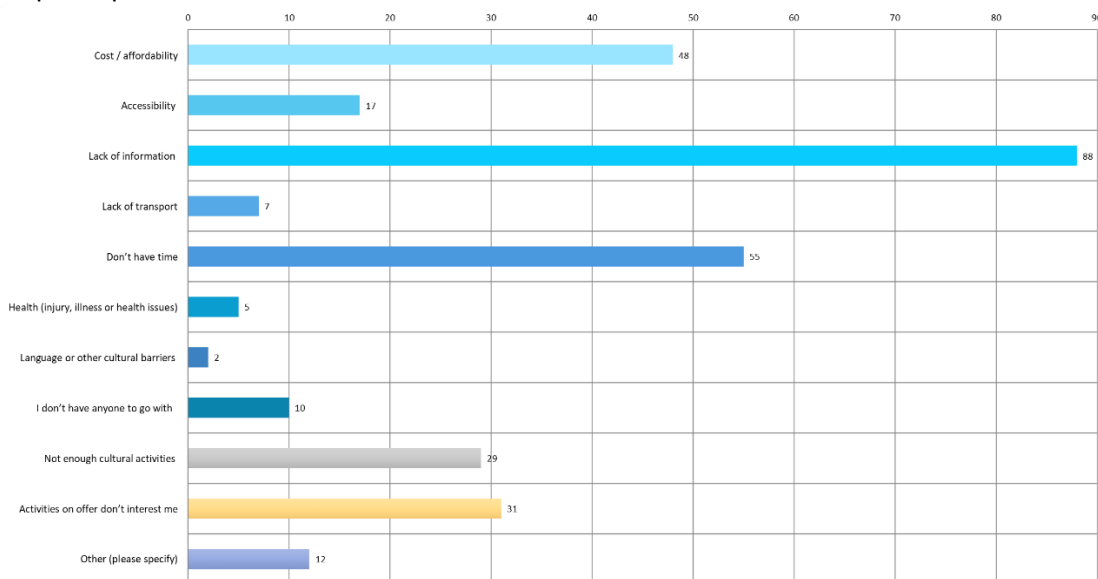
6. In the last 12 months what would you estimate your total spend on arts and cultural activities, events or purchases?

- 43 participants (25%) indicated that they spent \$100 - \$300 in the last 12 months.
- 27 participants (16%) indicated that they spent \$50-100 in the last 12 months.
- One participant (1%) indicated that they spent upwards of \$5000 in the last 12 months.



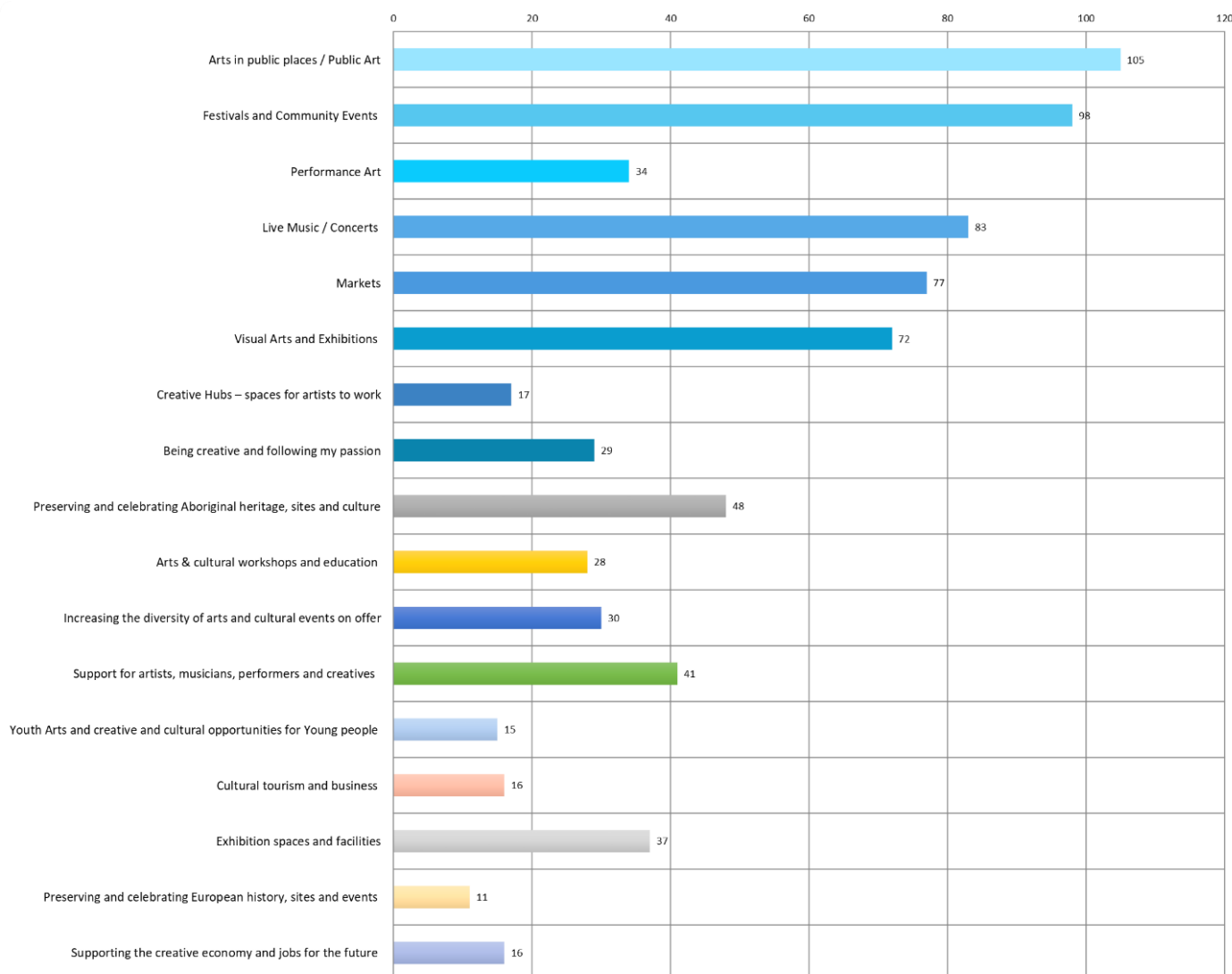
7. Do any of the following stop you from participating or attending arts and cultural activities, sites or events? (Choose all that apply)

- 88 participants selected 'Lack of information' as the reason stopping them from participating or attending arts and cultural activities, sites or events.
- 55 participants selected 'Don't have time.'
- 12 participants selected other.



8. What arts and culture activities or events are most important to you? (select up to five)

- The most selected activities were:
 - Arts in public places / Public Art (105).
 - Festivals and Community Events (98).
 - Live music concerts (83).



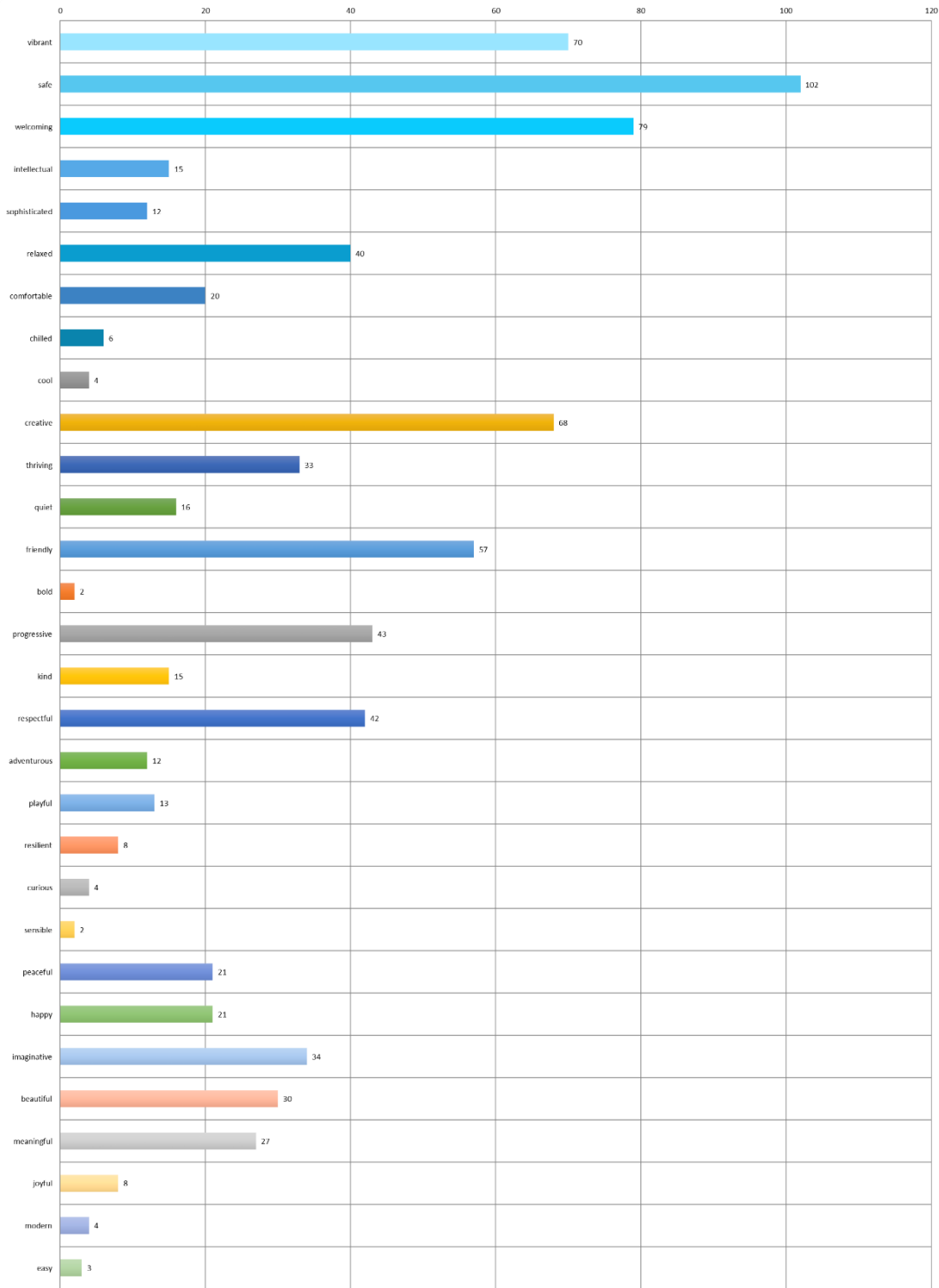
9. What arts and cultural events, programs, installations, sites or facilities would you most like to see supported by Council?

118 people replied to this question.

People responded that they would like to see more live music, buskers and music festivals, including performances by orchestras and music from different cultures and genres. Many people wanted greater opportunities to learn about Kaurua history and culture and the significant cultural sites within the City of Holdfast Bay. Quality public art, including murals and interactive art installations were also highly regarded and more arts festivals, events and markets were rated important by people.

10. Which words best describe how you want your neighbourhood / area to be? (choose up to 5)

- The top three words participants choose to describe how they want their neighbourhood / area to be were:
 - Safe (102).
 - Welcoming (79).
 - Creative (68).



11. Thinking about the suburbs in Holdfast Bay, tell us about the place/s you think have the best arts or cultural vibe locally and why?

- 137 participants selected Glenelg.
- 70 participants chose Brighton.
- 14 participants mentioned Seacliff and the Holdfast Music Centre and Tjibruke.

12. Is there anything else you think should be a focus for Arts and Culture in Holdfast Bay for the next 5 years?

107 participants provided a response to this question. The common themes identified were:

- 21 people mentioned more music events.
- 11 people mentioned festivals.

13. When you think of ‘art’ and ‘culture’ what words, phrases or statements come to mind?

125 people responded this comment, the following words people chose are listed below:

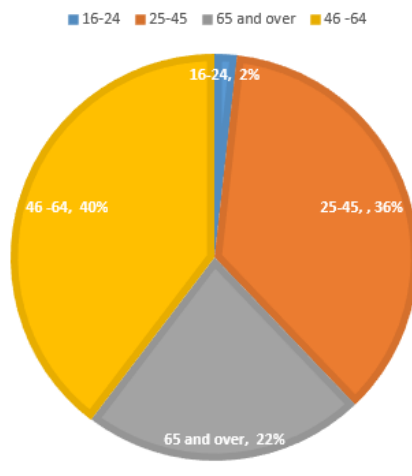


See appendix E for full response

14. Age

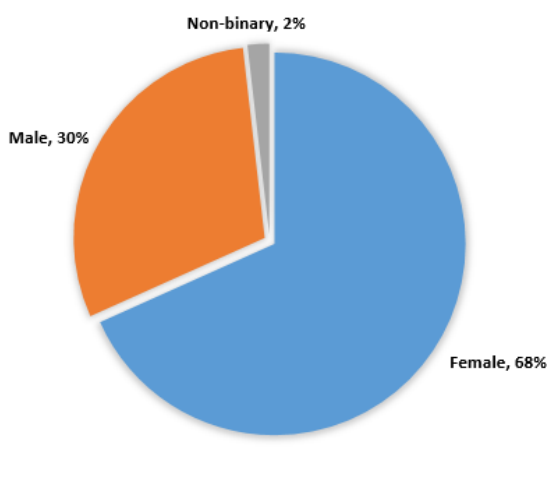
- 67 participants identified as being between the ages of 46-64 (40%).
- 61 participants identified as being between the ages of 25-45 (36%).

- 38 participants identified as being 65 and over (22%).
- Three participants identified as being between the ages of 16-24 (2%).



15. Gender

- 112 participants identified as female.
- 49 participants identified as male.
- 3 participants identified as non-binary.



SUMMARY OF COMMENTS

The general consensus from the community was extremely positive, people were keen to tell us “*What Floats their Boat*” including what they value, what they would like to see and how they think we can better invest in arts and culture throughout the city.

From the responses provided it became evident that arts and culture is an important part of community life and it made people feel more connected and happy. The consultation identified some key themes and ideas which included;

- More opportunities for people to participate in arts and be creative.

- More murals, live music, arts activations, installations and cultural events.
- Continue to celebrate European and Kaurua history, heritage and culture.
- Better promote and share the current arts and cultural activities, organisations and opportunities.
- Support and encourage local creative industries.
- Opportunities for artists, cultural producers and creatives to networking and come together.
- Better partnerships with state and national arts and cultural organisations.
- More arts and creative spaces for people to gather, share and create.

Request appendix. for full comments.

YOUTH SURVEY

The youth survey was aimed at 12-24 year olds. The survey was sent out via the City of Holdfast Bay's youth committee's social media and via school databases.

SURVEY OUTCOMES

A total of eight submissions were received. Below are the responses to the youth survey
To what degree do you agree with the following statements?

1a.) The City of Holdfast Bay is a vibrant and creative Council?

- 5 participants selected agree.
- Two participants selected strongly agree
- One participant was unsure.

1b.) Arts and Culture are important aspects of community life?

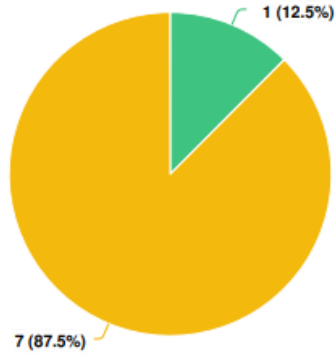
- Six participants agreed.
- Two participants strongly disagreed.

1c.) There are enough opportunities for me to participate in arts and Cultural activities in Holdfast Bay.

- Seven participants are unsure.
- One participants agree.

2. What best describes how you connect with Arts & Culture?

- One participant said, I attend arts & cultural events and activities.
- Seven participants said, I am creative and do art at school, classes or as a hobby.



3. Thinking back over the last 12 months, have you visited any of these places or been involved with any of the below activities:

Below is a summary of the arts and culture activities the participants have the greatest and least interest in

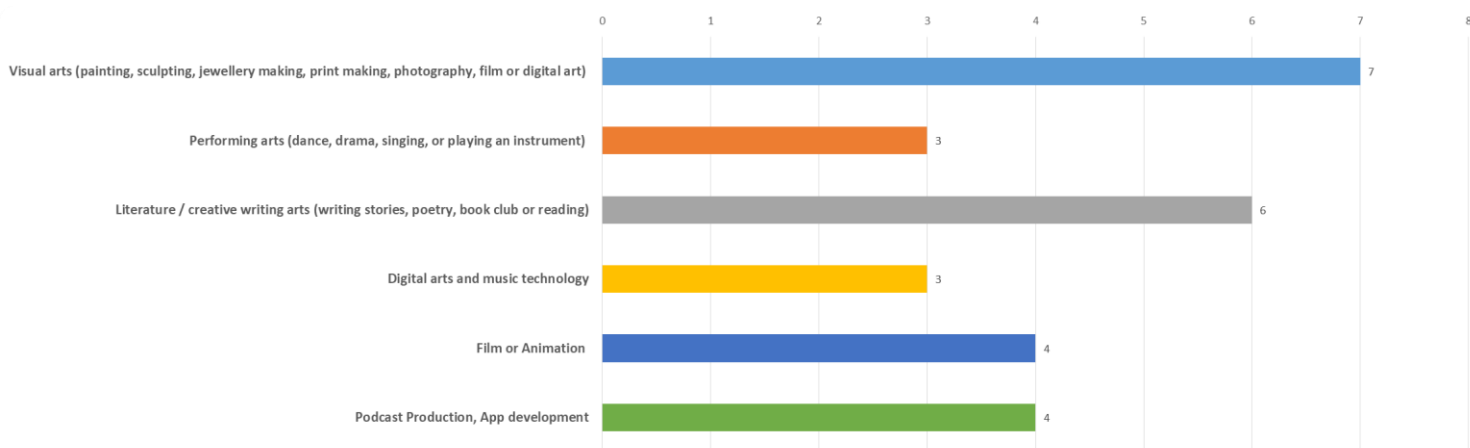
- Six participants said that they attend Festivals, street parties and community arts events in their own time.
- Six participants said that they attend the Fringe festival in their own time.
- Six participants said that they attend the Brighton Sculptures Festival in their own time.
- Seven participants said that the participant in film/cinema in their own time.

The areas that they have not had interest in, in the last 12 months are:

- Seven participants indicated they have not participated in the history centre.
- Seven participants indicated they have not participated in Aboriginal cultural activities, workshops or ceremonies.
- Five participants indicated they have not participated in Drama classes or dance lessons.
- Seven participants indicated they have not participated in history month activities.

4. What are your areas of interest in arts and culture?

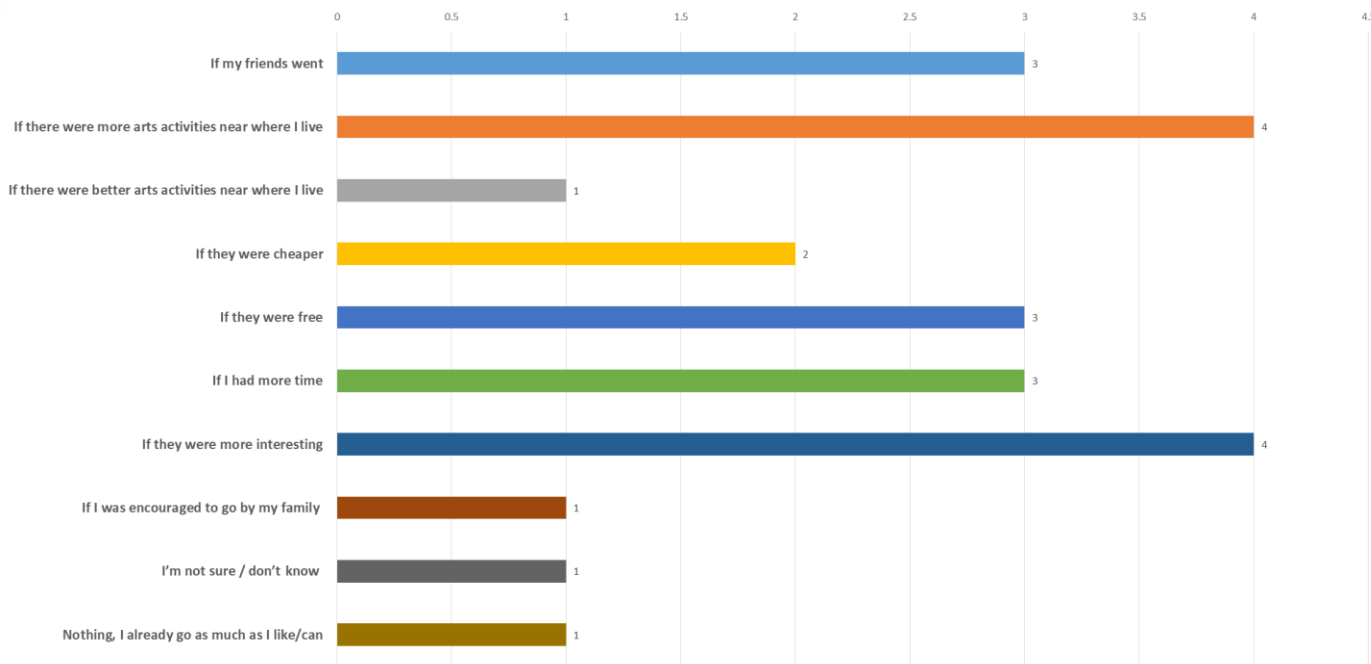
- Seven participants indicated they were interested in the visual arts.
- Six participants indicated they were interested Literature / creative writing arts (writing stories, poetry, book club or reading).



5. What, if any would encourage you to take part in more arts activities? (choose all that apply)

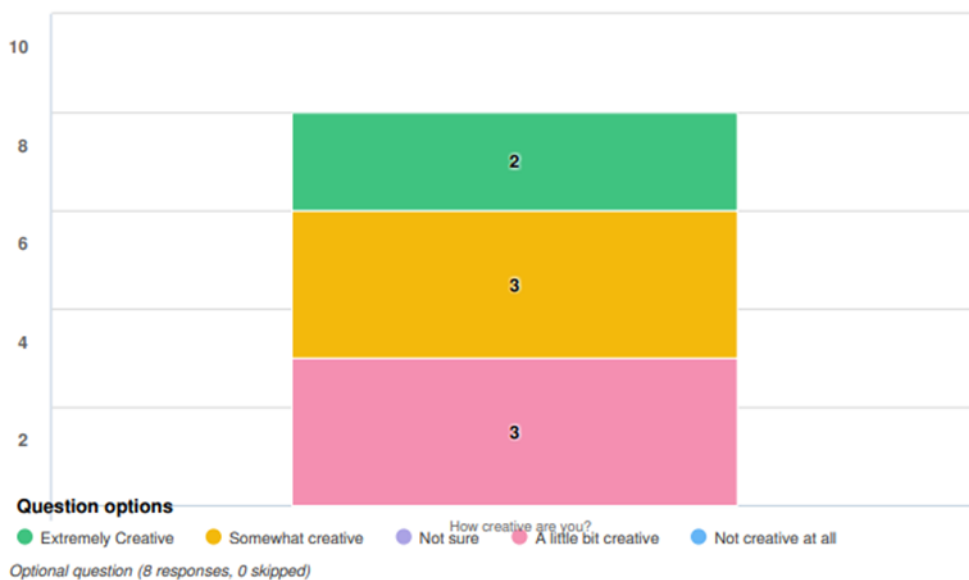
The most common answers were:

- If there were more arts activities near where I live (4).
- If they were more interesting (4).



6. When thinking about you and arts

- Three participants answered somewhat creative.
- Two participants answered a little bit creative.
- Two participants answered extremely creative.



7. To what extent do you agree with the following statements?**7a.) Taking part in art activities will help me get a job when I am older:**

- Three participants disagree.
- Two participants stated they didn't know.
- Two participants agree.
- One strongly agreed.

7b.) Taking part in art activities will help me to start my own business:

- Four participants answered they didn't know.
- Two participants agree.
- One disagreed.
- One strongly disagreed.

7c.) Taking part in arts activities make me feel more confident:

- Six participants answered they didn't know.
- One participant agreed.
- One participant strongly agreed.

7d.) Taking part in arts activities is a good way to meet new friends:

- Four participants agreed.
- Four participants said don't know.

7e.) Taking part in arts activities helps me feel good about life in general:

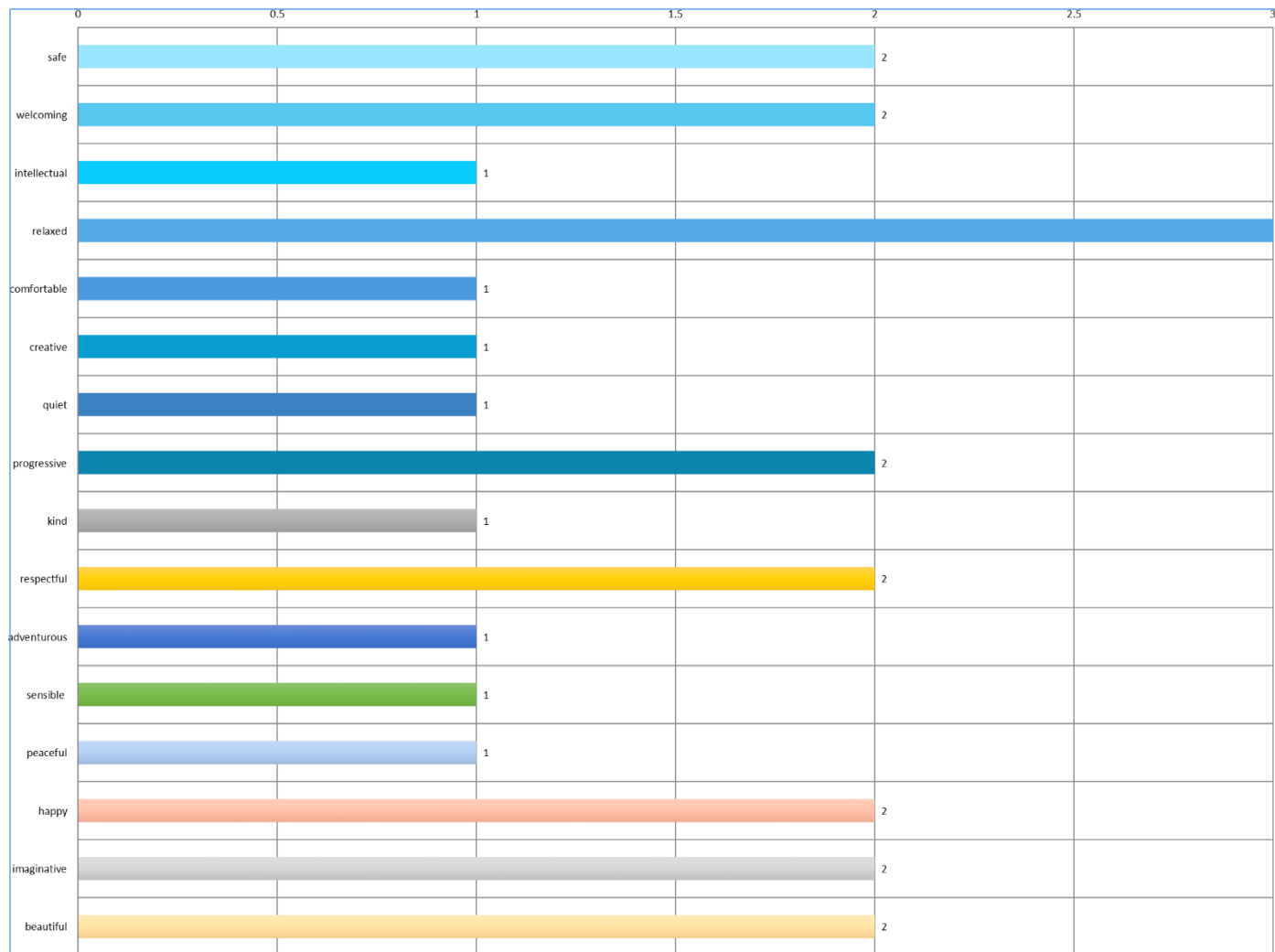
- Six participants agreed.
- One participant said don't know.

7f.) There are opportunities to get involved in art activities in Holdfast Bay:

- Four participants said don't know.
- Two participants agreed.

8. Which words best describe how you want your neighbourhood / area to be?

(Choose up to Five).



9. Thinking about the suburbs in Holdfast Bay, tell us about the place/s you think have the best arts or cultural vibe locally and why

Three participants answered. Below are their answers:

- Brighton and Glenelg. they are popular and hold events often.
- I have the most experience with Glenelg South and Hove
- I believe Brighton (5048) currently has the best arts vibe because of all sculptures that have been placed around there. This has allowed us to see the artistic side of our community and bring us all together to support it.

10. Is there anything else you think should be a focus for Arts and Culture in Holdfast Bay for the next 5 years?

Three participants answered. Below are their answers:

- Creativity, fun.
- Passing down and teaching art techniques, telling stories through dramatic and visual art.
- Creativity, creation, colour, shape, texture, movement, patterns, artwork, different, community.

Ages: 14,15,16 and 17.

Suburb: Glenelg East, North Brighton, Trott Park and Warradale.

Gender: All four participants identified as female.

COMMUNITY EVENT ENGAGEMENT SESSIONS

Community engagement sessions were held at the Brighton Jetty Sculptures Festival, Beachfest at Brighton, the Glenelg Sunset Market and the Seacliff 5049 Market. Council staff member Jenni Reynolds and Consultant Trish Hansen held numerous face to face conversations, handed out surveys and postcards and asked people to share their ideas on the speech bubble chalkboards.

Community members shared their thoughts and feedback and discussed their areas of interest for arts & cultural activities, events and activations. Public art, particularly the inclusion of street art and murals rated highly amongst people and many people wanted to see more markets, street parties and music festivals.

EMAILS, PHONE CALLS AND QUESTIONS

Six non-survey emails made points about:

- Creative community space for artists to hire, meet and create,
- An artistic trading table for produce swap meets at Wheatland Street Reserve,
- Kingston House historic artworks
- More mural artworks at Glenelg
- Creative workshops, affordable shop fronts for Artisans
- Kaurua culture and heritage

POSTCARDS

The 'What floats your Boat' postcards and collection boxes were placed in 30 locations throughout the city, such as the community centres, libraries, cafes, arts organisations and schools. The postcards were a simple and effective way of asking people to share their big and small ideas for arts and culture in the City of Holdfast Bay. We received 401 postcards with varying comments and great ideas.

Seven main themes have been identified as:

1. Kaurua /Aboriginal – arts, cultural events etc.
2. Street Art – in particular murals.
3. Music/and or Events/Festivals.
4. Inclusive art and culture initiatives – people with disability, people of Non –Caucasian background, people of different ages - children, retirees etc.
5. Venues and facilities - for art space exhibitions (requests from both artists and spectators).
6. Art included in infrastructure such as man holes, stobie poles etc.
7. Historical and cultural art.

The full collated report has been trimmed and can viewed upon request.

Attachment 2





COMMUNITY

ENGAGEMENT SUMMARY REPORT

ARTS AND CULTURE DRAFT STRATEGY (part two)

05 APRIL – 22 APRIL 2019

Report Completed for the Community Arts and Culture Coordinator
Written by the Digital Engagement Partner.
April 2019

INTRODUCTION

On 05 April, We sought the views of the community to find their views on the Creative Holdfast: Arts and culture strategy 2019-2024. The draft Creative Holdfast strategy was created in consultation with residents and businesses, creative practitioners, community arts groups, organisations and industry leaders that took place from 5 – 22 April 2019.

The draft Creative Holdfast strategy builds on our existing strengths, identifies gaps and leverages emerging opportunities across all areas of Council and among the community.

This report provides the engagement methodology and engagement outcomes.

The responses received in are in the report findings below.

BRIEF DESCRIPTION OF ENGAGEMENT METHODOLOGY

This community engagement ran from 05 April to 22 April 2019, a total of 18 days.

The views of the community were collected via:

- Council's website - The Council website provided the opportunity to complete an online survey.
- Email submissions phone calls and letters.
- Community forum session.

And promoted through:

- Two registered user update - via email to a 6,637 database.
- CoHB Twitter account every week for the duration of the engagement.
- Email notifications to 83 organisations and key interest groups.
- Brighton Civic Centre, Brighton and Glenelg Libraries
- Newsfeed on the City of Holdfast Bay corporate and engagement sites.
- CHB Facebook posts.
- A Creative Forum at Partridge House.

ENGAGEMENT FORMAT

Formal feedback form

DATA ANALYSIS

All data has been independently reviewed by the Digital Engagement Partner.

Survey

1. Have you read the Draft Creative Holdfast Strategy?
2. After reading the Draft Creative Holdfast Strategy, how satisfied are you that it reflects the arts and culture needs of the Holdfast Bay community?
3. We noticed you were not entirely satisfied, please provide comments as to why you chose your answer (pre-determiner: Answer this question only if you have not chosen satisfied)
4. General comments
5. Age
6. Gender
7. Suburb

SURVEY OUTCOMES

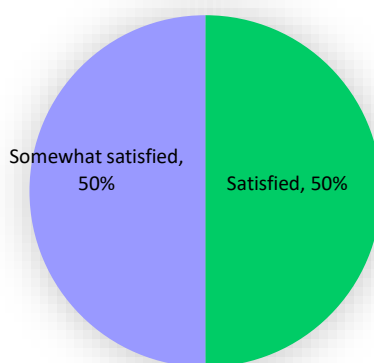
A total of 10 submissions were received during the engagement period but only eight participants were able to complete the feedback. The eight participants providing the following responses to the question:

1. Have you read the Draft Creative Holdfast Strategy?

- Eight out of ten participants (80%) had read the draft strategy. Two participants (20%) responded they had not read the strategy, and therefore were unable to complete the feedback.

2. After reading the Draft Creative Holdfast Strategy, how satisfied are you that it reflects the arts and culture needs of the Holdfast Bay community?

- Four (4) participants (50%) said they were satisfied.
- Four (4) participants (50%) said they were somewhat satisfied.



3. We noticed you were not entirely satisfied, please provide comments as to why you chose your answer (pre-determiner: Answer this question only if you have not chosen satisfied)

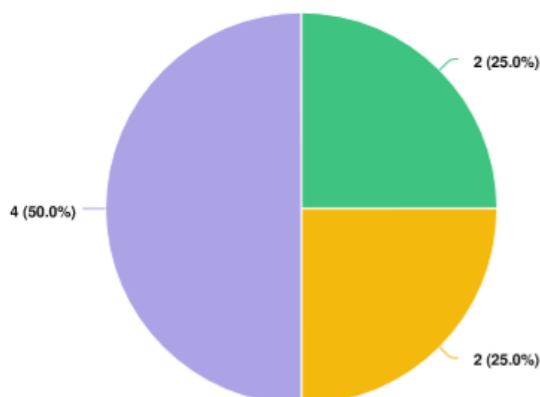
- **Three responses were provided:**
 - Not all local creatives have been invited to take part or provide input - this was the first I have heard of this initiative. As a local creative business of some 27 years (architects), the council has not exactly been supportive or encouraging to local architecture input. The word "architecture" appears once in the document. Also, Colonel Light arrived 100 years earlier than stated.
 - However the length of this Draft Creative Holdfast Strategy is ridiculously long and much time is wasted reading it due to the many repeated statements --- eg how art enriches communities and many other statements which are fairly commonly accepted already. I consider that much money has been wasted in councillors' time and if it is printed - another huge waste.
 - I think we should be proud and bold to embrace and display aboriginal and Kurna culture not just in words.

4. General comments

- Seven (7) comments were received (comments written verbatim):
 - Whilst I support most of the submission I notice a tendency for Public Venues such as parks and reserves to be used for commercial activities. Again this can be welcomed providing that they are NOT long term thus preventing the facilities being utilized by the public as intended as well as leaving them in a damaged state. Such as The Big Wedge, The Outdoor pictures and the Circus. One of ,single day events such as Polo and Music Concerts are acceptable providing they keep within the acceptable noise restrictions.
 - Its a great start - love the indigenous emphasis - needs to eventually have some concrete ways to achieve desired outcomes.
 - I am impressed with the majority of description of type of artistic needs, their production and their access to the public. I walk a lot and ""look a lot"" and if you are to attract the elderly easy access, seats and toilets are an essential."
 - I agree that our Australian culture puts more emphasis and money into sport and we need to give ARTS a higher profile. I also consider the continuing purchasing of expensive sculptures may be extravagant.
 - Arts by the Sea is keen to provide a venue for buskers and other live music acts, as well as light art installations on the Chapel St side and in our Community Garden area. We have indoor and outdoor spaces to offer for music performances. We also welcome inquiries from local artists seeking spaces to exhibit their works, and from community groups seeking spaces to hold arts and cultural activities.
 - I think it is very spot on!
 - I thought it was an excellent, comprehensive, and very creative plan to promote arts and culture in the Holdfast City Council area. However an important area to explore is once the strategy is implemented is how to publicize the activities. When I was at the Forum held at Partridge House recently a few of us were discussing why did we not know about some of the current programs. I was aware of some because I had read about them in the local "Guardian Messenger" paper in the past. But that paper is no longer widely distributed, it is not delivered to Retirement Villages/Flats and Units anymore. This is very disappointing as it used to be a good source of informing the local community what was happening in their area.

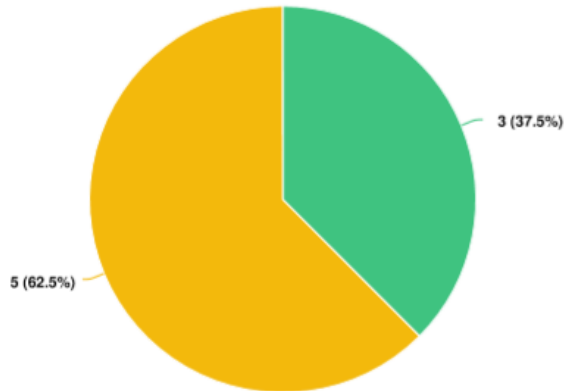
5. Age

- Two participants identified as being between the ages of 46-64 (25%).
- Two participants identified as being between the ages of 25-45 (25%).
- Four participants identified as being 65 and over (50%).



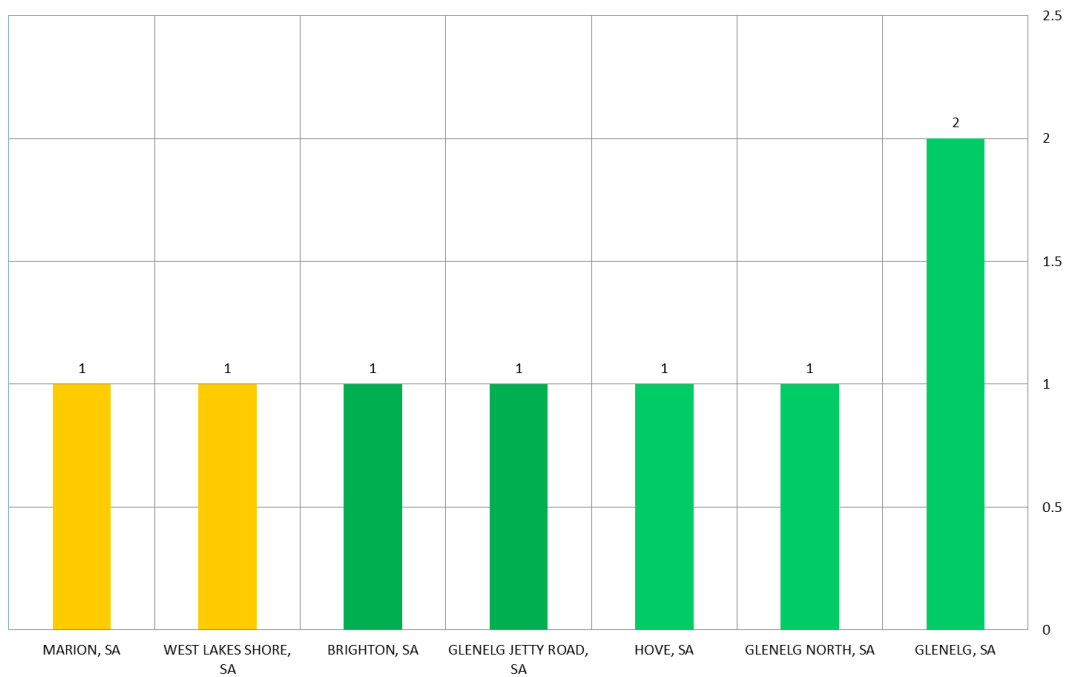
6. Gender

- Three participants identified as male.
- Five participants identified as female.



7. Suburbs

- Three participants were from Glenelg.
- One participant was from Glenelg North.
- One participant was from Hove.
- One participant was from Brighton.
- Two participants were from Neighbouring Councils (Westlakes and Marion).



CREATIVE HOLDFAST FORUM

On Monday 8 April 2019, 32 people attended a Creative Forum at Partridge House, Glenelg.

Trish Hansen presented the Draft Arts and Culture Strategy and people were given the opportunity to review the objectives and actions and provide feedback. They also hear from five local cultural leaders about the important creative work they are undertaking in the area of creative arts in the community.

SUMMARY OF COMMENTS

The engagement site was viewed 275 times by 158 visitors. The expectation is that when community engagement involves feedback on a (lengthy) council document engagement levels will be low.

The general consensus from the feedback was satisfactory. The comments are varied and there are no common themes only that in both question 3 and 4 issues are raised around awareness of Council services, programs and initiatives. In addition, the participant's feedback are pleased that there is an emphasis on Aboriginal and Kaurna culture.

Attachment 3





CREATIVE HOLDFAST ARTS AND CULTURE STRATEGY

2019-2024

PREPARED FOR THE CITY OF HOLDFAST BAY BY URBAN MIND



COMMUNITY

“MARNI NIINA PUDNI. PULHUNARI
PAYIMA, NGADLU YARTA TAMPINTHI”

WELCOME. WHEN WE UNDERSTAND THE PLACE
NAMES, WE RECOGNISE THE LAND.

The City of Holdfast Bay acknowledges the Kurna People as the traditional owners and custodians of the land. We respect the spiritual relationship with Country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to the Kurna People today.



*Geraldton Wax
Chamelaucium
uncinatum*

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‘PIRKURNA WILTARNINTHI TAPA
PURRUNA-ANA’

‘STRENGTHENING COMMUNITIES
THROUGH CULTURE’
ALLAN SUMNER

EXECUTIVE SUMMARY

Arts and culture enrich our minds and lives, stimulate our imagination and create experiences that deepen our sense of meaning and connection with each other, the places we live and the wider world.

The City of Holdfast Bay's Creative Holdfast: Arts and Culture Strategy and Action Plan 2019 – 2024 provides a framework and road map to guide the philosophy, coordination, promotion, management and investment in arts and culture across the City of Holdfast Bay over the next five years.

There is significant potential for arts and culture; including film, performance, visual arts, writing, music and a diverse range of cultural expression, to contribute to achieving the goals identified in the City of Holdfast Bay's Our Place 2030 Strategy.

Creative Holdfast is a key strategic document that sets a five-year plan to deliver achievable and measurable actions through six strategic themes:

Create – generate opportunities for all people to participate in making art and being creative; all abilities, all cultures, all ages.

Experience – provide invigorating meaningful arts and cultural encounters, activities and events.

Celebrate – honour, promote and protect our unique and rich creative and cultural identity.

Grow – stimulate creative and cultural talent, skills and opportunities for jobs, business and tourism.

Form – shape the design and provoke the activation of distinctive and culturally rich places and creative spaces.

Connect – develop relationships and build links with local, state and national arts and cultural practitioners and organisations as well as other councils.

Each strategic theme has a set of objectives and actions that were developed in response to a robust community engagement process. The implementation of the Action Plan will generate opportunities for people to be creative and participate in meaningful activities and events to celebrate our unique cultural identity. It will create distinctive places and precincts, cultivate creative talent and strengthen the creative economy to drive future prosperity, while protecting our pristine natural environment.

The City of Holdfast Bay would like to thank all those who contributed to the development of Creative Holdfast Arts & Culture Strategy and Action Plan.

INTRODUCTION

Arts and culture are an important part of everyday life in Holdfast Bay and at the core of our identity.

In a myriad of interesting ways, arts and culture invigorate our lives, stimulate the local economy, strengthen social cohesion and inclusion as well as revitalise and activate our public spaces.

The creative and cultural life of Holdfast Bay is shaped by its people and their remarkable willingness to contribute and participate in activities that build community, including residents, businesses and traders, community organisations, visitors, schools and students.

Art makes a remarkable and unique impact on people from all walks and stages of life – from children and families, to young people, adults and the elderly, including people from diverse cultures, socio-economic backgrounds and of different abilities.

Arts and culture contribute to making Holdfast Bay Adelaide’s premier seaside destination and a vibrant and exciting place to live and do business.

WHAT DO WE MEAN BY ARTS AND CULTURE?

Art refers to a broad range of creative activity including music, film, writing and literature, dance and performance, as well as a diversity of visual arts such as sculpture and murals, and the making of objects.

Culture emerges from our values, ethics, creativity, the interaction and connection we have to each other and to the place. It is that which gives us a sense of ourselves in the world and encompasses every aspect of our life. It not only helps us to interpret our world, it shapes our future.

Cultural activity expresses who we are; our shared beliefs, customs and traditions.



WHY DO WE NEED AN ARTS AND CULTURE STRATEGY?

Council plays a vital role in enabling local people to participate in artistic and cultural expression. As well as caring for our cultural sites and infrastructure, hosting events, administering funding, and supporting and promoting arts and culture, Council's role is to build the capacity of the community as an enabler, facilitator and connector.

In October 2018, Council commissioned the development of an Arts and Culture Strategy and Action Plan 2019 – 2024 to guide the coordination, promotion and management of art and cultural heritage across the City of Holdfast Bay over the next five years.

Creative Holdfast was developed in response to an extensive program of community engagement with residents and businesses, creative practitioners, community arts groups, key organisations and industry leaders.

THE IMPACT OF ARTS AND CULTURE

Arts and culture build safer and stronger communities, help people to stay well and healthy, recover faster, manage long-term conditions and experience a better quality of life.

The remarkable and unique impact of arts and cultural activity is felt across the life-course in children and families, young people, adults and the elderly, across diverse cultures, socio-economics and abilities.



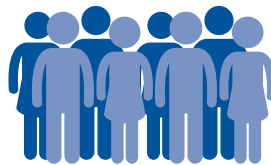
Resilient children

- improves self esteem
- strengthens identity
- improves mental health



Education & learning

- better school performance
- builds future job skill
- reduces stress and anxiety



Safer & stronger communities

- build trust and belonging
- fosters peace and tolerance
- nurtures civic identity and pride

Ageing well

- improves vitality
- live well longer
- reduces doctor visits



Better health and wellbeing

- improves quality of life
- lowers anxiety
- reduces anxiety and depression



OUR STRENGTHS



STRONG COMMUNITY SPIRIT

The ‘vibe’ of the City of Holdfast Bay comes from the people – residents, businesses, community organisations, visitors, schools and young people, and their remarkable willingness to create, contribute and participate in activities that build community.

BUSINESS AND ENTREPRENEURSHIP

There are many creative people throughout the City of Holdfast Bay in businesses that bring extraordinary energy, passion and commitment to shaping the vitality and vibrancy of the City’s precincts.

PRISTINE BEACHES AND COASTLINE

The city stretches along 8.6 kilometres of Adelaide’s pristine coastline. Located approximately 11 kilometres south-west of the Adelaide CBD, the City of Holdfast Bay attracts over 1.2 million visitors each year – with three out of four visitors to Adelaide heading to Glenelg (Pathawilyangga); Adelaide’s premier seaside destination.

RICH CULTURAL HERITAGE

The City of Holdfast Bay is built on an ancient place – home to over 2,000 generations of Kurna people who lived sustainably and nurtured the land and waters for some 60,000 years as one of the world's longest living cultures.

The coastal environment with its fresh water lagoons and abundant food sources was used for millennia as a meeting place for cultural celebrations, ceremony and trade by Kurna people, and continues to be a place of significant Kurna cultural heritage.

In 1836, Colonel William Light arrived on The Rapid on a mission to survey the South Australian coast in search of a place for settlement. While The Rapid stood off-shore near the mouth of the Patawalonga, a storm blew in and the anchor held. Colonel Light consequently named the bay, 'Holdfast Bay'.

The Province of South Australia was proclaimed at Pathawilyangga in 1836, which became the municipality of Glenelg in 1855. Wituwaringga became the municipality of Brighton in 1858.

The City of Holdfast Bay was formed in 1997 through the amalgamation of the City Councils of Glenelg and Brighton and is now home to almost 37,000 people.

"Kurna dreamtime stories are the oral textbooks of accumulated knowledge, values and beliefs, spirituality, and wisdom, from when time began. More than myths and legends or fairy tales for entertainment, dreamtime stories or lore are shared through language, art, customs, dance, music and singing, totems, and the geographical forms of the land - which together form a whole: The Dreaming."

Kurna Nation Cultural Heritage Association



PRECINCT DISTINCTIVENESS

Throughout the engagement process it became clear that there are five precincts evolving across Holdfast Bay, each with distinct characteristics and an emerging identity.

The intention of Creative Holdfast is to deliver arts and cultural activities that capture the distinctive identity of each precinct.

Five precincts

1. Glenelg (Pathawilyangga)
2. The Broadway
3. Somerton Park
4. Brighton (Wituwaringga) and Hove
5. Seacliff Park (Witawaringga)/ Kingston Park (Tulukutangga)

CULTURAL INFRASTRUCTURE

The City of Holdfast Bay has some remarkable heritage and contemporary cultural infrastructure including libraries, museums, galleries, community centres, film cinemas, performing arts spaces, live music venues, commercial galleries and bookshops offering thousands of interesting events and activities.

BAY DISCOVERY CENTRE AT THE GLENELG TOWN HALL AND HOLDFAST BAY HISTORY CENTRE

The Holdfast Bay History Centre, located at Brighton (Wituwaringga), promotes awareness of the City's history and heritage, offering services for residents and others to research family history, property history and historic burials. The History Centre collects and preserves community objects, photographs and documents which are exhibited at the Bay Discovery Centre.

The Bay Discovery Centre is a social history museum and art gallery that explores the themes of Holdfast Bay's unique history with a mission to 'inspire in all people a wonder and curiosity about life in Holdfast Bay'. The centre hosts a range of programs and events, including during South Australia's History Festival, and welcomes over 55,000 people each year. The Bay Discovery Centre is one of the most significant arts and cultural infrastructure assets owned by Council and is currently being separately scoped for redevelopment.



LIBRARIES

There are two libraries highly cherished by the community; Glenelg (Pathawilyangga) and Brighton (Wituwartingga), both of which also offer a home library service. During 2017-18, almost 14,000 members borrowed over 440,000 items and visited over 195,000 times.

COMMUNITY CENTRES

There are four community centres in the City of Holdfast Bay; Glenelg Community Centre, Glenelg North Community Centre, Holdfast Bay Community Centre and Brighton Community Centre. The centres offer a wide range of social, recreational, educational and personal development groups and programs. Other activities are also offered at Partridge House, Seacliff Recreation Centre and Kauri Sports and Community Centre.

PUBLIC ART

Public art, like public space, belongs to all of us. It is a beautiful way of sharing the stories that matter most to the community and expressing a collective community identity, shared values and meaning. The City of Holdfast Bay has a collection of over fifty public artworks, most of which are deeply treasured by the community.

It became clear during the engagement process that the community and Council want stronger consideration of the priorities associated with public art investment. There is a need to ensure all future public art investment results in works that provoke a strong sense of place, meaning and pride for the community and visitors. Council will revise the public art policy to ensure best practice, strategic investment across the lifecycle of the work from commissioning, installation, maintenance and deaccessioning.

The annual Brighton Jetty Classic Sculptures is a 12-day event held every summer by the Brighton Surf Life Saving Club, managed entirely by passionate volunteers and is one of the city's most well attended events, attracting thousands of visitors.



CREATIVE TALENT

There are a number of excellent artists, creative practitioners, iconic visual and performing arts organisations and initiatives bringing excitement and vitality to the City of Holdfast Bay and beyond. Some have endured for many decades while others have been established more recently. Several are exemplary in their ambitious pursuit to present excellent work and quality experiences for audiences of all ages, abilities and cultures.

TUTTI ARTS

Tutti Arts is an internationally renowned multi-arts organisation for people of all abilities. Established in 1997 at Brighton (Wituwaringga) in South Australia, Tutti artists create visual art, theatre, music, film, new media and cross art form installations for growing local and international audiences. Over three hundred South Australians aged 6-82 access Tutti's programs every week. Over the years Tutti's artists, exhibitions and productions have won numerous local, national and international awards. In 2017 Tutti was awarded the highly esteemed Arts South Australia Ruby Award for Sustained Contribution to the Arts in our state.



ST JUDE'S PLAYERS

Established 70 years ago, St Jude's Players Inc is an award-winning volunteer-based community theatre group located in Brighton (Wituwaringga), open to everyone who has an interest in quality community theatre. The Players present three full-length productions a year, including comedies, dramas and musicals. Several of the original Players, now wise nonagenarians, continue to serve as volunteers.

"Community theatre connects people in a unique way. A play tells a story and an audience shares the emotions, the laughter and the enjoyment. In that brief time, they are all feeling similar emotions and sharing an experience that reduces feelings of isolation and loneliness. Community theatre encourages community involvement and involves families in a strong multigenerational environment in which the sharing of knowledge, skills and abilities is paramount".

Rosie Aust, Chair St Judes Players

PORCH SESSIONS

Porch sessions was born in the streets of Brighton (Wituwaringga). Porch Sessions are a series of travelling backyard music festivals where emerging and established musicians perform to live audiences. It has become an award-winning series, both locally and nationally and is a much-loved staple of the live music scene in South Australia.

"Creativity is absolutely the backbone behind any beautifully strong and diverse community. In a world of 'the busy', it is music, arts and culture that remind people how to connect, how to slow down and enjoy what little time we have left on this big floating rock. It reminds us what it means to be human, even if just for a brief moment in time."

Sharni Honor - The Porch Sessions // Summertown Studio



COMMUNITY CONSULTATION FOR CREATIVE HOLDFAST

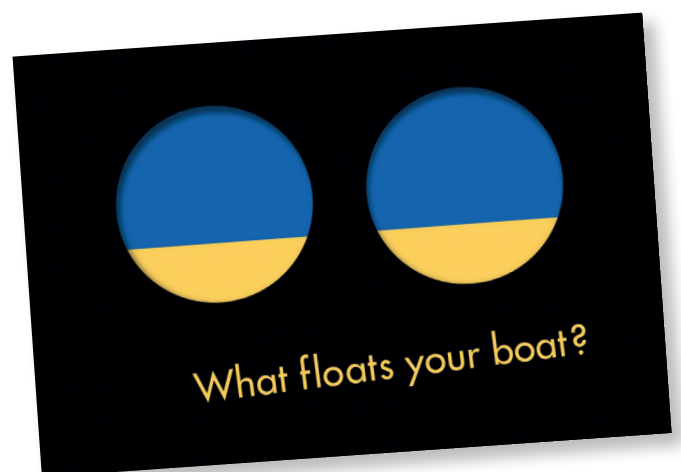
'WHAT FLOATS YOUR BOAT' WHEN IT COMES TO ARTS AND CULTURE?'

Throughout January 2019, the City of Holdfast Bay embarked on an extensive program of community consultation, engaging with residents and businesses, creative practitioners, community arts groups, key organisations and industry leaders which included:

- meetings with the Kurna Nation Cultural Heritage Association
- a presentation at Hold Up Youth Advisory Group
- presentations at six community meetings and business groups
- interviews with 21 individual local creative and cultural leaders
- meetings with 16 key Council staff
- presentation to Elected Members
- face to face conversations with over 100 adults at four public events
- postcards collected from over 30 businesses and venues
- three 'Your View Holdfast' surveys (adults, young people and business)
- promotion in over 200 film sessions to approximately 5000 cinema guests

Our discussion with the community started by asking 'What floats your boat' when it comes to arts and culture?

The engagement provoked a conversation with the community about what people value, what future creative and cultural life they want, and how Holdfast Bay might position itself as Australia's leading creative and cultural coastal city.



my idea for arts
& culture is.....

STREET ART
EVERYWHERE

WHAT WE HEARD

401 postcards were received, and 180 surveys were completed. Hundreds of ideas, suggestions and comments were provided through interviews, emails, phone calls and informal conversations with residents, traders and community leaders.

Ninety percent of participants agreed (or strongly agreed) that arts and culture are an important aspect of community life in Holdfast Bay. Eighty percent of young people said that arts and culture made them feel good about life.

When asked 'how you want your neighbourhood to be?', adults said that they want their neighbourhood to be **safe, welcoming, vibrant, creative** and **friendly**. Young people said that they want their neighbourhood to be **welcoming, comfortable, safe, relaxed, progressive**.

Our community told us that we have a lot of great things that already contribute to the creative and cultural life of the City.

More opportunities for people to participate in making art and being creative.

Our community would like to have more opportunities to make art and be creative, attend workshops and classes as well as having access to studio, rehearsal and exhibition spaces.

More live music, murals and activations in public space.

There was a lot of enthusiasm from the community in support of live music, at concerts and festivals as well as live music venues and in public space. Live music was cited as an excellent way to enliven the precincts, especially in the evening. Murals as well as interesting encounters in public space are also important to the community.

Greater investment in our arts and culture.

The community expressed the need to increase investment in arts and culture and cited the substantial investment in sport which while very important for healthy communities, needs to be proportional with arts and culture.



Greater promotion of existing arts and cultural activities and events.

There are many amazing events happening across the city regularly that people don't know about. Artists, and others doing creative things also indicated challenges in promoting their events and activity.

Greater cultural diversity and more inclusive events.

The community expressed a desire to experience more multicultural events and activities to reflect the diversity of the broader community, including food and music festivals, cultural sharing initiatives.

More quality and meaningful arts and cultural experiences.

The community told us that when it comes to arts, culture and events - more is not always better, and that it is important to not compromise on quality activities that generate meaningful experiences and encounters.

Greater acknowledgement of Kaurna heritage and culture.

Holdfast Bay has a rich Aboriginal heritage and history, yet the community feels as though their understanding is lacking and would like to see more opportunities to learn about local Aboriginal culture, history and sites of significance.

Continue to celebrate our unique European history.

The community greatly values the rich local European history and keen to see it celebrated in interesting and innovative ways.

Continue to attract creative people to live and work in Holdfast Bay.

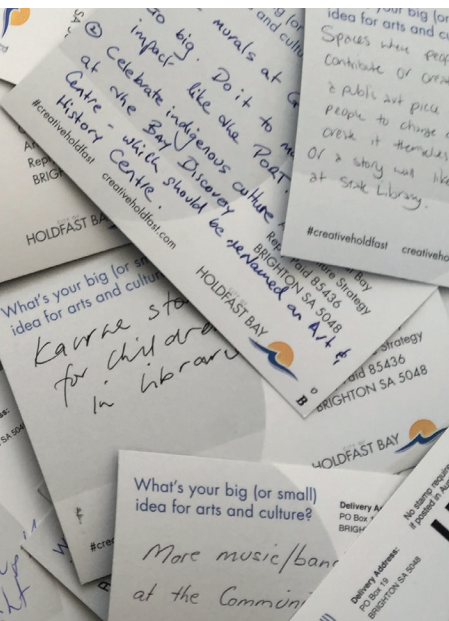
Holdfast Bay has many remarkable artists and creative practitioners and the community is keen to see more creative people attracted to live, work and learn in the city.

Create distinctive and culturally rich places and precincts.

The community expressed that they would like to see more considered public art across the city and included as an important aspect of new developments.

Create meaningful public art that reflects local stories and our place.

While the community are generally very proud of much of the city's public art collection, concerns were expressed about some of the poorer quality works which seem to be out of place or lack meaning and called for greater consideration of the selection of public art.



WHAT ARTS AND CULTURE MEANS TO US

When asked what words come to mind when thinking about arts and culture, this is what people told us



OUR VISION FOR ARTS AND CULTURE

ARTS, CREATIVITY AND CULTURE ENRICH OUR DAILY LIVES.

Building on the incredibly strong community spirit and the existing capability, assets and strengths of the City of Holdfast Bay, the vision for the City of Holdfast Bay is to be a leading creative and cultural coastal city.

Our vision is for a place where the arts and culture flourish to stimulate, unite, delight, challenge and entertain. Local arts and cultural institutions boast capacity attendance and audiences, local artists and cultural producers are proudly celebrated and valued by the community and known worldwide for their excellence.

Our vision is for the City of Holdfast Bay is to be known as an incubator for new forms of expression that reflect the diversity of our thinking, talent and communities, attracting creative talent from around the world, galvanising our international reputation for innovation, and driving economic growth, through a lens of environmental sustainability.

This will be achieved through Creative Holdfast across **six strategic themes**, each with three objectives and a set of actions.





STRATEGIC CONTEXT

COUNCIL'S OUR PLACE 2030 STRATEGIC PLAN PROVIDES THE FRAMEWORK FOR THE FUTURE DIRECTION OF THE CITY OF HOLDFAST BAY.

The 'Our Place 2030' strategy sets our five key Pillars to map our direction and provides objectives for maintaining, processing and celebrating our city into the future:



COMMUNITY

A healthy, creative connected community



CULTURE

An effective, customer-centred organisation



ENVIRONMENT

A community connected to our natural environment



ECONOMY

A diverse and resilient local economy



PLACEMAKING

An accessible, vibrant and safe coastal city that celebrates our past to build to our future.



Create – generate opportunities for all people to participate in making art and being creative: all abilities, all cultures, all ages

Experience – provide invigorating meaningful arts and cultural encounters, activities and events.

Celebrate – honour, promote and protect our unique and rich creative and cultural identity.

Grow – stimulate creative and cultural talent, skills and opportunities for jobs, business and tourism

Form – shape the design and provoke the activation of distinctive and culturally rich places and creative spaces.

Connect – develop relationships and build links with local state and national arts and cultural practitioners and organisations as well as other councils.

ARTS, CREATIVITY AND CULTURE ENRICH OUR DAILY LIVES.

Creative Holdfast will be delivered in line with the Our Place 2030 Strategic Plan and supporting strategies including:

City of Holdfast Bay Tourism Plan, Economic Activation Plan, Open Space and Public Realm Strategy, Jetty Road Glenelg Masterplan, Jetty Road Glenelg Precinct Public Art Plan, the Heritage, Research and Procedures Report and the Artscape Corridor Masterplan.

Implementation will also factor in the priorities for arts and culture of adjacent councils, state and federal governments, and leverage relationships with the state's major arts and cultural organisations and festivals.

OUR STRATEGIC THEMES, OBJECTIVES AND ACTIONS

CREATE: STRATEGIC THEME 1

Generate opportunities for all people to participate in making art and being creative; all abilities, all cultures, all ages.

- Increase opportunities for residents and visitors to participate in arts and culture.
- Make it easier for artists and cultural practitioners to do creative things.
- Identify and generate new opportunities for creative expression.

Creating art, making things and solving problems is good for our wellbeing and it makes us happy. Arts and culture offer a range of interesting ways for people of all ages, cultures and abilities to participate and be involved in the practice of making.

We are essentially wired for creativity. Research on the impact of art on health indicates that young people involved in quality arts activities do better at school and have a stronger sense of belonging and connection with the community. As we get older taking part in creating and making helps us develop self-esteem, improves memory and strengthens our sense of accomplishment.

The level of participation frames the creative and cultural life of our City. It shapes our values, ideas and innovations sense of belonging and connection to each other and to place. It strengthens our ability to endure and adapt to change.

Priority actions are highlighted in **bold**.

OBJECTIVE 1.1:

Increase opportunities for residents and visitors to participate in quality, contemporary arts and culture.

- 1.1.1 **Identify opportunities for local artists and musicians to contribute to events.**
- 1.1.2 **Host regular school holiday art workshops across a range of art forms.**
- 1.1.3 **Plan and deliver a program of quality workshops at the Bay Discovery Centre and Community Centres.**
- 1.1.4 **Increase promotion of the current arts and culture activities and art making offerings of existing organisation.**
- 1.1.5 **Continue to promote and subsidise participation in SALA with venues and artists.**
- 1.1.6 Explore the potential to support local artists and designers to contribute to the Adelaide Fashion Festival.

OBJECTIVE 1.2:

Make it easier for artists and cultural practitioners to produce and present excellent work.

- 1.2.1 **Explore and minimise real and perceived barriers and red tape.**
- 1.2.2 **Explore and develop ways to incentivise artists to practice and establish studios locally.**
- 1.2.3 **Continue to provide grants for emerging and established practicing artists and cultural producers.**

OBJECTIVE 1.3:
Identify and generate new platforms and opportunities for creative expression.

- 1.3.1 Identify opportunities to support creative writing, including telling local stories of places and characters.
- 1.3.2 Establish 'plug and play' public performance spaces.
- 1.3.3 Explore the potential for a 'jack in' projection platform and program for illustrators and digital content producers to exhibit their work in the public realm.
- 1.3.4 Determine the viability of establishing a youth arts program.
- 1.3.5 Explore opportunities to develop a landmark community arts centre and a digital hub for innovative and emerging tech including: podcasting, 3D printing, animation, digital media and augmented reality.



EXPERIENCE: STRATEGIC THEME 2

Provide meaningful arts and cultural encounters, activities and events.

- Be known as a city of creative excellence.
- Increase creative expression in the public realm.
- Inspire new venues, events and attract new audiences.

"I'd like my six-year-old son to grow up in a creative and cultured environment." Local Resident

Attending arts and cultural events and activities enriches our lives in a myriad of ways. Art can delight and entertain us as well as provoke and challenge us to develop and broaden our minds. It builds belonging, trust and cooperation in the community, and encourages civic engagement, tolerance and altruism.

Priority actions are highlighted in **bold**.

OBJECTIVE 2.1:

Be known as a city of creative excellence.

- 2.1.1 **Revise the public art policy to reflect best practice and ensure the commissioning and maintenance of quality work.**
- 2.1.2 **Ensure Council led events have a clear and strong creative narrative.**
- 2.1.3 **Recruit Bay Discovery Centre volunteers with an interest in being cultural advocates.**
- 2.1.4 **Explore investing in the technology and capability for audio description at the Bay Discovery Centre and Gallery.**



OBJECTIVE 2.2:

Increase creative expression in the public realm.

- 2.2.1** Develop a mural strategy, identify and map the potential walls suitable for murals.
- 2.2.2** Identify and map potential outdoor music venues and program performances.
- 2.2.3** Establish a busking program for emerging and established musicians to routinely perform.
- 2.2.4** Continue to host a triennial Random Acts of Art event.
- 2.2.5** Explore installing light art works instead of traditional urban lighting to enhance safety and facilitate wayfinding.
- 2.2.6** Program choirs and buskers to perform in public space.
- 2.2.7 Explore ways to encourage reading in public.
- 2.2.8 Explore the idea of developing an underwater sculpture garden.
- 2.2.9 Explore curating a permanent treasure hunt along the coast inspired by science and historical collections and artefacts.

OBJECTIVE 2.3:

Inspire new venues, events and attract new audiences.

- 2.3.1** Pilot participation in Umbrella Winter City Sounds Festival by venues and musicians.
- 2.3.2** Develop a live music strategy.
- 2.3.3** Establish a volunteer 'culture companion' program to support people in the community to attend arts and cultural events.
- 2.3.4** Host urban food, art, wine, music walking tours.
- 2.3.5** Establish an annual Creative Holdfast program.
- 2.3.6** Map and include arts and cultural sites in existing community bus routes.
- 2.3.7** Ensure community wellbeing outings routinely visit local arts and cultural sites and places.
- 2.3.8** Map the existing major state festivals and strategically align activity where possible to develop a Creative Holdfast Calendar.
- 2.3.9** Host SALA Exhibition tours.
- 2.3.10** Identify opportunities to leverage the collections and exhibitions of the Bay Discovery Centre with music, public talks, events.
- 2.3.11** Continue to explore new avenues for building audiences at the Bay Discovery Centre.
- 2.3.12 Explore hosting a local makers and produce festival.
- 2.3.13 Explore ways to promote the availability of local creative spaces.
- 2.3.14 Explore hosting an inclusive arts and culture event or festival.

CELEBRATE: STRATEGIC THEME 3

Honour, promote and protect our unique creative and cultural identity.

- Celebrate Kurna culture and heritage.
- Celebrate European culture and heritage.
- Promote the unique and diverse cultural identity of each precinct.

"We don't want to walk in front; We don't want to walk behind; We want to walk along side by side." Gladys Elphick 'Auntie Glad' (MBE)

The City of Holdfast Bay proudly celebrates its shared and diverse histories through tangible heritage including monuments, museum collections, architecture, hosting historical and cultural events, programs and tours as well as through signage and street names.

The traditions inherited from our ancestors including rituals, festivals, knowledge, practices and skills to produce traditional crafts are also deeply respected and passed on to our descendants.

We live in a time when some of our old stories are being reframed as new stories emerge.

*"Kurna should be central to our thinking in this place."
Local Resident*

The City of Holdfast Bay acknowledges the impact of the arrival of Europeans on Kurna people and the subsequent dispossession of land, dislocation from family, community and culture.

There are many important stories of early harmonious interactions between Kurna and European people who arrived on the Africaine and set up a small village of tents on the banks of the Patawalonga in 1836 including the exchange of food and other articles. Through the community engagement process it became clear that the vast majority of people in Holdfast Bay are proud of Kurna culture and eager to understand, honour and celebrate it.

The Creative Holdfast Plan will bring together natural history, Kurna culture and heritage with European history, in a contemporary spirit of conversation and reconciliation towards a rich and shared cultural future.

Priority actions are highlighted in **bold**.

OBJECTIVE 3.1: Celebrate Kurna culture and heritage.

- 3.1.1 Demonstrate best practice in the care, conservation and restoration of Kingston Park (Tulukutangga) in partnership with Kurna people.**
- 3.1.2 Systemise routine Kurna dual naming and signage where possible.**
- 3.1.3 Create further opportunities to share the significance of the Tjilbruke dreaming story and spring site.**
- 3.1.4 Liaise with the State Government to arrange for the tram arrival announcement and signage to be in Kurna when arriving at Pathawilyangga/ Glenelg.**
- 3.1.5 Consider Kurna stories, perspectives, knowledge and culture in future exhibitions where appropriate.**
- 3.1.6 Continue to deliver and build a program of events for South Australia's History Festival, National Reconciliation Week and NAIDOC Week.**

- 3.1.7 Continue to print and find ways to better distribute the Kurna yarta-ana Cultural Map and Footprints in the Sand booklet.**
- 3.1.8 Seek interest from Kurna community to develop a Kurna heritage walk.**
- 3.1.9 Explore the potential to host regular cultural sharing events and tours for children and adults in conjunction with the Kurna community.
- 3.1.10 Explore the potential to host language classes and storytelling for children and adults at libraries in conjunction with the Kurna community.
- 3.1.11 Explore building a collection of Aboriginal resources in libraries in conjunction with the Kurna community.
- 3.1.12 Explore the potential for a festival to honour Kurna culture in conjunction with the Kurna community.
- 3.1.13 Explore how Council might support participation in Tarnanthi in conjunction with the Kurna community.

**OBJECTIVE 3.2:
Celebrate European culture and heritage.**

- 3.2.1 Continue to maintain existing cultural assets.**
- 3.2.2 Continue to deliver and build a program of events for South Australia's History Festival.**
- 3.2.3 Continue to explore projects that promote the history collection outside of the museum.**
- 3.2.4 Consider gender and cultural diversity when exhibiting items from the collection.**
- 3.2.5 Continue to support the collections of the History Centre, particularly in relation to the conservation of significant collection items.**
- 3.2.6 Continue to promote the Bay Discovery Centre, History Centre and Glenelg Air-raid Shelter.**

**OBJECTIVE 3.3:
Promote the unique and diverse cultural identity of each precinct.**

- 3.3.1 Develop a Holdfast Bay sizzle reel to express the City's arts and cultural life.**
- 3.3.2 Explore hosting cultural cuisine-based cooking classes in community centres and cafes/restaurants after hours to enliven the evening economy.



TJILBRUKE'S JOURNEY

City of Holdfast Bay Cultural Map Kaurna yarta-ana.

Although not a powerful man, Tjilbruke was a great man, a master of fire making and a skilled hunter. One day his much-loved nephew, Kulultuwi, and Kulultuwi's two half-brothers, Yurawi and Tetjawi from the Yatabiling clan of the Kaurna people, decided to go hunting. Tjilbruke did not want to go with them; he decided to set up camp at Tulukutangga (now called Kingston Park by non-Kaurna people). Tjilbruke saw the old tracks of Kulultuwi's hunting party and found fresh tracks of an emu. Tjilbruke tracked this emu but lost the track.

Tjilbruke continued to walk in the direction he thought the emu would have taken. While he was walking, he came across Kulultuwi starting a fire to cook an emu that he had killed. Being new at hunting, Kulultuwi had accidentally killed the emu that Tjilbruke was hunting (it was against tribal law to kill an animal that was rightfully someone else's). Tjilbruke forgave Kulultuwi's mistake and returned to his camp.

Kulultuwi placed green herbs on the bird, laid it on a bed of hot stones and poured water on it to make it steam. As Kulultuwi's leaned over the bird to see if it was nearly ready, a burst of steam blinded him. His two halfbrothers, who were jealous of Kulultuwi's popularity, thought he should face tribal justice for killing the emu. They speared him to death. Yurawi and Tetjawi took Kulultuwi's body to the home of the Yatabiling, clan of the Kaurna people at Warriparinga, where they started to smoke Kulultuwi's body. Later, on looking for Kulultuwi, Tjilbruke discovered evidence of his nephew's death. He went to Warriparinga where he found Kulultuwi's partially smoked, dried body. He picked up the body and carried it to the freshwater spring at Tulukutangga (Kingston Park). At Tulukutangga, Tjilbruke completed the smoking of Kulultuwi's body. An inquest was held and Tjilbruke discovered how his nephew had died. Tjilbruke carried Kulultuwi's body to Murrkangga (Hallett Cove) where he rested. As he thought about his nephew, he cried. His tears formed a fresh water spring. He continued along the coast to Witawali. (Sellicks Beach) crying as he carried Kulultuwi's body. He cried as he travelled along the coast and more fresh water springs were created by his tears. Springs were created at Tayinparingga (Port Noarlunga), Karrkunga (Red Ochre Cove), Wirruwarungga (Port Willunga) and Kungkaratingga (near Wirrina Cove).

Near Pariwarangga (Cape Jervis), Tjilbruke went into a cave, where he left Kulultuwi's body. He travelled further in and emerged covered in yellow ochre. Feeling old and saddened by the death of his nephew, Tjilbruke decided that he no longer wanted to live as a man. He found a swampy lagoon and killed a grey currawong. He plucked its feathers, rubbed its fat over his body and tied the feathers onto his arms. As he flapped his arms, he started to fly and became an ibis.

Today you can see Tjilbruke's spirit in the ibis that live around springs and swamps.



GROW: STRATEGIC THEME 4

Stimulate creative and cultural talent, skills and opportunities for jobs, business and tourism.

- Foster development of the creative and cultural sector.
- Explore and promote the value and impact of arts and culture.
- Attract artists, creatives and cultural producers to live and work locally.

“Supporting the creative economy and jobs for the future and better education around the benefits and value of arts and culture” Local Resident

Creative jobs are transforming the Australian economy. According to the Australian Research Council, the creative sector is one of the fastest growing business sectors.

The creative and cultural industry is diverse and includes performing arts, music, comedy, fashion and filmmaking, visual arts and craft as well as architecture, landscape and, industrial design, digital games development, podcasting, software design, graphic design and publishing.

The sector comprises a rich mix of not-for-profit and community organisations (community arts practice), individual practitioners, commercially driven businesses and cultural institutions.

In 2010 -11 arts, culture and creative industries contributed \$1.34 billion to the South Australian economy with a strong estimated growth trajectory. According to Australian Bureau of Statistics census data, employment in the creative services sector is growing by nearly three times the average rate of the Australian workforce.

The International Monetary Fund asserts that building wealth which fosters human capital development, promotes greater equity and respects shared cultural values leads to sustainable prosperity.

Australia’s Office of the Chief Economist predicts that 44% of employment in Australia is at high risk of being automated across the next 10 – 15 years, and acknowledges creativity and social intelligence not only as skills immune to automation, but drivers of innovation, competitiveness and future prosperity.

Arts and culture provoke curiosity and creativity, two important drivers of design and innovation. The United Nations describes creative ‘goods and services’ as resilient products, because they rely on curiosity, novel ways of doing things and ideas.

There is also growing global recognition of the economic value of cultural tourism.

In a recent survey of United Nations member states, ninety percent reported including cultural tourism in their tourism policy. Research by Tourism Research Australia (TRA) indicates the arts are increasingly part of the itinerary for international visitors, with visiting museums and galleries being the most popular arts activity, irrespective of the visitor’s main reason for visiting Australia.

Arts and culture provoke us to explore and better understand what really matters. They provide a platform to debate and express our shared values, morals and ethics – which in this technological age is becoming increasingly important as we enter the era of machine learning and artificial intelligence.

Priority actions are highlighted in **bold**.

OBJECTIVE 4.1: **Foster development of the creative and cultural sector.**

- 4.1.1 Explore Somerton Park as a precinct that fosters creative industries and recognised as an innovation district.**
- 4.1.2 Host creative economy forums and workshops for creative businesses.**
- 4.1.3 Routinely consider the cultural impact of funding decisions.**
- 4.1.4 Explore establishing a small digital hub at Glenelg Library.
- 4.1.5 Explore establishing a member-based centre for art and design that offers access to equipment and studio space.
- 4.1.6 Explore establishing a legal arts trust to attract bequests for commissioning quality art.

OBJECTIVE 4.2:
Explore and promote the value and impact of arts and culture.

- 4.2.1 Identify ways to promote and celebrate local makers and producers.
- 4.2.2 Map, measure, monitor and promote the creative economy.
- 4.2.3 Promote the value of the creative and cultural economy to businesses and residents.
- 4.2.4 Explore using empty shops for creative interventions.

OBJECTIVE 4.3:
Attract artist, creatives, and cultural producers to live and work locally.

- 4.3.1 Identify and reduce real and perceived barriers for creatives to practice and produce.
- 4.3.2 Promote the Small Business Development Grants to the Creative Industries.



FORM: STRATEGIC THEME 5

Shape the design and activation of distinctive precincts, culturally rich, places and creative spaces.

- Install meaningful public and integrated art.
- Increase the use of existing infrastructure for arts and cultural activity.
- Ensure new developments consider cultural impact.

"A place where different cultures in the community can share their history and experiences through art, and music." Local Resident

The arts bring energy and vitality to communities, improve the quality of life and wellbeing of residents, make communities more creative and foster a stronger sense of pride and identity. Cultural infrastructure is also recognised as a key element of creating great places for people to live, work, visit, play and do business.

Individuals who rate arts and culture in their community as 'excellent' are nearly three times more likely to report a 'very strong' sense of belonging to their city or town. Arts and heritage experiences make residents feel part of their local community, bring people from diverse backgrounds together and builds a shared sense of identity.

The delivery of hyper-local, precinct-based arts and cultural activity will reinforce the distinctive identity in each precinct, build civic pride and a sense of ownership among the local community, businesses, traders and schools in close partnership with artists, designers and cultural producers.

Each precinct will influence a range of strategic arts and cultural activity that builds local identity including; public art, installations and murals, live music, participation in open-access events (such as SALA and the Fringe Festival) busking, integrated urban infrastructure/lighting, playgrounds, architecture, creative enterprise and other arts and cultural activity.

"The land speaks to us; we speak to the land." Gladys Elphick 'Auntie Glad' (MBE)

Priority actions are highlighted in **bold**.

OBJECTIVE 5.1:

Install meaningful public and integrated art.

- 5.1.1 Develop a public art policy and protocols to support the strategic commissioning and asset management of work.**
- 5.1.2 Engage schools in placemaking.**
- 5.1.3 Extend the principles of the Jetty Road Glenelg Masterplan Public Art Plan to the other precincts.**
- 5.1.4 Name each of the precincts in Kaurua.**
- 5.1.5 Explore the installation of sensory art for people with disabilities.
- 5.1.6 Consider opportunities for adding street art on roads for traffic mitigation.
- 5.1.7 Explore the potential to develop a creative spaces online platform.

OBJECTIVE 5.2:

Increase the use of existing infrastructure for arts and cultural activity.

- 5.2.1 Better utilise existing facilities including the Bay Discovery Centre, Brighton Performing Arts Centre, community centres and public spaces.**
- 5.2.2 Install architectural lighting on historic buildings – replace like for better.**

OBJECTIVE 5.3:

Ensure new developments consider cultural impact.

- 5.3.1 Embed consideration of wellbeing and cultural impact in the development of best practice urban design guidelines.
- 5.3.2 Develop a guide for property owners and developers outlining the City's cultural identity aspirations, to inform the early stages of planning.
- 5.3.3 Create an outdoor public theatre space.
- 5.3.4 Consider opportunities for arts and culture in playspace design.
- 5.3.5 Incorporate performance areas into playspaces to encourage public performance.
- 5.3.6 Harness 'like for better' opportunities for art as urban furniture (e.g. seats bins, manhole covers, bollards and plant pots).
- 5.3.7 Engage property developers in creative placemaking and cultural master planning.
- 5.3.8 Explore establishing a 'hoarding art' approach for construction sites.



CONNECT: STRATEGIC THEME 6

Build links between local arts and cultural practitioners and organisations as well as other Councils, across the state and nationally.

- Better communicate and celebrate existing arts and cultural activity.
- Identify and develop partnership opportunities with leading arts and culture organisations in South Australia and beyond.
- Facilitate opportunities for local artists, and cultural producers to collaborate with the local community, businesses and schools.

The City of Holdfast Bay is home to some remarkable, award winning arts and cultural organisations doing extraordinary and interesting work, which could be better supported and promoted.

Priority actions are highlighted in **bold**.

OBJECTIVE 6.1:

Better communicate and celebrate existing arts and cultural activity.

- 6.1.1 **Establish a Creative Holdfast identity, marketing and communications approach.**
- 6.1.2 **Develop a Creative Holdfast arts and culture map for the coast.**
- 6.1.3 **Develop strong media partnerships across radio and print media to promote existing activity.**
- 6.1.4 Explore the development of an interactive Creative Holdfast digital platform.

OBJECTIVE 6.2:

Identify and develop partnership opportunities with leading arts and culture organisations in South Australia and beyond.

- 6.2.1 **Connect with major South Australian and national cultural institutions and organisations to better understand best practice and identify potential, collaborative projects and programs.**
- 6.2.2 Explore partnering with Tutti and other organisations to host a disability arts festival.

OBJECTIVE 6.3:

Facilitate opportunities for local artists, and cultural producers to collaborate with the local community, businesses and schools.

- 6.3.1 **Host creative forums, arts and authors talks.**



FUNDING AND IMPLEMENTING CREATIVE HOLDFAST

The Creative Holdfast Plan sets out a series of actions and initiatives involving collaboration and contribution from a wide range of organisations. While some actions are deliverable by reframing existing budgets, Council will consider the feasibility of any additional funding via its annual budget process. This may include seeking new investment and partnerships with aligned organisations and agencies. As opportunities arise, new initiatives may be added where they support the goals and objectives of this plan.

The creative and cultural life of Holdfast Bay is a rich ecology that involves the contributions of thousands of people and organisations, of which Council is only one part. By collectively delivering on Creative Holdfast, we can enhance our unique identity, connect our diverse communities, support each other to express ourselves creatively, improve our wellbeing, develop our economy and inspire others to visit, live and work here too – as a leading creative city.





PHOTO ATTRIBUTION

Title page
Random Arts
of Light 2015
Photo: Dan Schultz

Page 5
Random Acts of
Light 2015
Photo: Dan Schultz

Page 7
Kitty Whyte Sculpture
Photo: Erik Ruehl

Page 8
Tjilbruke Springs
Photo: Erik Ruehl

Page 9
Smoking Ceremony
at Pathawilyangga
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Page 10
New Year's Eve 2016
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Page 11
Artisan on Partridge
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Tutti Arts
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Porch Sessions
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Page 15
Seacliff 5049 Market
Photo: Trish Hansen

Page 16
Seacliff 5049 Market
Photo: Trish Hansen

Page 17
Glenelg Sunset Market
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Page 20
Random Arts of Light
2015
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Page 23
Lift Dance Theatre
Photo: Alan Todd

Page 24
TDU Street Party
Photo: Helen Page

Page 30
Stitch for Summer
Photo: Mark Piovesan

Page 32
Lisa King Mural
Photo: Adrian Hill

Page 34 & 35
Fortrose Mural
Photo: Erik Ruehl



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Attachment 4





CREATIVE HOLDFAST ARTS AND CULTURE ACTION PLAN 2019-2024

This action plan aligns with the Arts and Culture Strategy 2019-2024, that was developed by Urban Mind.



COMMUNITY



CREATE: STRATEGIC THEME 1

Generate opportunities for all people to participate in making art and being creative; all abilities, all cultures, all ages:

- Increase opportunities for residents and visitors to participate in quality, contemporary arts and culture.
- Make it easier for artists and cultural practitioners to do creative things.
- Identify new opportunities for creative expression.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

1.1 OBJECTIVE: Increased opportunities for residents & visitors to participate in quality, contemporary arts & culture.

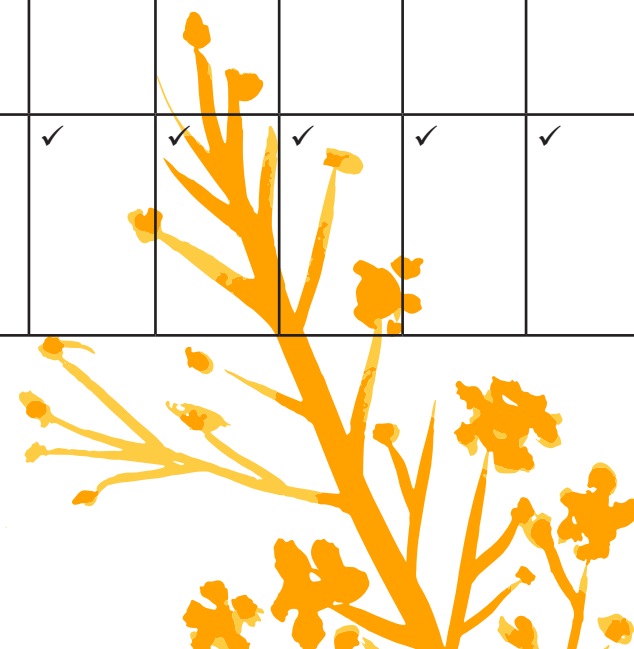
	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
1.1.1	Identify opportunities for local artists and musicians to contribute to events.	Local artists and musicians are well represented at events.	Increased involvement by musicians and artists at events throughout the city.	c/e	✓	✓	✓	✓	✓
1.1.2	Host regular school holiday art workshops across a range of art forms.	More young people are engaged in inclusive and engaging arts focused school holiday programs.	Deliver at least four school holiday arts workshops per year.	c	✓	✓	✓	✓	✓
1.1.3	Plan and deliver a program of quality workshops at the Bay Discovery Centre and Community Centres.	A series of quality arts and cultural workshops are on offer for local residents and visitors to attend.	Deliver at least two workshops a year in the Bay Discovery Centre or Community Centres.	c	✓	✓	✓	✓	✓
1.1.4	Increase promotion of the current arts and culture activities and art making offerings of existing organisations.	Systems established to routinely promote local arts and cultural activities to the community and visitors.	Increase promotion by at least 5% growth per year, resulting in higher attendance numbers reported.	c/t	✓	✓	✓	✓	
1.1.5	Continue to promote and subsidise participation in SALA with venues and artists.	Increased number of participating SALA venues and artists in Holdfast Bay.	At least 5% growth per year in SALA exhibitions at local venues.	c	✓	✓	✓	✓	✓

cont. 1.1 OBJECTIVE: Increased opportunities for residents & visitors to participate in quality, contemporary arts & culture.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
1.1.6	Explore the potential to support local artists and designers to contribute to the Adelaide Fashion Festival.	Provide the opportunity for artists to create work in a fashion context.	At least three local artists or designers are involved in the 2020 Fashion Festival.	c		✓	✓	✓	✓

1.2 OBJECTIVE: Make it is easier for artists and cultural practitioners to produce and present excellent work.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
1.2.1	Explore and minimise real and perceived barriers and red tape.	Revise policies and procedures relating to enabling creativity in the city.	Increased efficiency and make it easier for local artists, cultural producers and businesses to explore and invest in creativity.	Ec/c	✓	✓	✓	✓	✓
1.2.2	Explore and develop ways to incentivise artists to practice and establish studios locally.	Increased number of artists' studios operating throughout the city.	Increased number of quality studios that are established by artists and cultural producers.	Ec		✓	✓	✓	✓
1.2.3	Continue to provide public art grants for emerging and established practicing artists and cultural producers.	Grants recipients able to create work or deliver arts and cultural initiative that are valued by the community.	Increased number of grant applications and funding provided to local artists, and cultural producers.	c	✓	✓	✓	✓	✓



1.3 OBJECTIVE: Identify and generate new platforms and opportunities for creative expression.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
1.3.1	Identify opportunities to support creative writing, including telling local stories of places and characters.	Opportunities identified to celebrate and encourage people to participate in creative writing workshops and activities.	Deliver at least two creative writing workshops or activities per year.	c			✓	✓	✓
1.3.2	Establish 'plug and play' public performance spaces.	Provide musicians with the opportunity to perform and create more live music in the public realm.	Identify and activate at least two 'plug and play' sites in the city over the next 5 years.	c/e/t			✓	✓	✓
1.3.3	Explore the potential for a 'jack in' projection platform and program for illustrators, digital content producers to exhibit their work in public realm.	Create a projection platform that will attract illustrators and artists to showcase their digital works in the public realm and create an interactive and engaging art space.	Investigate and integrate the 'jack in' initiative into the Jetty Road Glenelg Masterplan upgrade if appropriate.	c/e/t		✓	✓	✓	✓
1.3.4	Determine the viability of establishing a youth arts program.	Undertake consultation with young people to determine interest and scope youth art initiatives and activities.	Increased level of youth engagement in arts and cultural programs and events.	c			✓	✓	✓
1.3.5	Explore opportunities to develop a landmark community arts centre and a digital hub for innovative and emerging tech including: podcasting, 3D printing, animation, digital media and augmented reality.	Understand and determine the viability and interest in establishing a landmark community arts centre and innovative digital hub. Investigate possible co- location with other community services.	Investigate and determine the need, community interest and viability for a community arts centre.	c/Ec		✓	✓	✓	✓

EXPERIENCE: STRATEGIC THEME 2

Provide meaningful arts and cultural encounters, activities and events:

- Be known as a city of creative excellence.
- Increase creative expression in the public realm.
- Inspire new venues, events and attract new audiences.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

2.1 OBJECTIVE: Be known as a city of creative excellence.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.1.1	Revise the public art policy to reflect best practice and ensure the commissioning and maintenance of quality work.	The future commissioning of public art reflects value for money and has a strong artistic merit.	Update the public art policy to provide the future direction for the public art in the city.	c	✓				
2.1.2	Ensure Council led events have a clear and strong creative narrative.	Events planned and delivered by Council reinforce the identity and values of the city.	More people engaged in meaningful Council led events.	e	✓	✓	✓	✓	✓
2.1.3	Recruit Bay Discovery Centre volunteers with an interest in being cultural advocates.	Passionate volunteers that have an interest and can share information with visitors about the museum collection and the exhibitions at the Bay Discovery Centre.	Greater level of engagement and satisfaction by volunteers and recorded increase of visitation to Bay Discovery Centre.	c/t	✓	✓	✓	✓	✓
2.1.4	Explore investing in the technology and capability for audio description at the Bay Discovery Centre and Gallery.	Improved audio description technology and capability that will make the Bay Discovery Centre accessible to all.	Increased visitation of people with sight impairment and limitations.	c/t		✓	✓	✓	✓

2.2 OBJECTIVE: Increase creative expression in the public realm.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.2.1	Develop a mural strategy, identify and map the potential walls suitable for murals.	Increasing collection of quality murals that are valued by the community.	The strategy and public art policy will provide the future direction for public art in the city.	c		✓	✓	✓	✓
2.2.2	Identify and map potential outdoor music venues and program performances.	Increased outdoor music performances in bespoke and interesting venues and places.	Increase outdoor music performances by 5% per year.	e/c/t		✓	✓	✓	✓
2.2.3	Establish a busking program for emerging and established musicians to routinely perform.	Increased number of busking performances and pop up activations throughout the city.	Increase busking permits by 5% per year.	c		✓	✓	✓	✓
2.2.4	Continue to host a triennial Random Acts of Art event.	Curate a pop up Random Arts event and commission artists to create temporary interesting, fun and quirky artworks for installation along both Jetty Roads at Glenelg and Brighton.	Commission up to eight artists to create Random Acts of Art as a pop up activation event once every three years.	c/e		✓			✓
2.2.5	Explore installing light art works instead of traditional urban lighting to enhance safety and facilitate wayfinding.	Improved lighting that will enhance night time safety and provide an interactive and engaging experience for viewers.	Identify sites and opportunities for the installation of light works.	c		✓	✓	✓	✓

cont 2.2 OBJECTIVE: Increase creative expression in the public realm.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.2.6	Program choirs and buskers to perform in public space.	Precincts are invigorated and local choir groups, musicians and creative are provided with the opportunity to perform in the public realm.	Organise up to two performances per year.	c		✓	✓	✓	✓
2.2.7	Explore ways to encourage reading in public.	Create the opportunities and infrastructure for more people to read in public. eg: little libraries, book exchange sites and reading seats in reserves and sporting hubs.	Install one community reading site per year.	c		✓	✓	✓	✓
2.2.8	Explore the idea of developing an underwater sculpture garden.	Understand the desirability, viability and impact of developing an underwater sculpture garden.	Investigate and determine the interest, feasibility and environmental impact of creating and installing an underwater sculpture site in the sea.	c/t			✓		
2.2.9	Explore curating a permanent treasure hunt along the coast inspired by science and historical collections and artefacts.	Understand the potential scope and viability of curating a permanent coastal treasure hunt for people to explore.	Investigate and determine the interest, feasibility and impact of curating a permanent treasure hunt along the coast.	c/t		✓	✓	✓	✓



2.3 OBJECTIVE: Inspire new venues, events and attract new audiences.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.3.1	Pilot participation in Umbrella Winter City Sounds Festival by venues and musicians.	Participation by diverse venues in each precinct will create an opportunity for musicians to perform and bring audiences to local businesses.	Encourage and support local venues in each precinct to participate in the Festival.	c/e/t		✓			
2.3.2	Develop a live music strategy.	The strategy will deliver a strategic approach to supporting and investing in live music in the city.	The strategy will provide the future direction for music, musicians, performers and venues in the city.	e/c			✓	✓	✓
2.3.3	Establish a volunteer 'culture companion' program to support people in the community to attend arts & cultural events.	Higher attendance of arts and cultural activities, exhibitions and events by people with special needs with the support of a volunteer.	Recruit volunteers as culture companions and match them with people in the community that wish to attend arts and cultural activities and events.	c	✓	✓	✓	✓	✓
2.3.4	Host urban food, art, wine, music, walking tours.	Host walking tours that promote and expose local art and cuisine, artisan produce, venues and creative businesses.	Host at least one urban food and art walking tour per year.	e/c/t			✓	✓	✓
2.3.5	Establish an annual Creative Holdfast program.	Develop a Creative Holdfast program that delivers a strategic approach for the annual arts and cultural activations and events.	Produce a Creative Holdfast Program each year for distribution.	c/e/t	✓	✓	✓	✓	✓
2.3.6	Map and include arts and cultural sites in existing community bus routes.	Increased opportunity for community bus commuters to visit and access arts and cultural sites throughout the city.	Increased visitation to local arts and cultural venues by community bus commuters.	c	✓	✓	✓	✓	✓

cont 2.3 OBJECTIVE: Inspire new venues, events and attract new audiences.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.3.7	Ensure community wellbeing outings routinely visit local arts and cultural sites and places.	Increased opportunity for people to visit arts and cultural sites during community wellbeing outings.	Increased visitation at arts and cultural sites by community wellbeing participants.	c	✓	✓	✓	✓	✓
2.3.8	Map the existing major state festivals and strategically align activity where possible to develop a Creative Holdfast Calendar.	Leverage existing state wide festivals to develop arts and cultural events and capitalise on visitation and participation.	Develop a Creative Holdfast Calendar that aligns with major state festivals.	c/e/t	✓	✓	✓	✓	✓
2.3.9	Host SALA Exhibition tours.	Increased opportunity for people to visit exhibitions, venues and arts studios during SALA.	Organise and deliver one tour per year during the SALA festival.	c		✓	✓	✓	✓
2.3.10	Identify opportunities to leverage the collections and exhibitions of the Bay Discovery Centre with music, public talks, and events.	Increased visitation at Bay Discovery Centre with improved exposure and appreciation of the museum, exhibitions and collection.	Increase in visitation at the Bay Discovery Centre and additional data recorded for talks and events.	e/t/c	✓	✓	✓	✓	✓
2.3.11	Continue to explore new avenues for building audiences at the Bay Discovery Centre.	Investment in the Bay Discovery Centre will help to increase the range, frequency and quality of the exhibitions and displays on offer.	Increased audience visitation recorded by the Bay Discovery Centre.	c/t	✓	✓	✓	✓	✓

cont 2.3 OBJECTIVE: Inspire new venues, events and attract new audiences.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
2.3.12	Explore hosting a local makers and produce festival.	Understand the desire and viability of hosting a local makers festival.	Investigate and determine the interest and feasibility of holding a local produce festival.	t/c			✓		
2.3.13	Explore ways to promote the availability of local creative spaces.	Identify and promote local creative work spaces to artists and creative producers.	Increased number of artists matched to local creative spaces annually.	c/Ec		✓			
2.3.14	Explore hosting an inclusive arts and culture event or festival.	Determine the desirability and viability of hosting an arts festival that is accessible to all and celebrates diversity.	Investigate and determine the interest and feasibility of holding an inclusive arts festival.	e/t/c		✓	✓		



CELEBRATE: STRATEGIC THEME 3

Honour, promote and protect our unique creative and cultural identity.

- Celebrate Kaurna culture and heritage.
- Celebrate European culture and heritage.
- Promote the unique and diverse cultural identity of each precinct.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

3.1 OBJECTIVE: Celebrate Kaurna culture and heritage.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
3.1.1	Demonstrate best practice in the care, conservation and restoration of Kingston Park (Tulukutangga) in partnership with Kaurna people.	The restoration of Kingston Park (Tulukutangga) will be undertaken in a manner that articulates and respects the cultural significance of the place.	Continue to hold regular meetings with the Kaurna Representative and work with them on redevelopment of Kingston Park.	p/c	✓	✓	✓	✓	✓
3.1.2	Systemise routine Kaurna dual naming and signage wherever possible.	Increased dual naming and cultural signage throughout the city.	Install at least two new dual language signs per year.	c/t	✓	✓	✓	✓	✓
3.1.3	Create further opportunities to share the significance of the Tjilbruke dreaming story and spring site.	Increase opportunities for cultural experiences and sharing that promote the importance of the Tjilbruke Dreaming story and the significance of the spring site.	Host at least two Kaurna cultural walking tours at Tulukutangga / Kingston Park annually.	c	✓	✓	✓	✓	✓
3.1.4	Liaise with the State Government to arrange the tram arrival announcement and signage to be in Kaurna when arriving at Pathawilyanga/ Glenelg.	All visitors are informed in Kaurna language of Pathawilyanga/ Glenelg upon arrival to Glenelg.	A permanent announcement will be heard on each tram to identify Pathawilyanga / Glenelg as people arrive.	t/c	✓				

cont 3.1 OBJECTIVE: Celebrate Kurna culture and heritage.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
3.1.5	Consider Kurna stories, perspectives, knowledge and culture in future exhibitions where appropriate.	Kurna perspectives and artefacts are routinely represented in exhibitions.	Kurna Representatives are asked to provide information, stories and perspectives to contribute to future exhibitions when appropriate.	e/t/c	✓	✓	✓	✓	✓
3.1.6	Continue to deliver and build a program of events for South Australia's History Festival, National Reconciliation Week and NAIDOC Week.	Host meaningful cultural activities and workshops that align with appropriate state and federal calendar events.	Create opportunities for at least 200 people to participate in activities and cultural sharing workshops annually.	c/e	✓	✓	✓	✓	✓
3.1.7	Continue to print and find ways to better distribute the Kurna yarta-ana Cultural Map and Footprints in the Sand booklet.	Increased distribution of existing cultural information resources throughout the city.	Increase the distribution of the cultural resources to schools, tourist venues and businesses by 5% per year.	c/t	✓	✓	✓	✓	✓
3.1.8	Seek interest from Kurna Community to develop a Kurna Heritage Walk.	Understand the desire and required process to develop a Kurna led cultural heritage walk in Holdfast Bay.	Determine the interest and scope to develop a cultural walking tour with Kurna that identifies and provides information about significant cultural sites.	c		✓			
3.1.9	Explore the potential to host regular cultural sharing events for children and adults in conjunction with the Kurna community.	Understand the potential scope and content for a Kurna cultural heritage program.	Determine the interest and viability of developing a cultural heritage program with Kurna.	c/e/t	✓	✓	✓	✓	✓

cont 3.1 OBJECTIVE: Celebrate Kurna culture and heritage.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
3.1.10	Explore the potential to host language classes and storytelling for children and adults at libraries in conjunction with the Kurna community.	Understand how to best provide Kurna language classes at libraries for the community.	Determine the interest and viability of holding Kurna language classes and cultural storytelling at the libraries.	c/t	✓	✓			
3.1.11	Explore building a collection of Aboriginal resources in libraries in conjunction with the Kurna community.	Understand how to best invest in expanding the collection of Kurna information books and resources in the libraries.	Expand the Aboriginal collection and resources in the libraries by 5% per year.	c	✓	✓	✓	✓	✓
3.1.12	Explore the potential for a festival to honour Kurna culture in conjunctions with the Kurna community.	Understand the best approach and potential to host a Kurna cultural festival in conjunction with the Kurna community.	Determine the interest and viability of holding a Kurna cultural festival.	c/e	✓		✓		✓
3.1.13	Explore how Council might support participation in Tarnanthi in conjunction with the Kurna community.	Understand how to best support Kurna community to participate in Tarnanthi.	Determine the interest and support required from the Kurna community to participate in Tarnathai.	c/e			✓		

3.2 OBJECTIVE: Celebrate our European culture and Heritage.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
3.2.1	Continue to maintain existing cultural assets.	The existing cultural assets will be endured and maintained for generations to come.	The restoration and maintenance of the city's cultural assets will be regularly maintained in line with the Asset Management plan.	t/c/p	✓	✓	✓	✓	✓
3.2.2	Continue to deliver and build a program of events for South Australia's History Festival.	Share and promote the historical stories, significant landmarks and buildings in the city.	Continue to increase the History Month tours and workshops by 5% each year.	t/c	✓	✓	✓	✓	✓
3.2.3	Continue to explore projects that promote the history collection outside of the museum.	Share and promote the historical stories, landmarks, and heritage of the past with the community.	Deliver at least one program or activation in the public realm that promotes and shares the history of the city.	t/c		✓	✓	✓	✓
3.2.4	Consider gender and cultural diversity when exhibiting items from the collection.	The collection represents the diversity of the community.	Future exhibitions promote gender and cultural diversity where appropriate.	t/c	✓	✓	✓	✓	✓
3.2.5	Continue to support the collections of the History Centre, particularly in relation to the conservation of significant collection items.	The History Centre manages and maintains an excellent historical collection that provides an insight into the history of Holdfast Bay.	Maintain accurate records, systems and appropriate storage to ensure that the collection is preserved.	t	✓	✓	✓	✓	✓
3.2.6	Continue to promote the Bay Discovery Centre, History Centre and Glenelg Air-raid Shelter.	Increase the visitation to the city's cultural sites and share an insight into the history of Holdfast Bay.	Increased visitation to the Bay Discovery Centre, History Centre and the Glenelg Air-raid shelter by 5% per year.	t	✓	✓	✓	✓	✓

3.3 OUTCOME: Promote the unique and diverse cultural identity of each precinct.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
3.3.1	Develop a Holdfast Bay sizzle reel to express the City's arts and cultural life.	Holdfast sizzle reel is produced and used to promote the arts and cultural activities and events in Holdfast Bay.	A sizzle reel is produced bi-annually for promotion.	c	✓		✓		✓
3.3.2	Explore hosting cultural cuisine-based cooking classes in community centres and cafes/restaurants after hours to enliven the evening economy.	Understand the feasibility of setting up cultural cooking classes for the community and the impact that it may bring to the evening economy.	Hold at least two cultural cooking class per year in a community centre or local café/ restaurant.	c/ Ec	✓	✓	✓	✓	✓



GROW: STRATEGIC THEME 4

Stimulate creative and cultural talent, skills and opportunities for jobs, businesses and tourism:

- Foster development of the creative and cultural sector.
- Explore and promote the value and impact of arts and culture.
- Attract artists and creatives and cultural producers to live and work locally.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

4.1 OBJECTIVE: Foster development of the creative and cultural sector.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
4.1.1	Explore Somerton Park as a precinct that fosters creative industries and recognised as an innovative district.	Somerton Park becomes a Creative Industries hub and is known as an innovation district.	Increase the growth of creative industries in the Somerton Park precinct over the next five years.	Ec	✓	✓	✓	✓	✓
4.1.2	Host creative economy forums and workshops for creative businesses.	Provide information, support and networking opportunities for local creative businesses.	Host at least one creative economy forum/workshop per year.	Ec		✓	✓	✓	✓
4.1.3	Routinely consider the cultural impact of funding decisions.	The cultural impact indicators are embedded in project management and the planning framework.	Understand the impact of future funding decisions.	Ec	✓	✓	✓	✓	✓
4.1.4	Explore establishing a small digital hub at Glenelg Library.	Understand the potential scale, scope and impact of creating a digital hub at the Glenelg Library.	Determine the viability, interest and need for a digital hub.	c		✓	✓	✓	✓

cont 4.1 OUTCOME: Foster development of the creative and cultural sector.

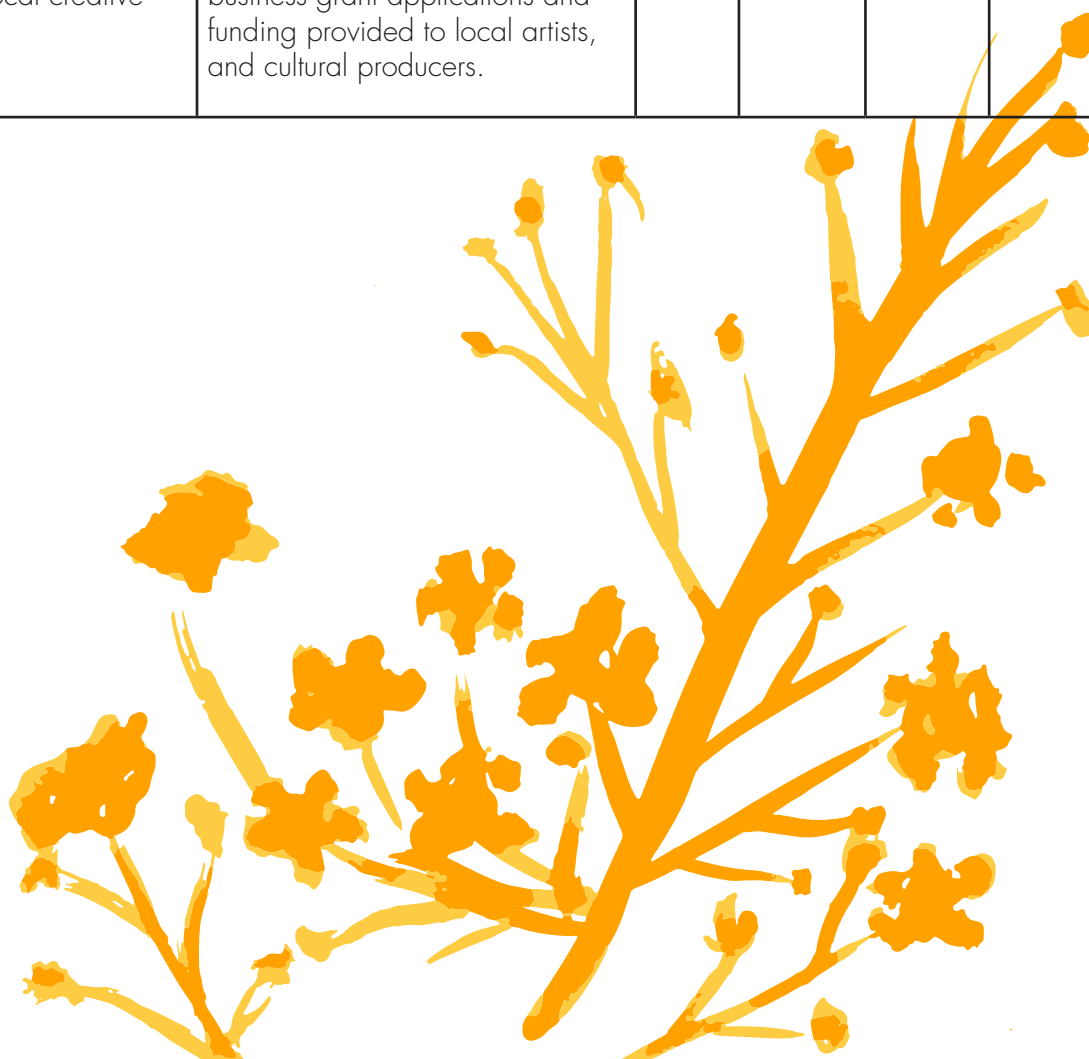
	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
4.1.5	Explore establishing a member-based centre for art and design that offers access to equipment and studio space.	Understand the potential scale, scope, impact and viability of a member-based centre for art and design.	Determine the viability, interest and need for a member based studio space for the community.	c			✓	✓	✓
4.1.6	Explore establishing a legal arts trust to attract bequests for commissioning quality art.	Understand the process and management of an arts trust and how it would be managed and utilised.	Determine the process of setting up an arts trust.	c		✓			

4.2 OUTCOME: Explore and promote the value and impact of arts and culture.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
4.2.1	Identify ways to promote and celebrate local makers and producers.	Local makers and producers are valued, respected and promoted in the community.	Local makers and producers are promoted and valued within the community.	Ec/ t/c	✓	✓	✓	✓	✓
4.2.2	Map, measure, monitor and promote the creative economy.	Sound understanding of the local creative economy.	Recorded data to assist in measuring and promoting the local creative economy.	Ec	✓	✓	✓	✓	✓
4.2.3	Promote the value of the creative and cultural economy to businesses and residents.	Improved appreciation of the creative economy among residents and businesses.	Local residents, artists, creatives and cultural producers understand the value of the local creative and cultural economy.	Ec		✓	✓	✓	✓
4.2.4	Explore using empty shops for creative interventions.	Seek permission from proprietors and commission artists to create temporary artworks in empty shops.	Activate empty shops with artistic installations to create interest.	Ec/ t/c		✓	✓	✓	✓

4.3 OUTCOME: Attract artist, creatives and cultural producers to live and work locally.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
4.3.1	Identify and reduce real and perceived barriers for creatives to practice and produce.	Understand barriers and revise existing policies and procedures relating to enabling creativity in the city.	Increased efficiency and make it easier for local artists, cultural producers and businesses to explore and invest in creativity.	Ec	✓	✓	✓	✓	✓
4.3.2	Promote the small business development grants to the Creative Industries.	Leverage existing small business grants to support local creative industries.	Increased number of small business grant applications and funding provided to local artists, and cultural producers.	Ec	✓	✓	✓	✓	✓



FORM: STRATEGIC THEME 5

Shape the design and activation of distinctive precincts, culturally rich, places and creative spaces:

- Install meaningful public and integrated art.
- Increase the use of existing infrastructure for arts and cultural activity.
- Ensure new developments consider cultural impact.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

5.1 OBJECTIVE: Foster development of the creative and cultural sector.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
5.1.1	Develop a public art policy and protocols to support the strategic commissioning and asset management of work.	Improved artistic merit of public art collection.	A public art policy provides the future direction for commissioning of public art in the city.	c	✓	✓	✓	✓	✓
5.1.2	Engage schools in placemaking.	Young people are routinely engaged in shaping their community and places.	A number of placemaking projects have input from young people in our schools.	c/p	✓	✓	✓	✓	✓
5.1.3	Extend the principles of the Jetty Road Glenelg Masterplan Public Art Plan to the other precincts.	Each precinct identifies opportunities for public art and installations.	Create a Public Art plan for each of the precincts.	c/p		✓	✓	✓	✓
5.1.4	Name each of the precincts in Kaurna.	Kaurna dual language naming is evident and accepted across the city.	Dual language and the Kaurna names of each of the precincts is used in Council documents and signage when appropriate.	c/p			✓	✓	

cont 5.1 OUTCOME: Foster development of the creative and cultural sector.

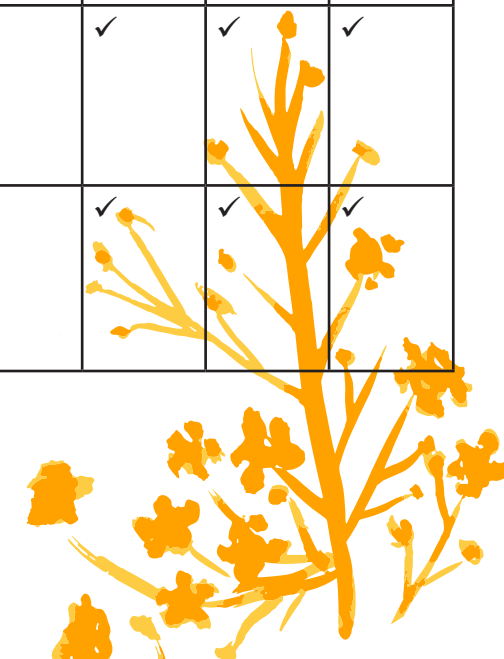
	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
5.1.5	Explore the installation of sensory art for people with disabilities.	Install a sensory art work for the enjoyment of people with visual impairment and the wider community.	A sensory artwork is commissioned and installed in an appropriate location.	c/p				✓	
5.1.6	Consider opportunities for adding street art on roads for traffic mitigation.	Improved traffic behaviour around road art installations.	Install at least one road artwork in the city over the next five years in line with the DPTI guidelines.	c/p		✓	✓	✓	✓
5.1.7	Explore the potential to develop a creative spaces online platform.	Review the necessary investment of an online platform that advertises local creative studio spaces for rent.	Determine the need, impact and viability of an online creative spaces platform.	Ec			✓		

5.2 OBJECTIVE: Increase the use of existing infrastructure for arts and cultural activity.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
5.2.1	Better utilise existing facilities Bay Discovery Centre, Brighton Performing Arts Centre, Community Centres and public spaces.	Existing infrastructure is used to capacity and access for community to utilise existing infrastructure is increased.	All existing facilities are better promoted and there is an increase of usage in the community centres by 5% per year.	c	✓	✓	✓	✓	✓
5.2.2	Install architectural lighting on historic buildings - replace like for better.	Historical architecture is tastefully lit and the lighting creates interest to the building at night.	Architectural lighting is mapped and considered for future lighting upgrades on Councils historic buildings.	p	✓	✓	✓	✓	✓

5.3 OBJECTIVE: Ensure new developments consider cultural impact.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
5.3.1	Embed consideration of wellbeing and cultural impact in the development of best practice urban design guidelines.	Cultural impact is formally considered in property developments.	Cultural impact, wellbeing are instilled and considered in the best practice urban design guidelines.	p		✓	✓	✓	✓
5.3.2	Develop a guide for property owners and developers outlining the City's cultural identity aspirations, to inform the early stages of planning.	People planning to build a property are informed of the aspirations and cultural identity of the city.	A guide is developed that informs residents/builders.	p		✓	✓	✓	✓
5.3.3	Create an outdoor public theatre space.	A outdoor public performance space is accessible for musicians and creatives to perform.	A place is established for public performances.	p		✓	✓		
5.3.4	Consider opportunities for arts and culture in playspace design.	Playspaces incorporate artistic elements and reflect the local identity where appropriate.	Incorporate artistic elements in playspace redevelopments to create interest and tell stories.	c	✓	✓	✓	✓	✓
5.3.5	Incorporate performance areas into playspace to encourage public performance.	Playspaces are designed that encourage performance and creativity when suitable.	Create a play performance area in a new playspace setting.	c		✓	✓	✓	✓



cont 5.3 OBJECTIVE: Ensure new developments consider cultural impact.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
5.3.6	Harness 'like for better' opportunities for art as urban furniture (seats bins, manhole covers, bollards, plant pots etc).	The urban environment reflects the identity of the place through artistic design of seating, bollards etc.	Incorporate artistic elements in future upgrades of existing infrastructure when appropriate.	p/c	✓	✓	✓	✓	✓
5.3.7	Engage property developers in creative placemaking and cultural master planning.	Identify ways to encourage local property developers to consider the impact of arts and culture in shaping places.	Property developers understand the importance of incorporating arts and culture into their building designs.	p	✓	✓	✓	✓	✓
5.3.8	Explore establishing a 'hoarding art' approach for construction sites.	Understand the feasibility of investing in hoarding art to enhance sites under construction.	The fencing on high profile construction sites are canvased with artistic installations.	p/c			✓		



CONNECT: STRATEGIC THEME 6

Build links between local arts and cultural practitioners and organisations as well as other councils, across the state and nationally:

- Better communicate and celebrate existing arts and cultural activity.
- Identify and develop partnership opportunities with leading arts and culture organisations in South Australia and beyond.
- Facilitate opportunities for local artists, and cultural producers to collaborate with the local community, businesses and schools.

Priority actions are highlighted in bold. **INTERNAL Legend c=community, e=events, Ec=economy, p=placemaking, t=tourism.**

6.1 OBJECTIVES: Better communicate and celebrate existing arts and cultural activity.

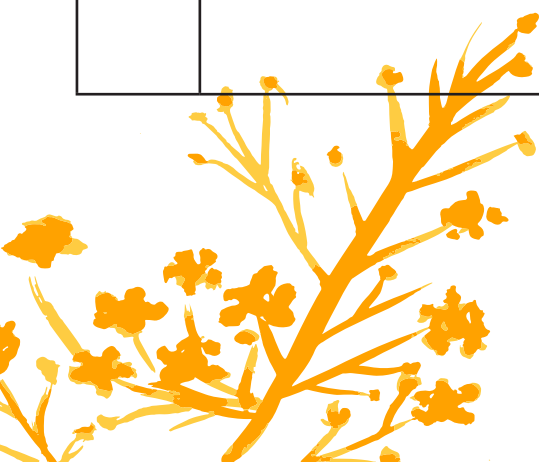
	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
6.1.1	Establish a Creative Holdfast identity, marketing and communications approach.	Creative Holdfast is a valued platform to promote local arts and cultural activity.	People have a greater awareness of the arts and cultural events, activities and organisations that operate in the city.	c	✓	✓	✓	✓	✓
6.1.2	Develop a Creative Holdfast arts and culture map for the coast.	Arts and cultural sites in the city are mapped and promoted on a map.	A Creative Holdfast map is created and distributed.	t/cp			✓		
6.1.3	Develop strong media partnerships across radio and print media to promote existing activity.	Existing and planned arts and cultural activity is routinely well promoted across all media forms.	People hear about and are more aware of the arts and cultural events, activities and organisations that exist in the city.	e/t		✓	✓	✓	✓
6.1.4	Explore the development of an interactive Creative Holdfast digital platform.	Arts and cultural sites, venues, performances and opportunities are easy to locate on a digital Creative Holdfast directory.	People can easily access information about arts and culture events, activities and initiatives.	t/c	✓	✓	✓	✓	✓

6.2 OBJECTIVES: Identify and develop partnership opportunities with leading arts and culture organisations in South Australia and beyond.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
6.2.1	Connect with major South Australian and National cultural institutions and organisations to better understand best practice and identify potential, collaborative projects and programs.	Establish partnerships with state and national arts and cultural organisations and identify opportunities to leverage or collaborate on future projects and programs.	Forge partnerships with state and national organisations and collaborate on future festivals and events.	c/t		✓	✓	✓	✓
6.2.2	Explore partnering with Tutti and other organisations to host a disability arts festival.	An inclusive disability arts festival is held that celebrates and promotes the work of disabled artists.	A successful disability arts festival is held in partnership with Tutti Arts.	c/e		✓	✓	✓	

6.3 OBJECTIVES: Facilitate opportunities for local artists, and cultural producers to collaborate with the local community, businesses and schools.

	ACTION	OUTCOME	MEASURE	LEAD	19/20	20/21	21/22	22/23	23/24
6.3.1	Host creative forums, arts and authors talks.	Local artists and makers come together to learn, share and network.	Hold at least one creative forum per year.	c	✓	✓	✓	✓	✓



Item No: **14.10**

Subject: **ANNUAL REVIEW OF DELEGATIONS**

Date: 25 June 2019

Written By: Team Leader, Governance

A/General Manager: Business Services, Ms P Jackson

SUMMARY

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

Section 44 (6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year. This review is presented for Council's endorsement for the 2018/19 financial year. The changes to the delegations are in the majority legislative amendments.

RECOMMENDATION

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

- 1.1 Notes the review of Delegations undertaken and continues with delegations previously made to the Chief Executive Officer for the:
 - 1.1.1 *Aged Care Act 1997 (Cth)*
 - 1.1.2 *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
 - 1.1.3 *Community Titles Act 1996*
 - 1.1.4 *Dog and Cat Management Act 1995*
 - 1.1.5 *Electronic Conveyancing National Law (SA) Act 2013*
 - 1.1.6 *Environment Protection Act 1993*
 - 1.1.7 *Expiation of Offences Act 1996*
 - 1.1.8 *Fences Act 1975*
 - 1.1.9 *Fire and Emergency Services Act 2005, and Fire and Emergency Services Act Regulations 2005.*
 - 1.1.8.1 - *Fire and Emergency Services - Delegations to CEO*
 - 1.1.8.2- *Instrument of Delegation under the Fire and Emergency Services Act 2005 to Fire Prevention Officers (Jan 2014)*
 - 1.1.10 *Food Act 2001*
 - 1.1.11 *Freedom of Information Act 1991*
 - 1.1.12 *Housing Improvement Act 1940*

- 1.1.13 *Land and Business (Sale and Conveyancing) Act 1994*
 - 1.1.14 *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
 - 1.1.15 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
 - 1.1.16 *Planning, Development and Infrastructure Act 2016*
 - 1.1.17 *Real Property Act 1886*
 - 1.1.18 *Roads (Opening & Closing) Act 1991*
 - 1.1.19 *Strata Titles Act 1988*
 - 1.1.20 *Unclaimed Goods Act 1987*
 - 1.1.21 *Work Health Safety Act 2012*
- without change.

- 1.2 Notes the review of Delegations undertaken and continues with delegations previously made to the Alwyndor Management Committee for the:
 - 1.2.1 *Aged Care Act 1997 (Cth)*
 - 1.2.2 *Aged Care (Accommodation Payment Security) Act 2006*without change.

2. Revocations

- 2.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
 - 2.1.1 *Development Act 1993 and Development Regulations 2008*
 - 2.1.2 *Heavy Vehicle National Law (South Australia) Act 2013*
 - 2.1.3 *Liquor Licensing Act 1997*
 - 2.1.4 *Local Government Act 1999*
 - 2.1.5 *Residential Parks Act 2007*
 - 2.1.6 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*
 - 2.1.7 *Safe Drinking Water Act 2012*
 - 2.1.8 *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013*
 - 2.1.9 *Supported Residential Facilities Act 1992*
- 2.2 Hereby revokes its previous delegations to the Alwyndor Management Committee under the *Local Government Act 1999*.
- 2.3 Hereby revokes its previous delegations to the General Manager Alwyndor under the *Local Government Act 1999*.

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

3.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 2-12 (each of which is individually identified as indicated below) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:

- 3.1.1** *Development Act 1993 and Development Regulations 2008* (Attachment 2)
- 3.1.2** *Heavy Vehicle National Law (South Australia) Act 2013* (Attachment 3)
- 3.1.3** *Liquor Licensing Act 1997* (Attachment 4)
- 3.1.4** *Local Government Act 1999* (Attachment 5)
- 3.1.5** *Residential Parks Act 2007* (Attachment 6)
- 3.1.6** *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014* (Attachment 7)
- 3.1.7** *Safe Drinking Water Act 2012* (Attachment 8)
- 3.1.8** *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013* (Attachment 9)
- 3.1.9** *Supported Residential Facilities Act 1992* (Attachment 10)
- 3.1.10** *Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010* (Attachment 11)
- 3.1.11** *Gas Act 1997* (Attachment 12)

3.2 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.

4. Delegations made under the *Local Government Act 1999* to the Alwyndor Management Committee and the General Manager Alwyndor:

4.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Local Government Act 1999* and specified in the proposed Instrument of Delegation contained in Attachment 13 are hereby delegated this 25th day of June 2019 to the Alwyndor Management Committee subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument

of Delegation. The delegations will come into effect from 12:00am 1 August 2019.

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

4.3 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Local Government Act 1999* and specified in the proposed Instrument of Delegation contained in Attachment 14 are hereby delegated this 25th day of June 2019 to the General Manager Alwyndor subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

5. Delegations made under *Development Act 1993*

5.1 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (annexed to this Report dated 25th June 2019 and entitled Annual Review of Delegations and marked Attachment 2) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

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 *Development Act 1993*.

6. Delegations under *Supported Residential Facilities Act 1992*

6.1 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 (annexed to this Report dated 25th June 2019 and entitled Annual Review of Delegations and marked Attachment 10) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the

Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

- 6.2** 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*.

7. Authorisations and Subdelegation under the *Road Traffic Act 1961*

- 7.1** 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') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

- Mr Roberto Bria, Chief Executive Officer (Acting)
- Mr Howard Lacy, General Manager City Assets and Services
- Mr Rajiv Mouveri, Manager, Assets and Facilities
- Mr Damien Landrigan, Traffic and Transport Officer

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

- Mr Roberto Bria, Chief Executive Officer (Acting)
- Mr Howard Lacy, General Manager City Assets and Services
- Mr Rajiv Mouveri, Manager, Assets and Facilities
- Mr Damien Landrigan, Traffic and Transport Officer

- 7.3** 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 Subdelegation (annexed to this Report dated 25th June 2019 and entitled Annual Review of Delegations and marked Attachment 7) is hereby sub-delegated 25th day of June 2019 to the person occupying the office of Chief Executive Officer of the Council subject to:

(i) the conditions contained in the Instrument; and

(ii) any conditions contained in this Resolution or in the Instrument of Subdelegation; and

(iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

7.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

- Mr Roberto Bria, Chief Executive Officer (Acting)
- Mr Howard Lacy, General Manager City Assets and Services
- Mr Rajiv Mouveri, Manager, Assets and Facilities
- Mr Damien Landrigan, Traffic and Transport Officer

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

8.1 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 (annexed to this Report dated 25th June 2019 and entitled Annual Review of Delegations and marked Attachment 8) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

8.2 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*.

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 (annexed to this Report dated 25th June 2019 and entitled Annual Review of Delegations and marked Attachment 3) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions 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.

COMMUNITY PLAN

Culture: Enabling high performance
Culture: Being financially accountable
Culture: Supporting excellent, efficient operations.

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

Council is required to consider its Delegations at least once in each financial year. The last annual review was presented to Council in Report 442/17 at its meeting held on 12 December 2017 (for financial year 2017/18).

Council has undertaken a review of delegations for this financial year 2018/19 and this review has included the Alwyndor Management Committee delegations under the *Aged Care Act 1997* and delegations under the *Residential Parks Act 2007*.

There has been minimal changes to the legislation, since the last full review and it is therefore not necessary to revoke and remake all of the delegations in this review as noted below. The delegations to be revoked and re-delegated are due to legislative changes i.e. amendments or new provisions.

REPORT

In order to give effect to the updated delegations, Council must revoke the existing delegations and then resolve to adopt the new delegations, with any conditions or limitations, to the Chief Executive Officer. Subsequent to these delegations being made by Council, the Chief Executive Officer will then make sub-delegations to relevant staff as deemed appropriate.

From the annual review of Delegations it is recommended that only the delegations relating to the following be revoked and remade as these Acts have been subject to legislative change:

- *Development Act 1993 and Development Regulations 2008*
- *Heavy Vehicle National Law (South Australia) Act 2013*
- *Liquor Licensing Act 1997*
- *Local Government Act 1999*
- *Residential Parks Act 2007*
- *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*
- *Safe Drinking Water Act 2012*
- *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013*
- *Supported Residential Facilities Act 1992*
- *Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations*
- *Gas Act 1997*

None of the other Acts which Council has delegations under have had any changes made to them in the past twelve months. There is no need to make changes to these delegations as the existing delegations are effective.

Process to be followed

In order for the statements contained in the instruments of delegations, attached to this report, to come into effect, Council must first resolve to revoke the existing delegations. Council must then resolve to adopt the new delegations contained in the instruments of delegations.

Any sub delegations that have been made pursuant to the existing delegations become void as soon as the 'head' delegation is revoked. In order to ensure that council officers have the necessary powers to continue their duties, the Chief Executive Officer will approve the new sub-delegations the day after the new delegations come into effect.

Summary of Changes

The attached table outlines the changes to the Delegations as a result of legislative changes and new delegations will be put in place for the *Electricity Act 1996* and *Electricity (Principles of Vegetation Clearance) Regulations* and the *Gas Act 1997*.

Refer Attachment 1

Once Council's delegations to the Chief Executive Officer are endorsed, the sub-delegations in accordance with Section 101 of the *Local Government Act 1999* will be endorsed by the Chief Executive Officer.

BUDGET

There are no budget implications from this report.

LIFE CYCLE COSTS

There are no full life cycle cost implications from this report.

Attachment 1



Table of changes

Legislation	Delegation Source	Delegation ID	Paragraph number in Instrument	Provision	New provision/ Amendment/ Deletion
Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2018	Development Regulations 2018	81902	97.2	r82(4)	Amendment
		81905	98.3	r83(3)	Amendment
		142450	71A.1	r32(5)	Amendment
		182718	96A.1 - 96A.1.2	r80(1a)	New provision
		182719	97.2A	r82(4a)	New provision
		231387	60.1.2	r17(3)	New provision
		231388	58.4A.2- 58.4A.2.3	r15(7b)	New provision
		231389	92.2, 92.2.1	r64(1)	New provision
		231390	92.2, 92.2.2	r64(1)	New provision
		231391	92.2, 92.2.2.3	r64(1)	New provision
		231392	92.2, 92.2.1	r64(1)	New provision
		231393	104.5.1.1	r101(5)	New provision
		231394	104.5.1.2	r101(5)	New provision
		231395	104.5.2	r101(5)	New provision
		231396	104.5.2.1	r101(5)	New provision
		231397	104.5.2.2	r101(5)	New provision
		231398	104.5.2.3	r101(5)	New provision
		232727	92.2, 92.2.2.1	r64(1)	New provision
246691	104.5.1.2	r101(5)	New provision		
Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013	Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013	243636	1.4A	S156A(2)	New provision
		83102	1.4 – 1.4.2.3	S156A(1)	Amendment
		83103	1.5 - 1.5.2	s156A(3)	Amendment
		83104	1.6	s156A(4)	Amendment

Table of changes

Legislation	Delegation Source	Delegation ID	Paragraph number in Instrument	Provision	New provision/ Amendment/ Deletion
Liquor Licensing Act 1997	Liquor Licensing Act 1997	229458	6.1	s131(1ab)	New provision
		229459	6.2	s131(1ad)	New provision
		229460	6.3	s131(1c)	New provision
Local Government Act 1999	Local Government Act 1999	82693	112.1	s224	Amendment
		82694	113.1 - 113.1.2	s225(1)	Amendment
		82642	94.1 - 94.1.3	s202(1)	Amendment
		82739	131.1	s256(1) and (2)	Amendment
		82771	136D	136D.	Amendment
		190913	113.3	s225(3)	New provision
		190914	113.4	s225(4)	New provision
		190915	113A.1	s225A(1)	New provision
		190916	113A.2 - 113A2.2.2	s225A(4)	New provision
		215906	25.3.1	s91(7)	New provision
		215907	25.3.2	s91(7)	New provision
		215908	25.3.3	s91(7)	New provision
		215909	25.3.4	s91(7)	New provision
		251195	6A.1	s31(2)	New provision
		251196	6A.2	s31(10)	New provision
Residential Parks Act 2007	Residential Parks Act 2007	86909	29	s71(1)	New provision
		86929	8.1(i)	S4(a) and (b)	New provision

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Legislation	Delegation Source	Delegation ID	Paragraph number in Instrument	Provision	New provision/ Amendment/ Deletion
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014	Road Traffic Act 1961	207454	1.1	s17(1)	New provision
		207455	1.2	s17(2)	New provision
		207456	1.3- 1.3.3	s17(3)	New provision
		207457	1.4	s17(5)	New provision
		207458	3.1	s20(3)	New provision
		207459	3.2 - 3.2.3.2	s20(4)	New provision
		207460	3.3	s20(6)	New provision
		207461	3.4 - 3.4.2	s20(9)	New provision
		207462	4.1	s20A(1)	New provision
Safe Drinking Water Act 2011	Safe Drinking Water Act 2011	82848	10(1)	s10(1)	Amendment
		82850	14(2)	s14(2)	Amendment
		182776	14(3)	s14(3)	New provision
		182777	14(4)	s14(4)	New provision
South Australian Public Health Act 2011 and Regulations	South Australian Public Health (Fees) Regulations 2018	229544	35.1	Clause 2(1), Schedule 1	New provision
		229545	35.2	Clause 2(2), Schedule 1	New provision
	South Australian Public Health (Legionella) Regulations 2013	82349	18.1	r5(3)	Amendment
		82350	18.2	r5(6)	Amendment
		82363	24.5	r9(7)	Amendment
		82373	29.3	r25(6)	Amendment
		82375	30.1	r26(2)	Amendment
		82381	21.2	r21(4)	Amendment
		82382	21.3	r21(5)	Amendment
		82384	33.1	r33	Amendment

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Legislation	Delegation Source	Delegation ID	Paragraph number in Instrument	Provision	New provision/ Amendment/ Deletion
Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009	Supported Residential Facilities Act 1992	82247	2.4	s24(10)	Amendment
		82253	3.2	s27(4)	Amendment
		82263	7.1	s32(3)	Amendment
		82264	7.2 - 7.2.2	s32(4)	Amendment
Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010	Electricity Act 1996	243875	1.1	S47(3)(b)	New provision
		243876	1.2	S47(4)	New provision
		243877	1.3	S47(7)	New provision
		243878	1.4- 1.4.2	S47(9)	New provision
		243879	2.1	S55(3)	New provision
		243880	3.1	S55A(1)	New provision
		243881	3.2- 3.2.7	S55A(2)	New provision
		243882	3.3	S55A(4)(b)	New provision
		243883	4.1	S55B(2)	New provision
		243884	4.2	S55C(2)(c)	New provision
		243885	5.1	S55D	New provision
		243886	6.1	S56(1)	New provision
		243887	6.2- 6.2.4	S56(2)	New provision
		243888	7.1	S58A	New provision
	243889	7.2	S58A(5)	New provision	
	243890	7.3	S58A(8)	New provision	
	Electricity (Principles of Vegetation Clearance) Regulations 2010	243891	8.1	R4(4)	New provision
		243892	9.1	R7(3)	New provision
		243893	10.1	R8(2)	New provision
243894		10.2	R8(5)(b)	New provision	
243895		11.1	R10(5)	New provision	
243896		11.2	R10(6)(b)	New provision	
243897		11.3	R10(8)	New provision	

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Legislation	Delegation Source	Delegation ID	Paragraph number in Instrument	Provision	New provision/ Amendment/ Deletion
Instrument of Delegation under the Gas Act 1997	Gas Act 1997	243898	1.1	S47(3)(b)	New provision
		243899	1.2	S47(4)	New provision
		243900	1.3	S47(7)	New provision
		243901	1.4- 1.4.2	S47(9)	New provision

Attachment 2



Instrument of Delegation under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Development Act 1993, Development (Development Plans) Amendment Act 2006* and the *Development Regulations 2008* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Development Act 1993
Item Delegated
1. Concept of Change in the Use of Land 1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more: 1.1.1 to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and
1. Concept of Change in the Use of Land 1.1 The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more: 1.1.2 to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.
2. Appointment of Authorised Officers 2.1 The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.
2. Appointment of Authorised Officers 2.2 The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.
2. Appointment of Authorised Officers 2.3 The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.
2. Appointment of Authorised Officers 2.4 The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.
3. Delegations 3.1 The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.
4. Council or Minister May Amend a Development Plan 4.1 Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.
4. Council or Minister May Amend a Development Plan 4.2 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.
4. Council or Minister May Amend a Development Plan 4.3 Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.
4. Council or Minister May Amend a Development Plan 4.4 The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.
4. Council or Minister May Amend a Development Plan 4.5 The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.

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<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>
<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>
<p>5. Amendments by a Council</p> <p>5.1 The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.</p>
<p>5. Amendments by a Council</p> <p>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.</p>
<p>5. Amendments by a Council</p> <p>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:</p> <p>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;</p> <p>5.3.2 the DPA must include an assessment of the extent to which the proposed amendment:</p> <p>5.3.2.1 accords with the Planning Strategy; and</p> <p>5.3.2.2 accords with the Statement of Intent; and</p> <p>5.3.2.3 accords with other parts of the Development Plan; and</p> <p>5.3.2.4 complements the policies in the Development Plans for adjoining areas; and</p> <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>
<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>
<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>
<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>
<p>5. Amendments by a Council</p> <p>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.</p>

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<p>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.</p>
<p>5. Amendments by a Council 5.9 Process A</p> <p>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.</p>
<p>5. Amendments by a Council 5.9 Process A</p> <p>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.</p>
<p>5. Amendments by a Council 5.9 Process A</p> <p>5.9.3 The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.</p>
<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>
<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>
<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>
<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 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>

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5.11.3 The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:

5.11.3.1 an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and

5.11.3.2 an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment,

a written notice in accordance with the Regulations.

5. Amendments by a Council

5.12 The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:

5.12.1 accords with the Planning Strategy; and

5.12.2 accords with the Statement of Intent; and

5.12.3 accords with other parts of the Development Plan; and

5.12.4 complements the policies in the Development Plans for adjoining areas; and

5.12.5 satisfies the matters prescribed in the Regulations.

5. Amendments by a Council

5.13 In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:

5.13.1 allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and

5.13.2 subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,

5.13.3 appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.

5. Amendments by a Council

5.14 If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:

5.14.1 informing the owner of the proposed amendment, and

5.14.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.

5. Amendments by a Council

5.15 If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:

5.15.1 informing the owner of the proposed amendment; and

5.15.2 inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.

5. Amendments by a Council

5.16 The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.

5. Amendments by a Council

5.17 The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.

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<p>5. Amendments by a Council</p> <p>5.18 The duty to send to the Minister:</p> <p>5.18.1 a copy of a report under Section 25(13)(a); and</p> <p>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.</p>
<p>5. Amendments by a Council</p> <p>5.19 The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.</p>
<p>5. Amendments by a Council</p> <p>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.</p>
<p>5. Amendments by a Council</p> <p>5.21 The power pursuant to Section 25(23) of the Act to consult with the Minister.</p>
<p>6. Amendments by the Minister</p> <p>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.</p>
<p>6. Amendments by the Minister</p> <p>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.</p>
<p>6. Amendments by the Minister</p> <p>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.</p>
<p>6. Amendments by the Minister</p> <p>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.</p>
<p>6. Amendments by the Minister</p> <p>6.5 The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.</p>
<p>7. Parliamentary Scrutiny</p> <p>7.1 The power pursuant to Section 27(6) of the Act to consult with the Minister.</p>
<p>8. Strategic Directions Reports</p> <p>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:</p> <p>8.1.1 addresses the strategic planning issues within the area of the Council, with particular reference to:</p> <p>8.1.1.1 the Planning Strategy; and</p> <p>8.1.1.2 any other policy or document prescribed by the regulations; and</p> <p>8.1.2 addresses appropriate amendments to any Development Plan that applies within the area of the Council; and</p> <p>8.1.3 sets out the Council's priorities for:</p> <p>8.1.3.1 achieving orderly and efficient development through the implementation of planning policies; and</p> <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>

Development Act 1993
<p>8.1.4.1 prescribed by the regulations; or</p> <p>8.1.4.2 required by the Minister.</p>
<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>
<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> <p>8.3.2 consult with any prescribed authority or body in the manner specified by the regulations.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>8. Strategic Directions Reports</p> <p>8.6 The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:</p> <p>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</p> <p>8.6.2 if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>8. Strategic Directions Reports</p> <p>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).</p>
<p>8. Strategic Directions Reports</p> <p>8.9 The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:</p> <p>8.9.1 from a requirement to prepare a particular report under Section 30 of the Act; or</p> <p>8.9.2 from a particular requirement with respect to a report under Section 30 of the Act.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>

Development Act 1993
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>8. Strategic Directions Reports</p> <p>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.</p>
<p>9. Copies of Plans to be Made Available to the Public</p> <p>9.1 The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.1 the provisions of the appropriate Development Plan;</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.2 the provisions of the Building Rules;</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.5 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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):</p> <p>10.1.6 such other matters as may be prescribed.</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>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.</p>
<p>10. Matters Against Which Development Must be Assessed</p> <p>10.3 If:</p> <p>10.3.1 a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and</p> <p>10.3.2 the Council:</p> <p>10.3.2.1 is the relevant authority; and</p> <p>10.3.2.2 is to make the assessment under that paragraph; and</p> <p>10.3.3 the Council determines to grant consent under that paragraph,</p> <p>the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.</p>

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<p>11. Determination of Relevant Authority</p> <p>11.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.</p>
<p>11. Determination of Relevant Authority</p> <p>11.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the Development Assessment Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.</p>
<p>11. Determination of Relevant Authority</p> <p>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.</p>
<p>11. Determination of Relevant Authority</p> <p>11.4 The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel</p>
<p>11. Determination of Relevant Authority</p> <p>11.5 The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.</p>
<p>11. Determination of Relevant Authority</p> <p>11.6 The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the council during ordinary office hours and for inspection on the internet.</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>12.1 The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>12.2 The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>12.3 Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>12.4 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>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.</p>
<p>12. Special Provisions Relating to Assessment Against Development Plans</p> <p>12.6 Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.</p>
<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.1 The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.</p>
<p>13. Special Provisions Relating to Assessment Against the Building Rules</p> <p>13.2 The power pursuant to and in accordance with Section 36(2) of the Act:</p> <p>13.2.1 to assess whether a development is at variance with the Building Rules;</p> <p>13.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;</p> <p>13.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:</p>

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13.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or

13.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.

13. Special Provisions Relating to Assessment Against the Building Rules

13.3 The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.

13. Special Provisions Relating to Assessment Against the Building Rules

13.4 The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.

13. Special Provisions Relating to Assessment Against the Building Rules

13.5 The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:

13.5.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or

13.5.2 such compliance is certified by a private certifier.

13. Special Provisions Relating to Assessment Against the Building Rules

13.6 The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.

14. Consultation With Other Authorities or Agencies

14.1 Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:

14.1.1 refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and

14.1.2 not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).

14. Consultation With Other Authorities or Agencies

14.2 The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.

14. Consultation With Other Authorities or Agencies

14.3 If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.

15. Preliminary Advice and Agreement

15.1 The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.

15. Preliminary Advice and Agreement

15.2 The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.

16. Proposed Development Involving Creation of Fortifications

16.1 The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').

16. Proposed Development Involving Creation of Fortifications

16.2 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.

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16. Proposed Development Involving Creation of Fortifications

16.3 The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:

16.3.1 if the proposed development consists only of the creation of fortifications - refuse the application; or

16.3.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.

16. Proposed Development Involving Creation of Fortifications

16.4 The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.

17. Public Notice and Consultation

17.1 The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.

17. Public Notice and Consultation

17.2 Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -

17.2.1 the duty pursuant to Section 38(3a)(a) of the Act to:

17.2.1.1 subject to any exclusion or qualification prescribed by the Regulations - give an owner or occupier of each piece of adjoining land; and

17.2.1.2 give any other person of a prescribed class, notice of the application; and

17.2.2 the duty pursuant to Section 38(3a)(b) of the Act, to:

17.2.2.1 give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and

17.2.2.2 forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and

17.2.3 if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.

17. Public Notice and Consultation

17.3 The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.

17. Public Notice and Consultation

17.4 The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.

17. Public Notice and Consultation

17.5 The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.

17. Public Notice and Consultation

17.6 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.

17. Public Notice and Consultation

17.7 The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.

17. Public Notice and Consultation

17.8 The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.

17. Public Notice and Consultation

17.9 The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act,

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to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.

17. Public Notice and Consultation

17.10 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.

17. Public Notice and Consultation

17.11 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.

18. Application and Provision of Information

18.1 The power pursuant to Section 39(2) of the Act to request an applicant to:

18.1.1 provide such additional documents or information to enable assessment of the application;

18.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;

18.1.3 consult with an authority or body prescribed by the Regulations;

18.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and

18.1.5 comply with any other requirement prescribed by the Regulations.

18. Application and Provision of Information

18.2 If:

18.2.1 a development is of a kind that is complying development; and

18.2.2 the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and

18.2.3 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d), the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.

18. Application and Provision of Information

18.3 If:

18.3.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and

18.3.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act, the power and duty pursuant to Section 39(2b)(c) of the Act, to;

18.3.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and the duty pursuant to Section 39(2b)(d) of the Act, to;

18.3.4 make that request within a period prescribed by the Regulations.

18. Application and Provision of Information

18.4 Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:

18.4.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application; and

18.4.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).

18. Application and Provision of Information

18.5 The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek

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to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.
18. Application and Provision of Information 18.6 The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.
18. Application and Provision of Information 18.7 The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.
18. Application and Provision of Information 18.8 The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.
18. Application and Provision of Information 18.9 The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).
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.
18. Application and Provision of Information 18.11 The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
18. Application and Provision of Information 18.12 The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.
18. Application and Provision of Information 18.13 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.
18. Application and Provision of Information 18.14 The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.
18. Application and Provision of Information 18.15 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.
18. Application and Provision of Information 18.16 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.
18. Application and Provision of Information 18.17 The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.
19. Determination of Application 19.1 The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)
19. Determination of Application 19.2 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.
20. Time Within Which Decision Must be Made 20.1 The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.
20. Time Within Which Decision Must be Made 20.2 If:

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<p>20.2.1 the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and</p> <p>20.2.2 the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,</p> <p>the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.</p>
<p>21. Conditions</p> <p>21.1 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.</p>
<p>21. Conditions</p> <p>21.2 The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).</p>
<p>21. Conditions</p> <p>21.3 The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.</p>
<p>21. Conditions</p> <p>21.4 The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.</p>
<p>22. Cancellation by a Relevant Authority</p> <p>22.1 The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.</p>
<p>23. Investigation of Development Assessment Performance</p> <p>23.1 The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.</p>
<p>23. Investigation of Development Assessment Performance</p> <p>23.2 The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.</p>
<p>23. Investigation of Development Assessment Performance</p> <p>23.3 The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.</p>
<p>24. Crown Development and Public Infrastructure</p> <p>24.1 The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.</p>
<p>24. Crown Development and Public Infrastructure</p> <p>24.2 The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.</p>
<p>24. Crown Development and Public Infrastructure</p> <p>24.3 The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.</p>
<p>25. Electricity Infrastructure Development</p> <p>25.1 The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.</p>
<p>25. Electricity Infrastructure Development</p> <p>25.2 The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.</p>
<p>25. Electricity Infrastructure Development</p> <p>25.3 The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.</p>

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<p>26. Open Space Contribution System</p> <p>26.1 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:</p> <p>26.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p> <p>26.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or</p> <p>26.1.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.</p>
<p>26. Open Space Contribution System</p> <p>26.2 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.</p>
<p>26. Open Space Contribution System</p> <p>26.3 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.</p>
<p>26. Open Space Contribution System</p> <p>26.4 The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.</p>
<p>26. Open Space Contribution System</p> <p>26.5 The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.</p>
<p>26. Open Space Contribution System</p> <p>26.6 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.</p>
<p>27. Carparking Fund</p> <p>27.1 The power pursuant to Section 50A(1) of the Act to establish a car parking fund.</p>
<p>27. Carparking Fund</p> <p>27.2 The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.</p>
<p>27. Carparking Fund</p> <p>27.3 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.</p>
<p>27. Carparking Fund</p> <p>27.4 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.</p>
<p>27. Carparking Fund</p> <p>27.5 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.</p>
<p>27. Carparking Fund</p> <p>27.6 The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.</p>
<p>27. Carparking Fund</p> <p>27.7 The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.</p>
<p>27. Carparking Fund</p> <p>27.8 The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.</p>

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<p>28. Urban Trees Fund 28.1 The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).</p>
<p>28. Urban Trees Fund 28.2 The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.</p>
<p>28. Urban Trees Fund 28.3 The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.</p>
<p>28. Urban Trees Fund 28.4 The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.</p>
<p>28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:</p> <p>28.5.1 maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or</p>
<p>28. Urban Trees Fund 28.5 The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:</p> <p>28.5.2 purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.</p>
<p>28. Urban Trees Fund 28.6 The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:</p> <p>28.6.1 if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;</p> <p>28.6.2 if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.</p>
<p>29. Certificate in Respect of the Division of Land 29.1 The duty pursuant to Section 51(2) of the Act to provide appropriate information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.</p>
<p>30. Saving Provisions 30.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.</p>
<p>31. Avoidance of Duplication of Procedures Etc 31.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.</p>
<p>31. Avoidance of Duplication of Procedures Etc 31.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>
<p>31. Avoidance of Duplication of Procedures Etc 31.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.</p>
<p>31. Avoidance of Duplication of Procedures Etc 31.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation</p>

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or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

31. Avoidance of Duplication of Procedures Etc

31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:

31.5.1 in circumstances where:

31.5.1.1 the Commonwealth Minister has given his or her approval to the controlled action; and

31.5.1.2 the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;

the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and

31. Avoidance of Duplication of Procedures Etc

31.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:

31.5.2 the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

32. Requirement to Upgrade Building in Certain Cases

32.1 Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.

32. Requirement to Upgrade Building in Certain Cases

32.2 Where an application is made for building rules consent for building work in the nature of an alteration of a kind prescribed by the Regulations to a building constructed before 1 January 1980 the power pursuant to Section 53A(2) to form the opinion that the facilities for access to or within the building for people with disabilities are inadequate and therefore require as a condition of consent that building work or other measures be carried out to the extent reasonably necessary to ensure that the facilities for such access will be adequate.

33. Urgent Building Work

33.1 The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.

34. Action if Development Not Substantially Completed

34.1 The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.

34. Action if Development Not Substantially Completed

34.2 The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.

34. Action if Development Not Substantially Completed

34.3 The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.

35. Completion of Work

35.1 The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.

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<p>35. Completion of Work 35.2 The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.</p>
<p>35. Completion of Work 35.3 The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.</p>
<p>35. Completion of Work 35.4 The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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:</p> <p>36.6.1 breach of, or failure to comply with, the conditions of appointment; or</p> <p>36.6.2 misconduct; or</p> <p>36.6.3 neglect of duty; or</p> <p>36.6.4 incapacity to carry out satisfactorily the duty of his or her office; or</p> <p>36.6.5 failure to carry out satisfactorily the duty of his or her office; or</p> <p>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.</p>
<p>36. Council to Establish Development Assessment Panels 36.7 The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.</p>
<p>36. Council to Establish Development Assessment Panels 36.8 The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.</p>
<p>36. Council to Establish Development Assessment Panels 36.9 The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.</p>
<p>36. Council to Establish Development Assessment Panels 36.11 The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.</p>
<p>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.</p>

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<p>36. Council to Establish Development Assessment Panels</p> <p>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.</p>
<p>37. Building Rules Assessment Audits</p> <p>37.1 The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.</p>
<p>37. Building Rules Assessment Audits</p> <p>37.2 The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.</p>
<p>37. Building Rules Assessment Audits</p> <p>37.3 The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.</p>
<p>37. Building Rules Assessment Audits</p> <p>37.4 The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).</p>
<p>37. Building Rules Assessment Audits</p> <p>37.5 The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).</p>
<p>37A. Development Plan Assessment Audits</p> <p>37A.1 The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.</p>
<p>37A. Development Plan Assessment Audits</p> <p>37A.2 The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.</p>
<p>37A. Development Plan Assessment Audits</p> <p>37A.3 The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to the Minister.</p>
<p>37A. Development Plan Assessment Audits</p> <p>37A.4 The power pursuant to Section 56C(15) of the Act to, if</p> <p>37A.4.1 the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and</p>
<p>37A. Development Plan Assessment Audits</p> <p>37A.4 The power pursuant to Section 56C(15) of the Act to, if</p> <p>37A.4.2 the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,</p> <p>consult with the Minister.</p>
<p>38. Land Management Agreements</p> <p>38.1 The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.</p>
<p>38. Land Management Agreements</p> <p>38.2 The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).</p>
<p>38. Land Management Agreements</p> <p>38.3 The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.</p>
<p>38. Land Management Agreements</p> <p>38.4 The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.</p>
<p>38. Land Management Agreements</p> <p>38.5 The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>
<p>38. Land Management Agreements</p> <p>38.6 The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.</p>

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<p>38. Land Management Agreements 38.7 The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.</p>
<p>39. Land Management Agreements - Development Applications 39.1 The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.</p>
<p>39. Land Management Agreements - Development Applications 39.2 The duty pursuant to Section 57A(3) of the Act to have regard to:</p> <p>39.2.1 the provisions of the appropriate Development Plan.</p> <p>39.2.2 the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.</p>
<p>39. Land Management Agreements - Development Applications 39.3 The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.</p>
<p>39. Land Management Agreements - Development Applications 39.4 The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.</p>
<p>39. Land Management Agreements - Development Applications 39.5 The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.</p>
<p>39. Land Management Agreements - Development Applications 39.6 The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.</p>
<p>39. Land Management Agreements - Development Applications 39.7 The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>
<p>39. Land Management Agreements - Development Applications 39.8 The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>
<p>39. Land Management Agreements - Development Applications 39.9 The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).</p>
<p>40. Notification During Building 40.1 The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.</p>
<p>41. Classification of Buildings 41.1 The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.</p>
<p>42. Certificates of Occupancy 42.1 The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.</p>
<p>42. Certificates of Occupancy 42.2 The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.</p>
<p>42. Certificates of Occupancy 42.3 The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.</p>
<p>42. Certificates of Occupancy 42.4 The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.</p>

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<p>43. Temporary Occupation</p> <p>43.1 The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.</p>
<p>43. Temporary Occupation</p> <p>43.2 The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.</p>
<p>44. Emergency Orders</p> <p>44.1 Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:</p> <p>44.1.1 the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and</p> <p>44.1.2 the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.</p>
<p>44A Fire Safety</p> <p>44A.1 The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.2 The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.3 The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the Council or Council's area(s)).</p>
<p>44A Fire Safety</p> <p>44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.</p>
<p>44A Fire Safety</p> <p>44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.</p>
<p>45. Building Inspection Policies</p> <p>45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.</p>
<p>46. Advertisements</p> <p>46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:</p> <p>46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and</p> <p>46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).</p>
<p>46. Advertisements</p> <p>46.2 The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.</p>
<p>47. Enforcement Notices</p> <p>47.1 The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.</p>

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47. Enforcement Notices 47.2 The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.
47. Enforcement Notices 47.3 Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act: 47.3.1 the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and 47.3.2 pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.
48. Applications to Court 48.1 The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.
48. Applications to Court 48.2 Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.
49. General Right to Apply to Court 49.1 Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.
50. Authority to be Advised of Certain Matters 50.1 The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.
51. Referrals 51.1 The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.
52. Professional Advice to be Obtained in Relation to Certain Matters 52.1 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.
52. Professional Advice to be Obtained in Relation to Certain Matters 52.2 The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.
Development (Development Plans) Amendment Act 2006
Item Delegated
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.
53. Transitional Provisions 53.2 The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.
Development (Development Plans) Amendment Act 2006
Item Delegated
104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:

Development (Development Plans) Amendment Act 2006

104.5.1.2 constitute a breach of any other law; or

53A. Complying Development – Development Plan Consent

53A.1 The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:

53A.1.1 in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and

53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).

53A. Complying Development – Development Plan Consent

53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:

53A.2.1 form the opinion that a variation from complying development (including complying development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and

53A.2.2 determine that 2 or more minor variations, when taken together, constitute a 'minor variation from complying development'.

53B. Complying Building Work – Building Rules

53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the Building Code referred to in Schedule 4 Part 2).

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.

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.

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).

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).

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.

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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.

57. Public Meeting

57.1 The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.

57. Public Meeting

57.2 The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.

58. Application to Relevant Authority

58.1 The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.

58. Application to Relevant Authority

58.2 The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.

58. Application to Relevant Authority

58.3 The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the Development Assessment Commission is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the Development Assessment Commission.

58. Application to Relevant Authority

58.4 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the Development Assessment Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.

58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:

58.4A.1 the Development Assessment number assigned to the development proposed under the application; and

58.4A The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application under Regulation 15(7a) of the Regulations, furnish to the private certifier:

58.4A.2 if the private certifier, at the time of forwarding a copy of an application under Regulation 15(7a) of the Regulations, requests advice on the matters set out in subparagraphs (i) and (ii), and if such advice is relevant:

58.4A.2.1 advice about any site contamination that is believed to exist at the site where the development would be undertaken; and

58.4A.2.2 advice about the likely need for approval to alter a public road under section 221 of the Local Government Act 1999 in order to establish a new access point.

58.4A.2.3 advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.

58. Application to Relevant Authority

58.5 The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).

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.

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<p>58. Application to Relevant Authority</p> <p>58.7 The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:</p> <p>58.7.1 in the case of an application that is lodged with the Council for assessment as residential code development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;</p> <p>58.7.2 in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).</p>
<p>58. Application to Relevant Authority</p> <p>58.8 The duty pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.</p>
<p>59. Nature of Development</p> <p>59.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.</p>
<p>59. Nature of Development</p> <p>59.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.</p>
<p>59. Nature of Development</p> <p>59.3 The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.</p>
<p>59. Nature of Development</p> <p>59.4 The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.</p>
<p>60. Non-Complying Development</p> <p>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:</p> <p>60.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or</p>
<p>60. Non-Complying Development</p> <p>60.1.2 resolve to proceed with an assessment of the application.</p>
<p>60. Non-Complying Development</p> <p>60.2 The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.</p>
<p>60. Non-Complying Development</p> <p>60.3 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.</p>
<p>61. Notification of Application for Tree-Damaging Activity to Owner of Land</p> <p>61.1 Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:</p> <p>61.1.1 to give the owner of land notice of the application; and</p> <p>61.1.2 to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.</p>
<p>62. Amended Applications</p> <p>62.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are</p>

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not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.
<p>62. Amended Applications</p> <p>62.2 The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.</p>
<p>63. Withdrawing/Lapsing Application</p> <p>63.1 The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.</p>
<p>63. Withdrawing/Lapsing Application</p> <p>63.2 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.</p>
<p>63. Withdrawing/Lapsing Application</p> <p>63.3 Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:</p> <p>63.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>63.3.2 allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.</p>
<p>64. Contravening Development</p> <p>64.1 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.</p>
<p>65. Referrals</p> <p>65.1 The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.</p>
<p>66. Procedure Where Concurrence Required</p> <p>66.1 The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.</p>
<p>67. Additional Information or Amended Plans</p> <p>67.1 The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.</p>
<p>68. Special Provisions - Referrals</p> <p>68.1 The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:</p> <p>68.1.1 a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or</p> <p>68.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or</p> <p>68.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.</p>
<p>68. Special Provisions - Referrals</p> <p>68.2 The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.</p>

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68. Special Provisions - Referrals

68.3 If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:

68.3.1 recommends against the granting of building rules consent; or

68.3.2 concurs in the granting of consent on conditions specified in its report, but the Delegate:

68.3.3 proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or

68.3.4 does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent, the duty pursuant to Regulation 28(5a) of the Regulations to:

68.3.5 refer the application to the Building Rules Assessment Commission; and

68.3.6 not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.

68. Special Provisions - Referrals

68.4 The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.

68. Special Provisions - Referrals

68.5 The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.

69. Land Division Applications

69.1 The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.

69. Land Division Applications

69.2 The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.

70. Underground Mains Area

70.1 The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.

70. Underground Mains Area

70.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.

70. Underground Mains Area

70.3 The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.

71. Preliminary Advice and Agreement - Section 37AA

71.1 The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.

71. Preliminary Advice and Agreement - Section 37AA

71.2 The power pursuant to Regulation 31A(6) of the Regulations if:

71.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and

71.2.2 the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:

71.2.3 to obtain a variation to the agreement under Section 37AA of the Act; or

71.2.4 to obtain a response from the prescribed body for the purposes of Section 37 of the Act.

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<p>71. Preliminary Advice and Agreement - Section 37AA 71.3 The power pursuant to Regulation 31A(7) of the Regulations if:</p> <p>71.3.1 an application is withdrawn by the Applicant; and</p> <p>71.3.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.</p>
<p>71. Preliminary Advice and Agreement - Section 37AA 71.4 The power pursuant to Regulation 31A(8) of the Regulations if:</p> <p>71.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and</p> <p>71.4.2 the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.</p>
<p>71. Preliminary Advice and Agreement - Section 37AA 71.5 The power pursuant to Regulation 31A(9) of the Regulations if:</p> <p>71.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and</p> <p>71.5.2 a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.</p>
<p>71A. Public Notice Categories 71A.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements.</p>
<p>72. Public Inspection of Certain Applications 72.1 The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).</p>
<p>72. Public Inspection of Certain Applications 72.2 The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.</p>
<p>72. Public Inspection of Certain Applications 72.3 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.</p>
<p>72. Public Inspection of Certain Applications 72.4 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.</p>
<p>73. Response by Applicant 73.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation</p>
<p>74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>74.1.1 in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and</p>
<p>74. Determination of Commission as Relevant Authority 74.1 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:</p> <p>74.1.2 in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).</p>
<p>74. Determination of Commission as Relevant Authority 74.2 Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and</p>

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the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.
<p>75. Assessment in Respect of Building Rules Referred to the Council</p> <p>75.1 The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.</p>
<p>76. Notification of Decision to Applicant (Including Conditions)</p> <p>76.1 The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).</p>
<p>77. Notification of Decision to a Prescribed Body</p> <p>77.1 The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.</p>
<p>77. Notification of Decision to a Prescribed Body</p> <p>77.2 The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.</p>
<p>78. Notification of Decision to Owner of Land</p> <p>78.1 The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.</p>
<p>79. Scheme Description - Community Titles</p> <p>79.1 The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under Section 3 of the Community Titles Act 1996 in the following terms:</p> <p>79.1.1 All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted.</p> <p>OR</p> <p>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p> <p>Dated:</p>
<p>79. Scheme Description - Community Titles</p> <p>79.2 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.</p>
<p>80. Special Provisions Relating to Staged Consents</p> <p>80.1 The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.</p>
<p>81. Endorsed Plans</p> <p>81.1 The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.</p>
<p>81A. Minor Variation of Development Authorisation</p> <p>81A.1 The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.</p>
<p>82. Lapse of Consent or Approval</p> <p>82.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.</p>

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<p>83. Width of Roads and Thoroughfares</p> <p>83.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.</p>
<p>83. Width of Roads and Thoroughfares</p> <p>83.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.</p>
<p>84. Road Widening</p> <p>84.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.</p>
<p>85. Requirement as to Forming of Roads</p> <p>85.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.</p>
<p>85. Requirement as to Forming of Roads</p> <p>85.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.</p>
<p>85. Requirement as to Forming of Roads</p> <p>85.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.</p>
<p>86. Construction of Roads, Bridges, Drains and Services</p> <p>86.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.</p>
<p>87. Supplementary Provisions</p> <p>87.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.</p>
<p>87. Supplementary Provisions</p> <p>87.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.</p>
<p>87. Supplementary Provisions</p> <p>87.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.</p>
<p>88. General Land Division</p> <p>88.1 The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.</p>
<p>88. General Land Division</p> <p>88.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the Development Assessment Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.</p>
<p>89. Division of Land by Strata Title</p> <p>89.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.</p>
<p>90. General Provisions</p> <p>90.1 The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the Development Assessment Commission for the purposes of Section 51(1) of the Act.</p>
<p>90. General Provisions</p> <p>90.2 The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the Development Assessment Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.</p>
<p>90. General Provisions</p> <p>90.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the Development Assessment Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.</p>

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91. Declaration by The Minister - Section 46

91.1 The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.

91. Declaration by The Minister - Section 46

91.2 At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).

91. Declaration by The Minister - Section 46

91.3 Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.

92. Referral of Assessment of Building Work

92.1 Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92.2.1 provide the certification in the form set out in Schedule 12A; and

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92.2.2 to the extent that may be relevant and appropriate:

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92.2.2.1 issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92.2.2.2 assign a classification to the building under the Regulations; and

92. Referral of Assessment of Building Work

92.2 Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:

92.2.2.3 ensure that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993.

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<p>92. Referral of Assessment of Building Work</p> <p>92.3 Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of essential safety provisions.</p>
<p>93. Notifications During Building Work</p> <p>93.1 The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.</p>
<p>93. Notifications During Building Work</p> <p>93.2 The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.</p>
<p>93. Notifications During Building Work</p> <p>93.3 The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.</p>
<p>94. Essential Safety Provisions</p> <p>94.1 The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.</p>
<p>94. Essential Safety Provisions</p> <p>94.2 The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.</p>
<p>94A Swimming Pool Safety</p> <p>94A.1 The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.</p>
<p>95. Building Rules: Bushfire Prone Areas</p> <p>95.1 Where:</p> <p>95.1.1 application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and</p> <p>95.1.2 the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and</p> <p>95.1.3 the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),</p> <p>the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.</p>
<p>96. Construction Industry Training Fund</p> <p>96.1 The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.</p>
<p>96. Construction Industry Training Fund</p> <p>96.2 The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.</p>
<p>96. Construction Industry Training Fund</p> <p>96.3 The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.</p>
<p>96A Requirement to Up-grade Building in Certain Cases</p> <p>96A.1 The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:</p>

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96A.1.1 that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or

96A.1.2 that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).

97. Classification of Buildings

97.1 The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.

97. Classification of Buildings

97.2 The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.

97. Classification of Buildings

97.2A The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).

97. Classification of Buildings

97.3 The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act –

97.3.1 the maximum number of persons who may occupy the building (or part of the building); and

97.3.2 If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.

98. Certificates of Occupancy

98.1 The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.

98. Certificates of Occupancy

98.2 The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.

98. Certificates of Occupancy

98.3 The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.

98. Certificates of Occupancy

98.4 Where:

98.4.1 a building is required by the Building Rules:

98.4.1.1 to be equipped with a booster assembly for use by a fire authority; or

98.4.1.2 to have installed a fire alarm that transmits a signal to a fire station; and

98.4.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.

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<p>98. Certificates of Occupancy 98.5 The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.</p>
<p>98. Certificates of Occupancy 98.6 The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.</p>
<p>98. Certificates of Occupancy 98.7 The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.</p>
<p>99. Certificate of Independent Technical Expert in Certain Case 99.1 The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.</p>
<p>100. Fees 100.1 The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.</p>
<p>100. Fees 100.2 The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.</p>
<p>100. Fees 100.3 The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.</p>
<p>100. Fees 100.4 The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:</p> <p>100.4.1 if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and</p> <p>100.4.2 if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.</p>
<p>101. Register Of Applications 101.1 The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.</p>
<p>101. Register Of Applications 101.2 The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).</p>
<p>102. Registration of Land Management Agreements 102.1 The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.</p>
<p>102. Registration of Land Management Agreements 102.2 The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.</p>
<p>103. Land Management Agreements - Development Applications 103.1 The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.</p>
<p>103. Land Management Agreements - Development Applications 103.2 The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the Delegate considers appropriate.</p>
<p>103. Land Management Agreements - Development Applications 103.3 The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.</p>
<p>103. Land Management Agreements - Development Applications 103.4 The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.</p>

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<p>103. Land Management Agreements - Development Applications</p> <p>103.5 The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.1 The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.2 The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.3 The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.</p>
<p>104. Documents to be Preserved by a Council</p> <p>104.4 The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.1 for inspection under Regulation 101(4)(a) if to do so would:</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.1.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.1.2 constitute a breach of any other law; or</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.2 for copying under Regulation 101(4)(b) if to do so would:</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.2.1 in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.2.2 involve an infringement of copyright in matter contained in a document; or</p>
<p>104.5 The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:</p> <p>104.5.2.3 constitute a breach of any other law.</p>
<p>104A Documents to be Provided by Private Certifier</p> <p>104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council</p>

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within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.
<p>105. Transfer of Development Potential</p> <p>105.1 The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.</p>
<p>106. System Indicators</p> <p>106.1 The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.</p>
<p>106. System Indicators</p> <p>106.2 The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.</p>
<p>106. System Indicators</p> <p>106.3 The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.</p>
<p>107. Schedule 1A - Demolition</p> <p>107.1 The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.</p>
<p>107. Schedule 1A - Demolition</p> <p>107.2 The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.</p>
<p>108. Schedule 4 - New Dwellings</p> <p>108.1 The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.</p>
<p>109. Schedule 6 - Fees</p> <p>109.1 The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.</p>
<p>110. Schedule 8 - Development Near The Coast</p> <p>110.1 The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.</p>
<p>111. Schedule 8 - Development Adjacent To Main Roads</p> <p>111.1 The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:</p> <p>111.1.1 alter an existing access; or</p> <p>111.1.2 change the nature of movement through an existing access; or</p> <p>111.1.3 create a new access; or</p> <p>111.1.4 encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).</p>
<p>112. Schedule 8 - State Heritage Places</p> <p>112.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated</p>
<p>113. Schedule 8 - Mining - General</p> <p>113.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.</p>
<p>114. Schedule 8 - Activity of Environmental Significance</p> <p>114.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is</p>

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for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.

115. Schedule 8 - Aquaculture Development

115.1 The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.

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.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.2 The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.3 The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:

118.3.1 the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);

118.3.2 the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:

118.4.1 that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.4 The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:

118.4.2 whether the division will change the nature or function of an existing road.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.5 The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:

118.6.1 the duty to not take into account what is included within Schedule 3 of the Regulations; and

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:

118.6.2 the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and

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118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.6 Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:

118.6.3 the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:

118.7.1 that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and

118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development

118.7 The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:

118.7.2 whether the proposed division will change the nature or function of an existing road.

Attachment 3



Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* are hereby delegated this **25th day of June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Heavy Vehicle National Law (South Australia) Act 2013
Item Delegated
1. Deciding Request for Consent Generally 1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent: 1.1.1 within: 1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or 1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act - 14 days after giving the notice of objection; or 1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.
1. Deciding Request for Consent Generally 1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if: 1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or 1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or 1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.
1. Deciding Request for Consent Generally 1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.
1. Deciding Request for Consent Generally 1.4 The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied: 1.4.1 the mass or dimension authority will, or is likely to: 1.4.1.1 cause damage to road infrastructure; or 1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or 1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and 1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise: 1.4.2.1 the damage or likely damage; or 1.4.2.2 the adverse effects or likely adverse effects; or 1.4.2.3 the significant risks or likely significant risks.
1. Deciding Request for Consent Generally 1.4A The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.
1. Deciding Request for Consent Generally 1.5 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to: 1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or 1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.

Heavy Vehicle National Law (South Australia) Act 2013

1. Deciding Request for Consent Generally

1.6 The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.

2. Action Pending Consultation with Third Party

2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).

2. Action Pending Consultation with Third Party

2.2 The power pursuant to Section 158(4) of the Act, if:

2.2.1 the consultation with the other entity is completed and the other entity's approval is required; and

2.2.2 the delegate has not yet decided to give or not to give the consent,

To -

2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or

2.2.4 decide to give the consent.

3. Deciding Request for Consent if Route Assessment Required

3.1 The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:

3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;

3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.

3. Deciding Request for Consent if Route Assessment Required

3.2 The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.

4. Imposition of Road Conditions

4.1 The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:

4.1.1 except in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition is imposed on the authority; or

4.1.2 in the case of a class 2 heavy vehicle authorisation (notice) - the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.

4. Imposition of Road Conditions

4.2 The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.

5. Imposition of Travel Conditions

5.1 The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.

5. Imposition of Travel Conditions

5.2 The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act

6. Imposition of Vehicle Conditions

6.1 The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.

7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority

7.1 The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:

7.1.1 14 days after the request for consent is made; or

7.1.2 28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.

8. Granting Limited Consent for Trial Purposes

8.1 The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.

9 Renewal of Limited Consent for Trial Purposes

9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.

10. Amendment or Cancellation on Regulator's Initiative

10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.

Heavy Vehicle National Law (South Australia) Act 2013

11. Amendment or Cancellation on Request by Relevant Road Manager

11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:

11.1.1 has caused, or is likely to cause, damage to road infrastructure; or

11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or

11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

11. Amendment or Cancellation on Request by Relevant Road Manager

11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:

11.2.1 amend the mass or dimension authority by:

11.2.1.1 amending the category of vehicle to which the authority applies; or

11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or

11.2.1.3 amending the areas or routes to which the authority applies; or

11.2.1.4 amending the days or hours to which the authority applies; or

11.2.1.5 imposing or amending road conditions or travel conditions; or

11.2.2 cancel the authority.

12. Amendment or Cancellation on Application by Permit Holder

12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.

13. Amendment or Cancellation on Request by Relevant Road Manager

13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:

13.1.1 has caused, or is likely to cause, damage to road infrastructure; or

13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or

13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

13. Amendment or Cancellation on Request by Relevant Road Manager

13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:

13.2.1 amend the mass or dimension authority, including, for example, by:

13.2.1.1 amending the areas or routes to which the authority applies; or

13.2.1.2 amending the days or hours to which the authority applies; or

13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or

13.2.2 cancel the authority.

Attachment 4



Instrument of Delegation under the Liquor Licensing Act 1999

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Liquor Licensing Act 1997* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Liquor Licensing Act 1997
Item Delegated
2. Rights of Intervention 2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.
3. Noise 3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).
3. Noise 3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.
3. Noise 3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).
4. Disciplinary Action Before the Court 4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.
5A Preparation of Draft Local Liquor Accords 5A.1 The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.
5A Preparation of Draft Local Liquor Accords 5A.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details: 5A.2.1 the name of each party to the draft; 5A.2.2 the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft); 5A.2.3 the proposed accord area; 5A.2.4 any other details prescribed by the regulations.
5B Terms of Local Liquor Accords 5B.1 The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following: 5B.1.1 to cease or restrict either or both of the following on their licensed premises: 5B.1.1.1 the sale of liquor on those premises (including the sale of liquor for consumption off premises); 5B.1.1.2 allowing the consumption of liquor on those premises; 5B.1.2 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord; 5B.1.3 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.
5C Approval of Local Liquor Accords 5C.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).

Liquor Licensing Act 1997

5C Approval of Local Liquor Accords

5C.2 The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.

5C Approval of Local Liquor Accords

5C.3 The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.

5C Approval of Local Liquor Accords

5C.4 The power pursuant to Section 128H(7) of the Act to:

5C.4.1 only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or

5C.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.

6. Control of consumption etc of liquor in public places

6.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.

6. Control of consumption etc of liquor in public places

6.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.

6. Control of consumption etc of liquor in public places

6.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.

Attachment 5



Instrument of Delegation under the Local Government Act 1999

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Local Government Act 1999* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Local Government Act 1999
Item Delegated
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.
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; 1.2.2 alter the name of: 1.2.2.1 the Council; 1.2.2.2 the area of the Council; 1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).
1. Composition and Wards 1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.
1. Composition and Wards 1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.
1. Composition and Wards 1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.
1. Composition and Wards 1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.
1. Composition and Wards 1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).
1. Composition and Wards 1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:

Local Government Act 1999

1.10.1 provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and

1.10.2 sets out:

1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and

1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and

1.10.3 sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.

1. Composition and Wards

1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.

1. Composition and Wards

1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.

1. Composition and Wards

1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.

1. Composition and Wards

1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:

1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and

1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.

1. Composition and Wards

1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:

1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and

1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and

1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.

1. Composition and Wards

1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.

1. Composition and Wards

1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.

1. Composition and Wards

1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.

1. Composition and Wards

1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances

Local Government Act 1999

(including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.

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.

1. Composition and Wards

1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.

2. Status of a Council or Change of Various Names

2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:

2.1.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;

2.1.2 alter the name of:

2.1.2.1 the Council;

2.1.2.2 the area of the Council;

2.1.3 alter the name of a ward.

2. Status of a Council or Change of Various Names

2.2 The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:

2.2.1 to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;

2.2.2 publish the notice in a newspaper circulating within the area; and

2.2.3 give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.

3. Deliberately left blank

4. Deliberately left blank

5. Council Initiated Proposal

5.1 Deliberately left blank

5. Council Initiated Proposal

5.2 Deliberately left blank

5.2.1 Deliberately left blank

5.2.2 Deliberately left blank

5.2.3 Deliberately left blank

5.2.4 Deliberately left blank

5. Council Initiated Proposal

5.3 The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council, request or consent to the Minister:

5.3.1 amending the proposal;

5.3.1 substituting an alternative proposal.

Local Government Act 1999
<p>6. Commission to Receive Proposals</p> <p>6.1 The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.</p>
<p>6. Commission to Receive Proposals</p> <p>6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:</p> <p>6.2.1 set out in general terms the nature of the proposal; and</p> <p>6.2.2 comply with any requirements of the proposal guidelines.</p>
<p>6A Inquiries – General Proposals</p> <p>6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.</p>
<p>6A Inquiries – General Proposals</p> <p>6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.</p>
<p>7. General Powers and Capacities</p> <p>7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.</p>
<p>7. General Powers and Capacities</p> <p>7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.</p>
<p>7. General Powers and Capacities</p> <p>7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.</p>
<p>7. General Powers and Capacities</p> <p>7.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area:</p> <p>7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or</p> <p>7.3.2 in order to provide services to an unincorporated area of the State.</p>
<p>9. Committees</p> <p>9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.</p>
<p>9. Committees</p> <p>9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.</p>
<p>9. Committees</p> <p>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.</p>
<p>8. Provision Relating to Contract and Transactions</p> <p>8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.</p>
<p>9. Committees</p> <p>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.</p>
<p>9. Committees</p> <p>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.</p>
<p>11. Principal Office</p> <p>11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.</p>
<p>11. Principal Office</p> <p>11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.</p>
<p>10. Delegations</p> <p>10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.</p>

Local Government Act 1999
<p>10. Delegations</p> <p>10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.</p>
<p>11. Principal Office</p> <p>11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.</p>
<p>12. Commercial Activities</p> <p>12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').</p>
<p>12. Commercial Activities</p> <p>12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:</p> <p>12.2.1 establish a business;</p> <p>12.2.2 participate in a joint venture, trust, partnership or other similar body.</p>
<p>13. Interests in Companies</p> <p>13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.</p>
<p>14. Prudential Requirements for Certain Activities</p> <p>14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -</p> <p>14.00.1 acts with due care, diligence and foresight; and</p> <p>14.00.2 identifies and manages risks associated with a project; and</p> <p>14.00.3 makes informed decisions; and</p> <p>14.00.4 is accountable for the use of Council and other public resources.</p>
<p>14. Prudential Requirements for Certain Activities</p> <p>14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.</p>
<p>14. Prudential Requirements for Certain Activities</p> <p>14.1 Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</p> <p>14.1.1 Deliberately left blank.</p> <p>14.1.2 engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -</p> <p>14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or</p> <p>14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or</p> <p>14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.</p>
<p>14. Prudential Requirements for Certain Activities</p> <p>14.3 The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>

Local Government Act 1999

15. Contracts and Tenders Policies

15.0 The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:

15.0.1 obtaining value in the expenditure of public money; and

15.0.2 providing for ethical and fair treatment of participants; and

15.0.3 ensuring probity, accountability and transparency in procurement operations.

15. Contracts and Tenders Policies

15.1 Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:

15.1.1 the contracting out of services; and

15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and

15.1.3 the use of local goods and services; and

15.1.4 the sale or disposal of land or other assets.

15. Contracts and Tenders Policies

15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:

15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and

15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and

15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and

15.2.4 are consistent with any requirement prescribed by the regulations.

15. Contracts and Tenders Policies

15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).

15. Contracts and Tenders Policies

15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.

16. Public Consultation Policies

16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:

16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and

16.1.2 in other cases involving Council decision making, if relevant.

16. Public Consultation Policies

16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.

16. Public Consultation Policies

16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:

16.3.1 the publication of a notice:

16.3.1.1 in a newspaper circulating within the area of the Council; and

16.3.1.2 on a website determined by the Chief Executive Officer,

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describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
16.3.2 the consideration of any submissions made in response to that invitation.
16. Public Consultation Policies
16.4 The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.
16. Public Consultation Policies
16.5 Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:
16.5.1 prepare a document that sets out its proposal in relation to the matter; and
16.5.2 publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;
16.5.3 consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.
16. Public Consultation Policies
16.6 The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.
16. Public Consultation Policies
16.7 The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.
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18. Inspection of Register
18.1 The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.
19. Reimbursement of Expenses
19.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.
19. Reimbursement of Expenses
19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.
20. Register of Allowances and Benefits
20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.
21. Insurance of members
21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.
22. Training and Development
22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.
22. Training and Development
22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.

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<p>22. Training and Development</p> <p>22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.</p>
<p>23. Committee Meetings</p> <p>23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.</p>
<p>23. Committee Meetings</p> <p>23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:</p> <p>23.2.1 the availability and convenience of members of the committee; and</p> <p>23.2.2 the nature and purpose of the committee.</p>
<p>22. Training and Development</p> <p>22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).</p>
<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.</p>
<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.2 The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.</p>
<p>24. Meetings To Be Held in Public Except in Special Circumstances</p> <p>24.3 The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.</p>
<p>25. Minutes and Release of Documents</p> <p>25.1 The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.</p>
<p>25. Minutes and Release of Documents</p> <p>25.2 Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.</p>
<p>25. Minutes and Release of Documents</p> <p>25.3 Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:</p>
<p>26. Access to Meetings and Documents - Code of Practice</p> <p>26.3 The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council's code of practice or substitute a new code of practice.</p>
<p>25. Minutes and Release of Documents</p> <p>25.3.1 minutes of the Council and Council committee meetings; and</p>
<p>25. Minutes and Release of Documents</p> <p>25.3.2 reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and</p>
<p>25. Minutes and Release of Documents</p> <p>25.3.3 recommendations presented to the Council in writing and adopted by resolution of the Council; and</p>
<p>27. Meetings of Electors</p> <p>27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.</p>
<p>27. Meetings of Electors</p> <p>27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.</p>
<p>25. Minutes and Release of Documents</p> <p>25.3.4 budgetary or other financial statements adopted by the Council.</p>

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<p>27. Meetings of Electors 27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).</p>
<p>26. Access to Meetings and Documents - Code of Practice 26.1 The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.</p>
<p>26. Access to Meetings and Documents - Code of Practice 26.2 The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council's Code of Practice within 12 months after the conclusion of each periodic election.</p>
<p>26. Access to Meetings and Documents - Code of Practice 26.4 The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:</p> <p>26.4.1 copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council's principal office and available for inspection on a website determined by the Chief Executive Officer; and</p> <p>26.4.2 the relevant steps set out in the Council's Public Consultation Policy are followed.</p>
<p>26. Access to Meetings and Documents - Code of Practice 26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.</p>
<p>28. Obstructing of Meetings 28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.</p>
<p>29. Register of Remuneration Salaries and Benefits 29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.</p>
<p>30. Certain Periods Of Service To Be Regarded As Continuous 30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.</p>
<p>30. Certain Periods Of Service To Be Regarded As Continuous 30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.</p>
<p>30. Certain Periods Of Service To Be Regarded As Continuous 30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.</p>
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<p>32. Application of Division 32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.</p>
<p>33. Certain Aspects of Strategic Management Plans 33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the</p>

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public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.

33. Certain Aspects of Strategic Management Plans

33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

34. Annual Business Plans and Budgets

34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -

34.1.1 prepare a draft annual business plan; and

34.1.2 follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.

34. Annual Business Plans and Budgets

34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.

34. Annual Business Plans and Budgets

34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:

34.3.1 a facility for asking and answering questions; and

34.3.2 the receipt of submissions,
on the Council's website during the public consultation period.

34. Annual Business Plans and Budgets

34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:

34.4.1 ensure:

34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and

34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and

34.4.2 ensure:

34.4.2.1 that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and

34.4.2.2 that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council.

34. Annual Business Plans and Budgets

34.4.3 ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.

35. Accounting Records to be Kept

35.1 The duty pursuant to Section 124(1) of the Act to:

35.1.1 keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;

35.1.2 keep the Councils accounting records in such manner as will enable:

35.1.2.1 the preparation and provision of statements that fairly present financial and other information; and

35.1.2.2 the financial statements of the Council to be conveniently and properly audited.

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<p>35. Accounting Records to be Kept</p> <p>35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.</p>
<p>36. Internal Control Policies</p> <p>36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.</p>
<p>37. Audit Committee</p> <p>37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.</p>
<p>37. Audit Committee</p> <p>37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.</p>
<p>38. Financial Statements</p> <p>38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:</p> <p>38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and</p> <p>38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.</p>
<p>38. Financial Statements</p> <p>38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:</p> <p>38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and</p> <p>38.2.2 comply with standards and principles prescribed by the Regulations; and</p> <p>38.2.3 include the information required by the Regulations.</p>
<p>38. Financial Statements</p> <p>38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.</p>
<p>38. Financial Statements</p> <p>38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.</p>
<p>38. Financial Statements</p> <p>38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>
<p>39. The Auditor</p> <p>39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.</p>
<p>39. The Auditor</p> <p>39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.</p>
<p>39. The Auditor</p> <p>39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:</p> <p>39.3.1 information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:</p> <p>39.3.1.1 remuneration payable for the annual audit of the Council's financial statements; and</p> <p>39.3.1.2 other remuneration;</p> <p>39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the</p>

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expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.

40. Conduct of Audit

40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.

41. Other Investigations

41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.

41. Other Investigations

41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:

41.2.1 unless Section 130A(6)(b) of the Act applies - at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;

41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council - at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.

42. Annual Report to be Prepared and Adopted

42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.

42. Annual Report to be Prepared and Adopted

42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.

42. Annual Report to be Prepared and Adopted

42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.

42. Annual Report to be Prepared and Adopted

42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:

42.4.1 the Presiding Member of both Houses of Parliament; and

42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.

42. Annual Report to be Prepared and Adopted

42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.

42. Annual Report to be Prepared and Adopted

42.6 The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

43. Access to Documents

43.1 The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:

43.1.1 to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and

43.1.2 to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.

43. Access to Documents

43.2 The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).

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43. Access to Documents

43.3 The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:

43.3.1 agendas for meetings of the Council or Council committees;

43.3.2 minutes of meetings of the Council or Council committees;

43.3.3 codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;

43.3.4 the Council's contract and tenders policies, public consultation policy and order-making policies;

43.3.5 the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;

43.3.6 the Council's budget (as adopted by the Council for a particular year);

43.3.7 a list of fees and charges imposed by the Council under this Act;

43.3.8 by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;

43.3.9 procedures for the review of decisions established by the Council under Part 2 of Chapter 13;

43.3.10 the audited financial statements of the Council;

43.3.11 the annual report of the Council;

43.3.12 the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.

44. Related Administrative Standards

44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:

44.1.2 to ensure compliance with any statutory requirements; and

44.1.2 to achieve and maintain standards of good public administration.

45. Sources of Funds

45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.

46. Ability of a Council to Give Security

46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:

46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);

46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);

46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.

46. Ability of a Council to Give Security

46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:

46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and

46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.

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47. Expenditure of Funds

47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.

48. Investment Powers

48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council's control.

48. Investment Powers

48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:

48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and

48.2.2 avoid investments that are speculative or hazardous in nature.

48. Investment Powers

48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:

48.3.1 the purposes of the investment;

48.3.2 the desirability of diversifying Council investments;

48.3.3 the nature of and risk associated with existing Council investments;

48.3.4 the desirability of maintaining the real value of the capital and income of the investment;

48.3.5 the risk of capital or income loss or depreciation;

48.3.6 the potential for capital appreciation;

48.3.7 the likely income return and the timing of income return;

48.3.8 the length of the term of a proposed investment;

48.3.9 the period for which the investment is likely to be required;

48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;

48.3.11 the aggregate value of the assets of the Council;

48.3.12 the likelihood of inflation affecting the value of a proposed investment;

48.3.13 the costs of making a proposed investment;

48.3.14 the results of any review of existing Council investments.

48. Investment Powers

48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:

48.4.1 the anticipated community benefit from an investment; and

48.4.2 the desirability of attracting additional resources into the local community.

48. Investment Powers

48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.

49. Review of Investment

49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.

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50. Gifts to a Council

50.1 Within the confines of Section 44(3) of the Act:

50.1.1 the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;

50.1.2 the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;

50.1.3 the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;

50.1.4 where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and

50.1.5 the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.

51. Duty to Insure Against Liability

51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.

52. Writing off Bad Debts

52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:

52.1.1 if the Council has no reasonable prospect of recovering the debts; or

52.1.2 if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$5,000.00 in respect of any one debt.

52. Writing off Bad Debts

52.2 The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:

52.2.1 reasonable attempts have been made to recover the debt; or

52.2.2 the costs of recovery are likely to equal or exceed the amount to be recovered.

53. Recovery of Amounts due to Council

53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.

53. Recovery of Amounts due to Council

53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other property.

54. Land Against Which Rates May be Assessed

54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.

55. Basis of Rating

55.1 Before the Council:

55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or

55.1.2 changes the basis on which land is valued for the purposes of rating; or

55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land; the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:

55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and

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55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.
55. Basis of Rating 55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
56. General Rates 56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.
57. Service Rates and Service Charges 57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.
57. Service Rates and Service Charges 57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.
58. Basis of Differential Rates 58.1 The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.
58. Basis of Differential Rates 58.2 The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to - 58.2.1 prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and 58.2.2 follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.
58. Basis of Differential Rates 58.3 The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.
59. Notice of Differentiating Factors 59.1 If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.
60. Preliminary 60.1 The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.
60. Preliminary 60.2 The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).
60. Preliminary 60.3 The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.
60. Preliminary 60.4 The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.
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

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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.

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.

63. Discretionary Rebates of Rates

63.1 The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):

63.1.1 the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and

63.1.2 the community need that is being met by activities being carried out on the land for which the rebate is sought; and

63.1.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;

63.1.4 any other matter considered relevant by the Council or the Delegate.

63. Discretionary Rebates of Rates

63.2 The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:

63.2.1 where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;

63.2.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area;

63.2.3 where the rebate will be conducive to the preservation of buildings or places of historic significance;

63.2.4 where the land is being used for educational purposes;

63.2.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;

63.2.6 where the land is being used for a hospital or health centre;

63.2.7 where the land is being used to provide facilities or services for children or young persons;

63.2.8 where the land is being used to provide accommodation for the aged or disabled;

63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;

63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;

63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;

63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise

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amount to a substantial change in rates payable by a ratepayer due to:

63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or

63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:

63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or

63.2.13.2 liability that is unfair or unreasonable;

63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or

63.2.15 where the rebate is contemplated under another provision of the Act.

63. Discretionary Rebates of Rates

63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:

63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or

63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or

63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.

63. Discretionary Rebates of Rates

63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.

64. Valuation of Land for the Purposes of Rating

64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.

64. Valuation of Land for the Purposes of Rating

64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:

64.2.1 valuations made, or caused to be made, by the Valuer-General; or

64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;
or a combination of both.

64. Valuation of Land for the Purposes of Rating

64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.

65. Valuation of Land

65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).

65. Valuation of Land

65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.

65. Valuation of Land

65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.

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<p>66. Objections to Valuations Made by Council</p> <p>66.1 The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:</p> <p>66.1.1 the objection does not involve a question of law; and</p> <p>66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and</p> <p>66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).</p>
<p>66. Objections to Valuations Made by Council</p> <p>66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.</p>
<p>66. Objections to Valuations Made by Council</p> <p>66.3 The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.</p>
<p>66. Objections to Valuations Made by Council</p> <p>66.4 The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:</p> <p>66.4.1 in the prescribed manner and form;</p> <p>66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and</p> <p>66.4.3 accompanied by the prescribed fee.</p>
<p>66. Objections to Valuations Made by Council</p> <p>66.5 The power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.</p>
<p>67. Notice of Declaration of Rates</p> <p>67.1 The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.</p>
<p>68. Alterations to Assessment Record</p> <p>68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.</p>
<p>68. Alterations to Assessment Record</p> <p>68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.</p>
<p>69. Inspection of Assessment Record</p> <p>69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.</p>
<p>70. Liability for Rates</p> <p>70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:</p> <p>70.1.1 the principal ratepayer; or</p> <p>70.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or</p> <p>70.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.</p>
<p>70. Liability for Rates</p> <p>70.2 The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.</p>
<p>70. Liability for Rates</p> <p>70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to</p>

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Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.
70. Liability for Rates 70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.
71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.
71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year 71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.
72. Service of Rate Notice 72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after: 72.1.1 the declaration of a rate; or 72.1.2 the imposition of a service charge; or 72.1.3 a change in the rates liability of land.
73. Payment of Rates - General Principles 73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.
73. Payment of Rates - General Principles 73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).
73. Payment of Rates - General Principles 73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.
73. Payment of Rates - General Principles 73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act: 73.4.1 the amount of the instalment; and 73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
73. Payment of Rates - General Principles 73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.
73. Payment of Rates - General Principles 73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.
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.
73. Payment of Rates - General Principles 73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1%

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of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.
<p>73. Payment of Rates - General Principles</p> <p>73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.</p>
<p>73. Payment of Rates - General Principles</p> <p>73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:</p> <p>73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and</p> <p>73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.</p>
<p>74. Remission and Postponement of Payment</p> <p>74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:</p> <p>74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or</p> <p>74.1.2 remit the rates in whole or in part.</p>
<p>74. Remission and Postponement of Payment</p> <p>74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:</p> <p>74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);</p> <p>74.2.2 to grant the postponement on other conditions determined by the Delegate; and</p> <p>74.2.3 to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).</p>
<p>74. Remission and Postponement of Payment</p> <p>74.3 The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:</p> <p>74.3.1 to assist or support a business in the Council's area; or</p> <p>74.3.2 to alleviate the affects of anomalies that have occurred in valuations under the Act.</p>
<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.</p>
<p>74. Remission and Postponement of Payment</p> <p>74.4 The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).</p>
<p>74. Remission and Postponement of Payment</p> <p>74.5 The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.</p>
<p>74. Remission and Postponement of Payment</p> <p>74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).</p>
<p>75. Postponement of Rates - Seniors</p> <p>75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.</p>
<p>75. Postponement of Rates - Seniors</p> <p>75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the</p>

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prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:

75.2.1 reject an application for the postponement of rates; or

75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.

76. Application of money in respect of rates

76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.

77. Sale of Land for Non-Payment of Rates

77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:

77.2.1 stating the period for which the rates have been in arrears; and

77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and

77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.

77. Sale of Land for Non-Payment of Rates

77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:

77.3.1 to any owner of the land who is not the principal ratepayer; and

77.3.2 to any registered mortgagee of the land; and

77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.

77. Sale of Land for Non-Payment of Rates

77.4 If:

77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or

77.4.2 the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,
the power pursuant to Section 184(4) of the Act to effect service of the notice by:

77.4.3 placing a copy of the notice in a newspaper circulating throughout the State; and

77.4.4 leaving a copy of the notice in a conspicuous place on the land.

77. Sale of Land for Non-Payment of Rates

77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.

77. Sale of Land for Non-Payment of Rates

77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.

77. Sale of Land for Non-Payment of Rates

77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.

77. Sale of Land for Non-Payment of Rates

77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.

77. Sale of Land for Non-Payment of Rates

77.9 The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be

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reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.
<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.10 The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.</p>
<p>77. Sale of Land for Non-Payment of Rates</p> <p>77.11 The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.</p>
<p>78. Objection, Review or Appeal</p> <p>78.1 If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:</p> <p>78.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or</p> <p>78.1.2 to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.</p>
<p>79. Certificate of Liabilities</p> <p>79.1 The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</p> <p>79.1.1 the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and</p> <p>79.1.2 any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.</p>
<p>80. Investigation by Ombudsman</p> <p>80.1 The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:</p> <p>80.1.1 the Ombudsman; and</p> <p>80.1.2 if relevant, the person who made the complaint.</p>
<p>80. Investigation by Ombudsman</p> <p>80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.</p>
<p>81. Fees and Charges</p> <p>81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:</p> <p>81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;</p> <p>81.1.2 for services supplied to a person at his or her request;</p> <p>81.1.3 for carrying out work at a person's request;</p>
<p>82. Acquisition of Land by Agreement</p> <p>82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.</p>
<p>83. Compulsory Acquisition of Land</p> <p>83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.</p>
<p>81. Fees and Charges</p> <p>81.2 The power pursuant to Section 188(3) of the Act to provide for:</p> <p>81.2.1 specific fees and charges;</p>

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81.2.2 maximum fees and charges and minimum fees and charges;
81.2.3 annual fees and charges;
81.2.4 the imposition of fees or charges according to specified factors;
83. Compulsory Acquisition of Land 83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.
81. Fees and Charges 81.2 The power pursuant to Section 188(3) of the Act to provide for:
81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) - (c) of the Act inclusive; and
84. Assumption of Care, Control and Management of Land 84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.
81. Fees and Charges 81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.
81. Fees and Charges 81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.
81. Fees and Charges 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.
81. Fees and Charges 81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, update the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.
84. Assumption of Care, Control and Management of Land 84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.
85. Classification 85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:
85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or
85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.
86. Revocation of Classification of Land as Community Land 86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:
86.1.1 prepare and make publicly available a report on the proposal containing:
86.1.1.1 a summary of reasons for the proposal; and
86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and
86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and
86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and
86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and

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86.1.2 follow the relevant steps set out in the Council's public consultation policy.
86. Revocation of Classification of Land as Community Land 86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.
86. Revocation of Classification of Land as Community Land 86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.
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.
87. Effect of Revocation of Classification 87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar General.
88. Management Plans 88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that: 88.1.1 identifies the land to which it applies; and 88.1.2 states the purpose for which the land is held by the Council; and 88.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and 88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.
88. Management Plans 88.2 If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must: 88.2.1 identify the owner of the land; and 88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and 88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.
88. Management Plans 88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.
89. Public Consultation on Proposed Management Plan 89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act: 89.1.1 make copies of the proposed plan available for inspection or purchase at the Council's principal office; and 89.1.2 follow the relevant steps set out in Council's public consultation policy.
93. Sale or Disposal of Local Government Land 93.1 The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land: 93.1.1 vested in the Council in fee simple; or 93.1.2 vested in the Council as lessee.
93. Sale or Disposal of Local Government Land 93.2 The power pursuant to Section 201(2) of the Act to:

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93.2.1 grant an easement (including a right of way) over community land; and
93.2.2 grant an easement (excluding a right of way) over a road or part of a road.
89. Public Consultation on Proposed Management Plan 89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
90. Amendment or Revocation of Management Plan 90.2 The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.
90. Amendment or Revocation of Management Plan 90.3 The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.
91. Effect of Management Plan 91.1 The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.
92. Use of Community Land for Business Purposes 92.1 The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.
94. Alienation of Community Land by Lease or Licence 94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for: 94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence; 94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act); 94.1.3 any other matter relevant to the use or maintenance of the land.
94. Alienation of Community Land by Lease or Licence 94.2 The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless: 94.2.1 the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or 94.2.2 the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.
94. Alienation of Community Land by Lease or Licence 94.3 The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.
94. Alienation of Community Land by Lease or Licence 94.4 The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.
95. Register 95.1 The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.
95. Register 95.2 The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register: 95.2.1 contains the information required by the Regulations; and 95.2.2 contains copies of current management plans.

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<p>95. Register</p> <p>95.3 The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.</p>
<p>95. Register</p> <p>95.4 The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.</p>
<p>96. Ownership of Public Roads</p> <p>96.1 The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.</p>
<p>97. Ownership of Fixtures and Equipment Installed on Public Roads</p> <p>97.1 The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.</p>
<p>98. Conversion of Private Road to Public Road</p> <p>98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.</p>
<p>98. Conversion of Private Road to Public Road</p> <p>98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:</p> <p>98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and</p> <p>98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council - give written notice to the person of the proposed declaration; and</p> <p>98.2.3 give public notice of the proposed declaration.</p>
<p>98. Conversion of Private Road to Public Road</p> <p>98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.</p>
<p>98. Conversion of Private Road to Public Road</p> <p>98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.</p>
<p>99. Highways</p> <p>99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.</p>
<p>100. Power to Carry Out Roadwork</p> <p>100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.</p>
<p>100. Power to Carry Out Roadwork</p> <p>100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:</p> <p>100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and</p> <p>100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and</p> <p>100.2.3 the roadwork in relation to a private road is only carried out if:</p> <p>100.2.3.1 the owner agrees; or</p> <p>100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or</p> <p>100.2.3.3 the identity or whereabouts of the owner is unknown; and</p>

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100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).

101. Recovery of Cost of Roadwork

101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.

101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:

101.2.1 the person who caused the damage; or

101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object - the person who is the owner, or who has control of that infrastructure.

101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.

102. Contribution Between Councils where Road is on Boundary Between Council Areas

102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.

103. Special Provisions for Certain Kinds of Roadwork

103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:

103.1.1 ensure that adjoining properties have adequate access to the road; and

103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.

103. Special Provisions for Certain Kinds of Roadwork

103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:

103.2.1 there is no significant risk of damage to the adjoining property; or

103.2.2 the road work does not significantly increase the risk of damage to adjoining property.

103. Special Provisions for Certain Kinds of Roadwork

103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.

104. Power to Order Owner of Private Road to Carry out Specific Roadwork

104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.

104. Power to Order Owner of Private Road to Carry out Specific Roadwork

104.2 The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:

104.2.1 any proposal to make an order; and

104.2.2 if an order is made, any order, under Section 216(1) of the Act.

105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.

105.1 The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:

105.1.1 to carry out specified work by way of maintenance or repair; or

105.1.2 to move the structure or equipment in order to allow the Council to carry out roadwork.

105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.

105.2 Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in

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the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.
<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.</p>
<p>106. Power to Require Owner of Adjoining Land to Carry Out Specific Work</p> <p>106.2 The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</p> <p>106.2.1 any proposal to make an order; and</p> <p>106.2.2 if an order is made, any order under Section 218(1) of the Act.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.2 The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:</p> <p>107.3.1 give the adjoining council at least 2 months notice of the proposed change; and</p> <p>107.3.2 consider any representations made by the adjoining council in response to that notice.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.4 The duty pursuant to Section 219(3) of the Act to:</p> <p>107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and</p> <p>107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.</p>
<p>107. Power to Assign a Name, or Change the Name, of a Road or Public Place</p> <p>107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:</p> <p>107.8.1 in the Gazette; and</p>

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<p>107.8.2 in a newspaper circulating in the area of the council; and</p> <p>107.8.3 on a website determined by the Chief Executive Officer.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.</p>
<p>108. Numbering of Premises and Allotments</p> <p>108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.</p>
<p>109. Alteration of Road</p> <p>109.1 The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:</p> <p>109.1.1 altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>109.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>109.1.3 changing or interfering with the construction, arrangement or materials of the road; or</p> <p>109.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or</p> <p>109.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.</p>
<p>109. Alteration of Road</p> <p>109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:</p> <p>109.2.1 unduly obstruct the use of the road; or</p> <p>109.2.2 unduly interfere with the construction of the road; or</p> <p>109.2.3 have an adverse effect on road safety.</p>
<p>109. Alteration of Road</p> <p>109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:</p> <p>109.3.1 for a particular act or occasion; or</p> <p>109.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.</p>
<p>110. Permits for Business Purposes</p> <p>110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.</p>
<p>110. Permits for Business Purposes</p> <p>110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.</p>
<p>110. Permits for Business Purposes</p> <p>110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.</p>

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<p>111. Public Consultation</p> <p>111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:</p> <p>111.1.1 that confers a right of exclusive occupation; or</p> <p>111.1.2 that would have the effect of restricting access to a road; or</p> <p>111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</p>
<p>111. Public Consultation</p> <p>111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.</p>
<p>112. Conditions of Authorisation or Permit</p> <p>112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.</p>
<p>113. Cancellation of Authorisation or Permit</p> <p>113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</p> <p>113.1.1. in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</p> <p>113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.</p>
<p>113. Cancellation of Authorisation or Permit</p> <p>113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:</p> <p>113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</p> <p>113.2.2 consider any representations made in response to the notice.</p>
<p>113. Cancellation of Authorisation or Permit</p> <p>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</p>
<p>113. Cancellation of Authorisation or Permit</p> <p>113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.</p>
<p>113A Location Rules – General</p> <p>113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.</p>
<p>113A Location Rules – General</p> <p>113A.2 The power pursuant to Section 225A(4) of the Act to:</p> <p>113A.2.1 from time to time amend the Council's location rules;</p> <p>113A.2.2 amend its location rules in order that the rules comply with:</p> <p>113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</p>

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113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.
<p>114. Register</p> <p>114.1 The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:</p> <p>114.1.1 includes the information required by regulation; and</p> <p>114.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.</p>
<p>114. Register</p> <p>114.2 The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</p>
<p>115. Trees</p> <p>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</p> <p>115.1 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</p> <p>115.1.1 environmental and aesthetic issues; and</p> <p>115.1.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</p> <p>115.1.3 road safety matters; and</p> <p>115.1.4 other matters (if any) considered relevant by the Delegate; and</p> <p>115.2 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.</p>
<p>116. Damage</p> <p>116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.</p>
<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:</p> <p>117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or</p> <p>117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.</p>
<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.</p>
<p>117. Council's Power to Remove Objects etc from Roads</p> <p>117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.</p>
<p>119. Abandonment of Vehicles and Farm Implements</p> <p>119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.</p>
<p>120. Removal of Vehicles</p> <p>120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:</p>

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<p>120.1.1 by written notice in the prescribed form:</p> <p>120.1.1.1 served on the owner personally; or</p> <p>120.1.1.2 served on the owner by the use of person-to-person registered post, as soon as practicable after the removal of the vehicle; or</p> <p>120.1.2 if the owner is unknown or cannot be found - by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.</p>
<p>120. Removal of Vehicles</p> <p>120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.</p>
<p>120. Removal of Vehicles</p> <p>120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:</p> <p>120.3.1 the vehicle is offered for sale but not sold; or</p> <p>120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.</p>
<p>120. Removal of Vehicles</p> <p>120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:</p> <p>120.4.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;</p> <p>120.4.3 thirdly, in payment of the balance to the owner of the vehicle.</p>
<p>120. Removal of Vehicles</p> <p>120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.</p>
<p>120. Removal of Vehicles</p> <p>120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.</p>
<p>121. Time Limits for Dealing with Certain Applications</p> <p>121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.</p>
<p>121. Time Limits for Dealing with Certain Applications</p> <p>121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.</p>
<p>122. Registrar-General to Issue Certificate of Title</p> <p>122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.</p>
<p>122. Registrar-General to Issue Certificate of Title</p> <p>122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:</p> <p>122.2.1 in a manner and form approved by the Registrar-General; and</p> <p>122.2.2 accompanied by:</p> <p>122.2.2.1 Deliberately left blank.</p> <p>122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and</p> <p>122.2.2.3 a fee fixed by the Registrar-General.</p>

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123. Liability for Injury, Damage or Loss Caused by Certain Trees

123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).

124. Council May Require Bond or Other Security in Certain Circumstances

124.1 Subject to Section 245A of the Act, if,

124.1.1 a person has approval to carry out development under the Development Act 1993; and

124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development, the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

124. Council May Require Bond or Other Security in Certain Circumstances

124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

125. Power to Make By-Laws

125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.

126. Passing By-Laws

126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:

126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and

126.1.2 by notice in a newspaper circulating in the area of the Council:

126.1.2.1 inform the public of the availability of the proposed by law; and

126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.

126. Passing By-Laws

126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and

126.2.2 the by-law is not in conflict with the Act.

126. Passing By-Laws

126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.

126. Passing By-Laws

126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.

127. Model By-Laws

127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.

127. Model By-Laws

127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

128. Register of By-Laws and Certified Copies

128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.

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<p>128. Register of By-Laws and Certified Copies</p> <p>128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.</p>
<p>128. Register of By-Laws and Certified Copies</p> <p>128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.</p>
<p>129. Power to Make Orders</p> <p>129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.</p>
<p>130. Procedures to be Followed</p> <p>130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:</p> <p>130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and</p> <p>130.1.2 stating the reasons for the proposed action; and</p> <p>130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).</p>
<p>130. Procedures to be Followed</p> <p>130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.</p>
<p>130. Procedures to be Followed</p> <p>130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:</p> <p>130.3.1 to make an order in accordance with the terms of the original proposal; or</p> <p>130.3.2 to make an order with modifications from the terms of the original proposal; or</p> <p>130.3.3 to determine not to proceed with an order.</p>
<p>130. Procedures to be Followed</p> <p>130.4 The power pursuant to Section 255(5) of the Act to:</p> <p>130.4.1 include two or more orders in the same instrument;</p> <p>130.4.2 direct two or more persons to do something specified in the order jointly.</p>
<p>130. Procedures to be Followed</p> <p>130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:</p> <p>130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and</p> <p>130.5.2 states the reasons for the order.</p>
<p>130. Procedures to be Followed</p> <p>130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.</p>
<p>130. Procedures to be Followed</p> <p>130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.</p>
<p>130. Procedures to be Followed</p> <p>130.8 The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.</p>
<p>130. Procedures to be Followed</p> <p>130.9 If the Delegate, in the circumstances of a particular case, considers:</p>

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130.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or

130.9.2 that an emergency situation otherwise exists,
the Delegate has the power pursuant to Section 255(12) of the Act to:

130.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and

130.9.4 require immediate compliance with an order despite Section 255(6)(a).

131. Rights of Review

131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek review of the order under the Act, and to include the information specified by the Regulations to the Act.

132. Action on Non-Compliance

132.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.

134. Appointment of Authorised Persons

134.1 The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.

134. Appointment of Authorised Persons

134.2 The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.

132. Action on Non-Compliance

132.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.

132. Action on Non-Compliance

132.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.

134. Appointment of Authorised Persons

134.3 The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:

134.3.1 containing a photograph of the authorised person; and

134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.

134. Appointment of Authorised Persons

134.4 The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.

132. Action on Non-Compliance

132.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:

132.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

132.4.2 if the person is the owner of the land to which the order relates - the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.

133. Councils to Develop Policies

133.1 The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.

133. Councils to Develop Policies

133.2 The power and duty pursuant to Section 259(2) of the Act to:

133.2.1 prepare a draft of a Policy; and

133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite

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interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).
133. Councils to Develop Policies 133.3 The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.
133. Councils to Develop Policies 133.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.
133. Councils to Develop Policies 133.5 The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.
133. Councils to Develop Policies 133.6 The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.
133. Councils to Develop Policies 133.7 The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.
135. Procedures for Review of Decisions and Requests for Services 135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: 135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and 135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.
135. Procedures for Review of Decisions and Requests for Services 135.0 The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards: 135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and 135.0.2 using information gained from the Council's community to improve its services and operations.
136A. Provision of Information to Minister 136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.
136A. Provision of Information to Minister 136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if: 136AA.2.1 the information was given to the Council in confidence; or 136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
136B. Minister May Refer Investigation of Council to Ombudsman 136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's actions and make submissions to the Minister.
135. Procedures for Review of Decisions and Requests for Services 135.1 Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of: 135.1.1 the Council; 135.1.2 employees of the Council; 135.1.3 other persons acting on behalf of the Council,
135. Procedures for Review of Decisions and Requests for Services 135.2 The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of

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the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):

135.2.1 the manner in which an application for review may be made;

135.2.2 the assignment of a suitable person to reconsider a decision under review;

135.2.3 the matters that must be referred to the Council itself for consideration or further consideration;

135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers - the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;

135.2.4 the notification of the progress and outcome of an application for review;

135.2.5 the timeframes within which notifications will be made and procedures on a review will be completed.

136B. Minister May Refer Investigation of Council to Ombudsman

136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.

136C. Action on a Report

136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.

135. Procedures for Review of Decisions and Requests for Services

135.3 The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:

135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or

135.3.2 it appears that the application is frivolous or vexatious; or

135.3.3 the applicant does not have a sufficient interest in the matter.

135. Procedures for Review of Decisions and Requests for Services

135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

135. Procedures for Review of Decisions and Requests for Services

135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.

135. Procedures for Review of Decisions and Requests for Services

135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:

135.6.1 the number of applications for review made under Section 270; and

135.6.2 the kinds of matters to which the applications relate; and

135.6.3 the outcome of applications under this Section; and

135.6.4 such other matters as may be prescribed by the Regulations.

136E. Action on a Report

136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.

137. Special Jurisdiction

137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:

137.1.1 proceedings to try the title of a member to an office;

137.1.2 proceedings to try the right of a person to be admitted or restored to an office;

137.1.3 proceedings to compel restoration or admission;

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<p>137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;</p> <p>137.1.5 proceedings to try the validity of a rate or service charge;</p> <p>137.1.6 proceedings to try the validity of a by-law;</p> <p>137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.</p>
<p>135. Procedures for Review of Decisions and Requests for Services</p> <p>135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.</p>
<p>136. Mediation, Conciliation and Neutral Evaluation</p> <p>136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.</p>
<p>136. Mediation, Conciliation and Neutral Evaluation</p> <p>136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.</p>
<p>136D. Deliberately left blank</p> <p>136D. Deliberately left blank</p>
<p>138. Service of Documents by Councils etc</p> <p>138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.</p>
<p>139. Service of Documents on Councils</p> <p>139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.</p>
<p>140. Recovery of Amounts from Lessees or Licensees</p> <p>140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.</p>
<p>141. Ability of Occupiers to Carry out Works</p> <p>141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.</p>
<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.</p>
<p>142. Power to Enter and Occupy Land in Connection with an Activity</p> <p>142.2 The duty pursuant to Section 294(3) of the Act:</p> <p>142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and</p> <p>142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and</p> <p>142.2.3 within 6 months of ceasing to occupy the land:</p> <p>142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</p> <p>142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;</p>

Local Government Act 1999
<p>142. Power to Enter and Occupy Land in Connection with an Activity 142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.</p>
<p>143. Reclamation of Land 143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.</p>
<p>143. Reclamation of Land 143.2 The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.</p>
<p>143. Reclamation of Land 143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.</p>
<p>143. Reclamation of Land 143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.</p>
<p>144. Property in Rubbish 144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.</p>
<p>145. Power of Council to Act in Emergency 145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.</p>
<p>146. Deliberately left blank 146.1 Deliberately left blank.</p>
<p>146. Deliberately left blank 146.2 Deliberately left blank.</p>
<p>147. Costs of Advertisements 147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.</p>
<p>148. Whistleblowing 148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.</p>
<p>148A Use of Facilities 148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.</p>
<p>149. Deliberately left blank</p>
<p>150. Deliberately left blank</p>
<p>151. Deliberately left blank 151.1 Deliberately left blank</p>
<p>151. Deliberately left blank 151.2 Deliberately left blank</p>
<p>151. Deliberately left blank 151.3 Deliberately left blank</p>
<p>151A Preparation of Stormwater Management Plans by Councils 151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.</p>
<p>151B Authority May Issue Order 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.</p>

Local Government Act 1999
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).
152.1 Deliberately left blank
152. Deliberately left blank 152.2 Deliberately left blank
153.1 Deliberately left blank
153. Deliberately left blank 153.2 Deliberately left blank
153. Deliberately left blank 153.3 Deliberately left blank
154. Special Powers in Relation to Land 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to: (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and (j) undertake any testing, monitoring or evaluation; and (k) undertake any other activity of a prescribed kind.
154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.
155. Entry and Occupation of Land Other Than Council Land 155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.
155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.
156. Vesting of Infrastructure, etc 156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.
157. Building Upgrade Agreement (May only be delegated to CEO) 157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which: 157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and 157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and 157.1.3 the Council agrees: 157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and

Local Government Act 1999
157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).
157. Building Upgrade Agreement (May only be delegated to CEO) 157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.
157. Building Upgrade Agreement (May only be delegated to CEO) 157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.
158. Variation or Termination of Agreement (May only be delegated to CEO) 158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.
159. Contents of Agreement (May only be delegated to CEO) 159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify: 159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and 159.1.2 the amount of money to be advanced by the finance provider under the agreement; and 159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and 159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and 159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and 159.1.6 any prescribed matters.
159. Contents of Agreement (May only be delegated to CEO) 159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement: 159.2.1 provide for the early repayment of any amount payable under the agreement; and 159.2.2 include and agree to other provisions.
160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).
160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying: 160.2.1 the name and address of the building owner; and 160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and 160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and 160.2.4 the amount for which the building owner is liable; and 160.2.5 the manner of payment of the amount; and 160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and 160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and 160.2.8 any prescribed matters.
160. Declaration of Building Upgrade Charge (May only be delegated to CEO) 160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.
161. Payment of Building Upgrade Charge 161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.
161. Payment of Building Upgrade Charge 161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council, 161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and

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161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.

162. Sale of Land for Non-payment of Building Upgrade Charge

162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.

162. Sale of Land for Non-payment of Building Upgrade Charge

162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:

162.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;

162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);

162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;

162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;

162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;

162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;

162.2.7 seventhly – in payment to the owner of the land.

162. Sale of Land for Non-payment of Building Upgrade Charge

162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.

163. Repayment of Advances to Finance Provider

163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:

163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and

163.1.2 give the building owner written notice of the adjustment.

163. Repayment of Advances to Finance Provider

163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:

163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and

163.2.2 the excess amount has been paid by the Council to the finance provider, to refund the building owner the excess amount paid.

164. Register of Building Upgrade Agreements

164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.

164. Register of Building Upgrade Agreements

164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an extract from the register (without charge).

Attachment 6



Instrument of Delegation under the Residential Parks Act 2007

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Residential Parks Act 2007* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Residential Parks Act 2007
<p>Item Delegated</p> <p>1. The power pursuant to Section 6(1) of the Act, subject to Section 6(2) of the Act, to make rules about the use enjoyment, control and management of the park. Note – Pursuant to Section 6(2), of the Act, park rules may only be made in relation to the following:</p> <ul style="list-style-type: none">a) the use of common areas and the operation of common areas facilities;b) the making and abatement of noise;c) the carrying on of sporting and other recreational activities;d) the speed limits for motor vehicles;e) the parking of motor vehicles;f) the disposal of refuse;g) the keeping of pets;h) maintenance standards for dwellings installed or located in the residential park by residents, as they affect the general amenity of the park;i) the landscaping and maintenance of sites for dwellings;j) the terms of any sub-tenancy managing agent agreements between the park owner and residents;k) limiting who may become residents to persons who are over the age of 50 years;l) guests or visitors of residents;m) other things prescribed under a regulation* <p>*(see Regulation 4 of the Residential Park Regulations 2007 which provides that park rules may be made about:</p> <ul style="list-style-type: none">(a) the number of persons who may reside on the rented property with the resident; and(b) the use of rented property for business purposes.)
<p>2. The power pursuant to Section 8(1) of the Act, to make written amendments to park rules for a residential park, which includes making:</p> <ul style="list-style-type: none">(a) a variation of a park rule; or(b) the addition of a new rule into the park rules; or(c) the revocation of an existing park rule. <p>Note: Pursuant to Section 8(2), an amendment does not have effect, unless 14 days written notice of the amendment has been given to each resident of the residential park.</p>

Residential Parks Act 2007

3. The power pursuant to Section 11 of the Act to write or require a resident to sign a written residential park agreement or a document recording the terms of the agreement.

4. The power pursuant to Section 18(2) of the Act, to lawfully require and receive payment of a class that the Council is authorised to require under Division 10 of the Act.

5. The power pursuant to Section 20 of the Act to offer a resident a reasonable alternate method of payment that does not involve personal attendance at the rental property.

6.1 The power pursuant to Section 21(1) of the Act, to increase rent payable under a residential park agreement by giving written notice to the resident specifying the date from which the increase takes effect.

Note: Pursuant to Section 21(2):

(a) the right to increase the rent may be excluded or limited by the terms of the residential park agreement; and

(b) if the residential park agreement is for a fixed term, the agreement is taken to exclude an increase in rent during the term unless the agreement specifically allows for an increase in rent; and

(c) the date fixed for an increase of rent must be at least 12 months after the date of the agreement or, if there has been a previous increase of rent under this section, the last increase and, subject to subsection (3), at least 60 days after the notice is given.

6.2 The power pursuant to Section 21(3), that if a rent control notice ceases to be in force, to give notice under this section within 60 days after the rent control notice ceases to be in force, to increase the rent for the rented property from a date falling at least 14 days after the notice is given.

Note: – Pursuant to Section 21(6) of the Act, if the rent payable under a residential park agreement is increased under this section, the terms of the agreement are varied accordingly.

6.3 The power pursuant to Section 21(4) of the Act, to reduce the rent payable by mutual agreement with the resident.

6.4 The power pursuant to Section 21(5) of the Act, to reduce rent on a temporary basis so that the rent reverts to the level that would have been otherwise applicable at the end of a specified period.

Note: - Pursuant to Section 21(6) of the Act, if rent is reduced under this section, the terms of the agreement are varied accordingly.

7. The power pursuant to Section 22(4) of the Act, to make an application to the Tribunal to vary or revoke an order that the increased rent is excessive.

8. The power pursuant to Section 25(2) of the Act, where rent is paid in advance and the residential park agreement ends before the end of the period for which rent has been paid, to apply the appropriate proportion of the amount toward other liabilities of the resident to the Council.

9.1 The power pursuant to Section 29(1) of the Act, to make an application to the Commissioner for the payment of the whole bond to the Council, or the payment of a specified amount of the bond to the Council.

9.2 The power pursuant to Section 29(2)(b) of the Act, for the application to be made under Section 29(1) by the Council, or the Council jointly with the resident.

10. The power pursuant to Section 37(d) of the Act to withhold consent to the removal of a fixture that has been affixed to the rented property by the resident with the Council's written consent.

11. The power pursuant to Section 40 of the Act, being a term of a residential park tenancy agreement, to enter the rented property if (and only if):

(a) the entry is made in an emergency (including in order to carry out urgent repairs or avert danger to life or valuable

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property); or

(b) the entry is made at a time previously arranged with the resident (but not more frequently than once every week) for the purpose of collecting the rent; or

(c) in a case where the resident is required under Division 10 to pay charges based on the level of the water, electricity or gas consumption at the rented property, for the purpose of reading the relevant meter; or

(d) the entry is made at a time previously arranged with the resident (but not more frequently than once every 3 months) for the purpose of inspecting the rented property; or

(e) the entry is made for the purpose of carrying out necessary repairs or maintenance at a reasonable time of which the resident has been given at least 48 hours written notice; or

(ea) the entry is made for the purpose of carrying out the requirements of a housing assessment order or housing improvement order at a reasonable time of which the resident has been given at least 48 hours notice; or

(f) the entry is made for the purpose of showing the rented property to prospective residents, at a reasonable time and on a reasonable number or occasions during the period of 14 days preceding the termination of the agreement, after giving reasonable notice to the resident; or

(g) the entry is made for the purpose of showing the rented property to prospective purchasers, at a reasonable time and on a reasonable number or occasions, after giving the resident reasonable notice; or

(h) the entry is made for a purpose not referred to in a preceding paragraph and the Council gives the resident written notice stating the purpose and specifying the date and time of the proposed entry not less than 7 and not more than 14 days before entering the rented property; or

(i) the entry is made with the consent of the resident given at, or immediately before, the time of entry; or

(j) the delegate believes on reasonable grounds that the resident has abandoned the rented property.

12. The power pursuant to Section 41 of the Act, being a term of a residential park site agreement, to enter the rented property if (and only if):

(a) the entry is made in order to avert danger to life or valuable property; or

(b) in a case where the resident is required under Division 10 to pay charges based on the level of the water, electricity or gas consumption at the rented property, for the purpose of reading the relevant meter; or

(c) the entry is made, at a reasonable time and on a reasonable number of occasions, for the purpose of ensuring compliance by the Council with statutory requirements relating to separation distances between structures on neighbouring sites and removal hazardous materials; or

(d) the entry is made, at a reasonable time and on a reasonable number of occasions, for the purpose of lawn or grounds maintenance in a case where the resident agreed to such an arrangement when entering into the residential park site agreement; or

(e) the entry is made with the consent of the resident given at, or immediately before, the time of entry; or

(f) the entry is made in accordance with the regulations.

13. The power pursuant to Section 43(2) of the Act, to require the resident, by a term of the residential park agreement:

(a) if water consumption at the property is separately metered, to pay charges payable under the Waterworks Act 1932 based on the level of the water consumption at the rented property; and

(b) subject to the Electricity Act 1996, if electricity consumption at the rented property is separately metered, to pay charges based on the level of electricity consumption at the rented property; and

(c) subject to the Gas Act 1997, if gas consumption at the rented property is separately metered, to pay charges based on the level of the gas consumption at the rented property; and

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(d) if bottled gas is supplied at the rented property, to pay charges based on the level of the bottled gas consumption at the rented property; and

(e) to make any other payments of a kind prescribed in the regulations.*

*(see Regulation 4A of the Residential Park Regulations 2007)

14.1 The power pursuant to Section 48(2)(a) of the Act, being a term of a residential park agreement, to give consent in writing to allow a resident to assign the resident's interest in the residential park agreement.

14.2 The power pursuant to Section 48(7) of the Act, where the Council's consent to an assignment is not obtained and the Council had, before the assignment, served a notice of termination on the assignee, to enforce the termination notice against the assignee.

14.3 The power pursuant to Section 48(8) of the Act, to terminate a residential park agreement on the ground that a resident has assigned his/her interest without the Council's consent, but only if the Council has not unreasonably withheld consent and serves the notice of termination within 21 days after the Council has become aware or ought reasonably to have become aware for the assignment (whichever is the earlier).

15.1 The power pursuant to Section 51(3)(a) of the Act to prepare park rules for a residential park defining the terms (as to payment or any other matter) on which the Council will act as managing agent for residents in relation to sub-tenancy agreements and the services to be provided by the Council to residents as managing agent in relation to sub-tenancy agreements.

15.2 The power pursuant to Section 51(3)(b) of the Act, to consent to the making of a sub-tenancy agreement.

15.3 The power pursuant to Section 51(3)(c) of the Act to enter into a sub-tenancy managing agent agreement with a resident under which the Council will act as managing agent for the resident in relation to the sub-tenancy agreement in accordance with the park rules.

16. The power pursuant to Section 52(a) of the Act, to terminate a residential park agreement by notice of termination given to the resident.

17. The power pursuant to Section 55(1) of the Act, if

(a) rented property –

(i) has, within the preceding 6 months, been the subject of an inspection by an authorised officer within the meaning of the Housing Improvement Act 2016 in connection with the administration or enforcement of that Act; or

(ii) is subject to a housing assessment order, housing improvement order, housing demolition order, preliminary rent control notice or rent control notice; or

(b) an order is in force under Section 22 in respect of rented property or proceedings for such an order have been commenced,

to terminate the residential park agreement by notice of termination under Part 9 of the Act if the notice is given on a specified ground, and the Tribunal authorises the notice of termination.

Note 1: Pursuant to Section 55(2) of the Act, Section 55(1) will not apply to a notice of termination given by the Council to terminate a residential park agreement for a fixed term at the end of the fixed term.

Note 2: Pursuant to Section 55(2a) of the Act, Section 55(1) will not apply if a notice to vacate applies in respect of the rented property.

18.1 The power pursuant to Section 56(1) of the Act, if the resident breaches a residential park tenancy agreement, to give the resident a written notice in the form approved by the Commissioner:

(a) specifying the breach; and

(b) informing the resident that if the breach is not remedied within a specified period (which must be at least 14 days) from

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the date the notice is given then:

- (i) the agreement is terminated by force of the notice; and
- (ii) the resident must give up vacant possession of the rented property before the end of the next day.

18.2 The power pursuant to Section 56(2)(b) of the Act is to make a formal demand for payment of rent under a residential park tenancy agreement.

19. The power pursuant to Section 57(1) of the Act, by notice of termination given to the resident, to terminate a residential park tenancy agreement on the ground that the resident-

- (a) has breached a term of the agreement; and
- (b) had committed breaches of the same term of the agreement on at least 2 previous occasions and had been given separate notice under section 56 in respect of those breaches.

20. The power pursuant to Section 58(1) of the Act, to terminate a residential park tenancy agreement immediately or otherwise, by notice of termination given to the resident on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit:

- (a) personal injury to:
 - (i) the Council or the Council's agent; or
 - (ii) a person in the residential park or in the vicinity of the residential park; or
- (b) serious damage to the rented property or other property in the residential park; or
- (c) serious interference:
 - (i) with the reasonable peace, comfort or privacy of another resident in the other resident's use of rented property or reasonable use or enjoyment by another resident of common areas of the residential park;
or
 - (ii) with the reasonable peace, comfort or privacy of a person residing in the immediate vicinity of the residential park.

21. The power pursuant to Section 59(1) of the Act, by notice of termination given to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, on the ground that the Council:

- (a) has entered into a contract for sale of the rented property of the dwelling comprised in the rented property; and
- (b) is required under the contract to give vacant possession of the rented property or the dwelling.

22. The power pursuant to Section 60(1) of the Act, by notice of termination given to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, without specifying a ground of termination, unless:

- (a) the rented property is subject to a housing improvement notice; or
- (b) an order is in force under Section 22 in respect of the rented property or proceedings for such an order have been commenced.

23. The power pursuant to Section 61(1) of the Act, by notice of termination given to the resident, to terminate a residential park tenancy agreement for a fixed term at the end of the fixed term without specifying a ground of termination.

24. The power pursuant to Section 62(1) of the Act, by notice of termination given to the resident, to terminate a residential park tenancy agreement immediately or otherwise, on the ground that, other than as a result of a breach of the agreement, the rented property, or a substantial part of the rented property-

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- (a) has been destroyed or rendered uninhabitable; or
- (b) has ceased to be lawfully usable for residential purposes; or
- (c) has been acquired by compulsory process

25. The power pursuant to Section 63(2) of the Act, before the time fixed in a resident's notice for termination of the agreement or the resident gives up vacant possession of the rented property (whichever is the latter), to apply to the Tribunal for an order:

- (a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or
- (b) reinstating the agreement.

26.1 The power pursuant to Section 68(1), of the Act, if a resident breaches a residential park site agreement, to give the resident a written notice in the form approved by the Commissioner:

- (a) specifying the breach; and
- (b) informing the resident that if the breach is not remedied within a specified period (which must be a period of at least 28 days) from the date the notice is given then:
 - (i) the agreement is terminated by force of the notice; and
 - (ii) the resident must give up vacant possession of the rented property before the end of the next day.

26.2 The power pursuant to Section 68(2)(b) of the Act to make a formal demand for payment of rent under a residential park site agreement.

27. The power pursuant to Section 69(1) of the Act, by notice of termination given to the resident, to terminate a residential park site agreement on the ground that the resident

- (a) has breached a term of the agreement; and
- (b) had committed breaches of the same term of the agreement on at least 2 previous occasions and been given separate notice under section 68 in respect of each of those breaches.

28. The power pursuant to Section 70(1) of the Act, by notice of termination given to the resident, to terminate a residential park site agreement, whether immediately or otherwise, on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit:

- (a) personal injury to:
 - (i) the Council or the Council's agent; or
 - (ii) a person in the residential park or in the vicinity of the residential park; or
- (b) serious damage to the rented property or other property in the residential park; or
- (c) serious interference:
 - (i) with the reasonable peace, comfort or privacy of another resident in the other resident's use of rented property or with the reasonable use or enjoyment by another resident of common areas of the residential park; or
 - (ii) with the reasonable peace, comfort or privacy of a person residing in the immediate vicinity of the residential park.

29. The power pursuant to Section 71(1) of the Act, by notice of termination given to the resident, to terminate a residential park site agreement for a periodic tenancy without specifying a ground of termination unless:

- (a) an order is in force under Section 22 of the Act in respect of the rented property or proceedings for such an order have

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commenced; or

(b) the resident has held right of occupancy within the residential park for a period of 5 years or more.

30. The power pursuant to Section 72(1) of the Act, by notice of termination given to the resident to terminate a residential park site agreement for a fixed term at the end of the fixed term without specifying a ground of termination.

31. The power pursuant to Section 73(1) of the Act, to terminate a residential park site agreement, whether immediately or otherwise, by notice of termination given to the resident, on the ground that, otherwise than as a result of breach of the agreement, the rented property or a substantial portion of the rented property:

(a) has been destroyed or rendered uninhabitable; or

(b) has ceased to be lawfully usable for residential purposes; or

(c) has been acquired by compulsory process.

32. The power pursuant to Section 74(2) of the Act, before the time fixed in the resident's notice for termination of the agreement or the resident gives up vacant possession of the rented property (whichever is the later) to apply to the Tribunal for an order:

(a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 74; or

(b) reinstating the agreement.

33. The power pursuant to Section 79 of the Act, to make an application to the Tribunal to terminate a residential park agreement and make an order for possession of the rental property where the delegate is satisfied that:

(a) the resident has committed a breach of the agreement; and

(b) the breach is sufficiently serious to justify termination of the agreement.

34. The power pursuant to Section 81(1) of the Act, to make an application to the Tribunal to terminate a residential park agreement if the continuation of the agreement would result in undue hardship to the Council or the resident.

35.1 The power pursuant to Section 83(1) of the Act, where a residential park agreement has terminated, to make an application to the Tribunal for an order for possession of the rented property.

35.2 The power pursuant to Section 83(6) of the Act, to make an application to the Tribunal, for an order for compensation where a resident fails to comply with an order for possession pursuant to Section 83.

36.1 The power pursuant to Section 84(1) of the Act, to make an application to the Tribunal:

(a) to declare that a resident abandoned rented property on a day stated in the declaration, and

(b) make an order for immediate possession of the rented property.

36.2 The power pursuant to Section 84(6) of the Act, to make an application to the Tribunal for an order for compensation to which the Council is entitled under section 84.

37. The power pursuant to Section 87(1) of the Act, where an order for possession of rented property has been made by the Tribunal but has not been complied with, to make written or oral request to the Registrar or Deputy Registrar to direct a bailiff to enforce the order.

38.1 The power pursuant to Section 92(2) of the Act, to at any time after recovering possession of a site, remove from the site and destroy or dispose of abandoned property consisting of perishable foodstuffs.

38.2 The power pursuant to Section 92(4) of the Act, to at any time after recovering possession of a site, remove from the

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site and destroy or dispose of abandoned property, other than perishable foodstuffs, if the value of the property is less than a fair estimate of the cost of removal, storage and sale of the property.

Note – Pursuant to Section 92(3) of the Act, Sections 92(4) to 92(11) apply subject to section 94, if the abandoned property consists of, or includes, a dwelling installed or located on the site under a residential park site agreement, or an item of property of a value or kind prescribed by regulation.

38.3 The power pursuant to Section 92(8) of the Act, to use reasonable force to gain entry to the property or remove or deal with it as reasonably necessary for the Council's use of the site or the sale of the property.

38.4 The power pursuant to Section 92(9) of the Act, to sell property removed from a site at a public auction, and if sold at a public auction:

(a) To retain out of the proceeds of the sale;

(i) the reasonable costs incurred by the Council in dealing with the property in accordance with Division 10 of the Act and any other reasonable costs incurred by the Council as a result of the property being left the site; and

(ii) any amount owed to the Council under the residential park agreement

38.5 The power pursuant to Section 92(11) of the Act, that if a dispute arises between the Council and a resident about the exercise of powers conferred by section 92, the Council may make an application to the Tribunal seeking orders to resolve the matters in dispute.

39. The power pursuant to Section 93(4) of the Act, to destroy or dispose of abandoned property consisting of personal documents, if the documents are not claimed within 28 days.

Note – Section 93(4) applies subject to any Act relating to the preservation or records.

40.1 The power pursuant to Section 95(1) of the Act, to give a resident a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that:

(a) a serious act of violence by the resident has occurred in the park; or

(b) the safety of any person in the park is in danger from the resident.

40.2 The power pursuant to Section 95(2) of the Act, to give a person permitted on rented property with the consent of the resident (a resident's visitor) a notice to leave the residential park immediately if the Council has reasonable grounds to believe that:

(a) a serious act of violence by the resident's visitor has occurred in the park; or

(b) the safety of any person in the park is in danger from the resident's visitor.

41. The power pursuant to Section 97(1) of the Act, if a resident is given a notice to leave under Part 10 of the Act, to apply to the Tribunal for an order that the residential park agreement be terminated.

42. The power pursuant to Section 116(1) of the Act, if the Council is a party to a dispute, to apply for a remedy pursuant to this Section.

43. The power pursuant to Section 118(1) of the Act, to make an application to the Tribunal for a restraining order, on the basis that there is a risk that a resident, or a person permitted on rented property by a resident, may cause serious damage to property or personal injury.

Note – An application for a restraining order may be made without notice being given to the person against whom the order is sought.

44.1 The power pursuant to Section 121(1) of the Act, to make an application to the Tribunal for an order varying or setting aside an order made in the proceedings before the Tribunal.

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44.2 The power pursuant to Section 121(3) of the Act to request, if the Tribunal does not give reasons in writing at the time of making an order, that the Tribunal state its reasons in writing.

45.1 The power pursuant to Section 123A of the Act to request, if the Tribunal does not give reasons in writing at the time of making an order, that the Tribunal state its reasons in writing.

46.1 The power pursuant to Section 126(2) of the Act, to engage a lawyer to represent the Council in a residential park dispute provided:

- (a) all parties to the proceedings agree to the representation and the Tribunal is satisfied that it will not unfairly disadvantage a party who does not have a professional representative; or
- (b) the Tribunal is satisfied that the party is unable to present the party's case properly without assistance; or
- (c) another party to the dispute is a lawyer, or is represented by a professional representative; or
- (d) the Commissioner has intervened in, or is a party to, the proceedings.

46.2 The power pursuant to Section 126(3) of the Act, to request that a person who is not a lawyer represent the Council in a residential park dispute providing:

- (a) the party is a body corporate and the representative is an office or employee of the body corporate; or
- (b) all parties to the proceedings agree to the representation and the Tribunal is satisfied that it will not unfairly disadvantage an unrepresented party; or
- (c) the Tribunal is satisfied that the party is unable to present the party's case properly without assistance.

47. The power pursuant to Section 139(1) of the Act, to apply to the Tribunal for an order that a provision of the Act does not apply in relation to an agreement, or prospective agreement, or to a particular rented property, or will apply in a modified manner.

1. Presumption of periodicity in case of fixed terms

The duty pursuant to Section 4(a) and (b) of the Act, if the Council enters into a residential park agreement for a short fixed term, and the Council does not want the presumption of periodicity to apply, the Council must establish that –

- (a) the resident genuinely wanted an agreement ending at the end of the short fixed term and the term was fixed at the resident's request; or
- (b) before the residential park agreement was entered into –
 - (i) the park owner gave the resident a notice containing a warning in the form approved by the Commissioner; and
 - (ii) the resident signed a statement in the form approved by the Commissioner acknowledging that the resident did not expect to continue in occupation of the rented property after the end of the term stated in the agreement.

2. Residents may make park rules

The duty that pursuant to Section 6(3) of the Act, park rules relating to the terms of sub-tenancy managing agent agreements must include any rules approved by the Commissioner as model rules for the purposes of this subsection.

Note: Pursuant to Section 6(4) of the Act, a park rule will be void for the purposes of this Act to the extent that it is inconsistent with—

- (a) this Act; or
- (b) a model rule approved under subsection (3); or
- (c) any other Act or law.

3. Residents Committees

The duty pursuant to Section 7(5) in the Act, the Council must, in so far as reasonable after taking into account the facilities located at the residential park and any other relevant factor allowed the use of a place within the residential park for the purpose of a meeting of residents called by residents committee which must, in so far as is reasonable, be an enclosed area.

4. Amendment of park rules

The duty pursuant to Section 8(3) of the Act, if a residents committee has been established for the residential park, the park owner must consult, and consider the views of, the committee in relation to the amendment of park rules.

5. Entering into residential park agreements – Residential park agreement to be in writing

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The duty pursuant to Section 10(4) of the Act, a residential park agreement must be in writing, and include the terms prescribed by this Act and by the regulations, and must –

- (a) be written in a clear and precise way; and
- (b) precisely identify the site; and
- (c) state –
 - (i) the park owner's full name and address for service of documents; and
 - (ii) if the park owner is a company – the address of the registered office of the company; and
 - (iii) the resident's full name and place of occupation; and
- (d) be signed by all of the parties; and
- (e) comply with any other requirements prescribed by the regulations, (including as to the content or form of the agreement).

6. Copies of written agreements

The duty pursuant to Section 11 of the Act, that if the Council invites or requires a resident to sign a written residential park agreement, or a document recording its terms, the Council must ensure that –

- (a) the resident receives a copy of the agreement or other document (for the resident to keep), when the resident signs it; and
- (b) if the agreement or other document has not been signed by the Council, a copy of the agreement or other document, as executed by all parties, is delivered to the resident within 14 days after the resident gives the agreement or other document back to the Council to complete its execution.

7. Cost at preparing written agreement

The duty pursuant to Section 13 of the Act, to bear the cost of preparing a written residential park agreement, or a document recording its terms.

8. Information to be provided by park owners to residents

8.1 The duty pursuant to Section 14(1) of the Act, to ensure that a resident is given, before or at the time the Council and resident enter into a residential park agreement –

- (a) a copy of any park rules in force for the residential park; and
- (b) a written notice stating –
 - (i) any kind of charge payable by the resident in accordance with requirements imposed under Part 4 Division 10; and
 - (ii) any services provided to residential by the part owner on a fee-for-service basis; and
- (c) a written notice stating:
 - (i) the park owner's full name and address for service of documents; and
 - (ii) if the part owner is a company – the address of the registered office of the company; and
 - (iii) contact details for a person who will, on behalf of the park owner, carry out emergency repairs to the rented property or common area facilities of the park; and
- (d) a written notice stating:
 - (i) whether the resident is entitled to the payment of any amount (other than a bond) at the time the resident ceases to occupy the rented property and, if such an entitlement exists, the amount that will be payable or the method that will be used to determine the amount that will be payable; and
 - (ii) in the case of a residential park site agreement – the resident's rights to sell or relocate a dwelling on the site and any arrangements that may apply in the event that the resident, after the expiration of a period determined under the regulations, has been unable to sell the dwelling on the open market; and
 - (iii) any other information required by the regulations; and
- (e) a copy of an information notice in a form approved by the Commissioner.

8.2 The duty under Section 14(2) of the Act, to ensure that a resident is given, before or at the time the resident commences occupation of the rented property under a residential park agreement, manufacturers' manuals, or written or oral instructions, about the operation of any appliances and devices provided for the use of the resident as part of the rented property or the common area facilities of the residential park.

Attachment 7



Instrument of Delegation under the Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Road Traffic Act 1961, the Road Traffic (Miscellaneous) Regulations 2014 and the Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Road Traffic Act 1961
Item Delegated
<p>1. Installation etc of traffic control devices – general provision</p> <p>1.1 The power pursuant to Section 17(1) of the Road Traffic Act 1961 ('the Act'), to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.</p>
<p>1. Installation etc of traffic control devices – general provision</p> <p>1.2 The power pursuant to Section 17(2) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), remove a traffic control device or cause a traffic control device to be removed.</p>
<p>Installation etc of traffic control devices – general provision</p> <p>1.3 The power pursuant to Section 17(3) of the Act, to, with the approval of the Minister (or in accordance with a roadworks permit issued under Section 20 of the Act), install, display, alter, operate or remove traffic control devices:</p> <p>1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or</p> <p>1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or</p> <p>1.3.3 for any temporary purposes.</p>
<p>1. Installation etc of traffic control devices – general provision</p> <p>1.4 The power pursuant to Section 17(5) of the Act to make an application for an approval of the Minister in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p>
<p>2. Direction as to installation etc of traffic control devices</p> <p>2.1 The duty pursuant to Section 18(5) of the the Act to carry out a direction which the Minister directs the Council (as a road authority) to carry out pursuant to Section 18(6) of the Act in circumstances where another road authority has failed to comply with the direction.</p>
<p>2. Direction as to installation etc of traffic control devices</p> <p>2.2 The power pursuant to Section 18(7) of the Act where the Minister has directed the Council to carry out a direction pursuant to Section 18(6) of the Act, to recover as a debt due from the defaulting road authority any expenses incurred in carrying out the direction under Section 18(6) of the Act, subject to Section 18(8) of the Act.</p>
<p>3. Work areas and work sites</p> <p>3.1 The power pursuant to Section 20(3) of the Act to, with a relevant authorisation and in accordance with Part 2 of the Act and any regulations made for the purposes of Part 2 of the Act, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of the Council or the Council's delegate.</p>
<p>3. Work areas and work sites</p> <p>3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:</p> <p>3.2.1 if the Council holds a permit issued by the Minister under Section 20 of the Act (a 'roadworks permit') and the signs are placed on the road in accordance with the permit; or</p> <p>3.2.2 if:</p> <p>3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and</p> <p>3.2.2.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act; and</p> <p>3.2.2.3 the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within two hours after the signs are placed on the road); and</p> <p>3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined</p>

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<p>by the Minister on an application under Section 20(9) of the Act; or</p> <p>3.2.3 if:</p> <p>3.2.3.1 the signs will not relate to any prescribed roads; and</p> <p>3.2.3.2 the signs are placed on the road in accordance with an approval of the Minister under Part 2 of the Act.</p>
<p>3. Work areas and work sites</p> <p>3.3 The power pursuant to Section 20(6) of the Act to make an application for a roadworks permit in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and to accompany the application with the fee fixed by, or calculated in accordance with, the regulations.</p>
<p>3. Work areas and work sites</p> <p>3.4 The power pursuant to Section 20(9) of the Act to make an application to the Minister for an extension of the 24 hour period referred to in Section 20(4)(b)(v) of the Act:</p> <p>3.4.1 by telephone or any other manner prescribed by the regulations; and</p> <p>3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).</p>
<p>4. Appeal to District Court</p> <p>4.1 The power pursuant to Section 20A(1) of the Act, if the Council having applied for an approval of the Minister under Section 17 of the Act or for a roadworks permit under Section 20 of the Act, is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, to appeal to the District Court against the decision.</p>
<p>5. Action to deal with false devices or hazards to traffic</p> <p>5.1 The power pursuant to Section 31(2) of the Act to remove from any road the care, control or management of which is vested in the Council and dispose of any false traffic control device or any device, structure or thing that the Delegate is satisfied might constitute a hazard to traffic.</p>
<p>6. Road Closing and Exemptions for Certain Events</p> <p>6.1 The power pursuant to Section 33(2) of the Act, to consent to an order under Section 33(1) of the Act to close a road in the Council's area.</p>
<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.1 The duty pursuant to Section 40P(3) of the Act and subject to Section 40P(4) to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner of the vehicle failed to take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, within one month after service or publication of the notice in accordance with Section 40P(2) of the Act, for sale by public auction.</p>
<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.2 The power pursuant to Section 40P(4) of the Act, where a vehicle is offered for sale by public auction but is not sold at the auction or the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle, to dispose of the vehicle in such manner as the Delegate thinks fit.</p>
<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.3 The duty pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:</p> <p>7.3.1 firstly, in payment of the costs of and incidental to the sale;</p> <p>7.3.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and</p> <p>7.3.3 thirdly, in payment of the balance to the owner of the vehicle.</p>
<p>7. Notice of Removal of Vehicle and Disposal of Vehicle if Unclaimed</p> <p>7.4 The power pursuant to Section 40P(6) of the Act, if after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, to pay the balance of the proceeds of the sale to the Council.</p>
<p>8. Council May Determine That Ticket for Parking be Obtained Without Fee</p> <p>8.1 The power pursuant to Section 86 of the Act, if the Council has installed, or determined that it will install, permissive parking signs to apply to a length of road or area, to (in addition to any other action the Council may be empowered to take by or under the Act):</p> <p>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</p> <p>8.1.2 vary or revoke a determination made under Section 86 of the Act.</p>
<p>9. Compensation Orders for Damage to Road Infrastructure</p> <p>The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.</p>

<p>Road Traffic Act 1961</p> <p>10. Assessment of Compensation 10.1 The power pursuant to Section 163ZD(2) of the Act and in accordance with Section 163ZE of the Act to use in proceedings for the court to take into account in assessing the amount of any compensation:</p> <p>10.1.1 any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and</p> <p>10.1.2 any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and</p> <p>10.1.3 any other certificate of the Council as the road authority, such as a certificate:</p> <p>10.1.3.1 estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or</p> <p>10.1.3.2 estimating the cost of remedying the damage; or</p> <p>10.1.3.3 estimating the extent of the offender's contribution to the damage.</p> <p>11. Service of Certificates 11.1 The duty, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.</p>
<p>Road Traffic (Miscellaneous) Regulations 2014</p> <p>Item Delegated</p> <p>13. Event Management Plan 13.1 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.</p> <p>13. Event Management Plan 13.2 The power pursuant to Regulation 6(2) of the Road Traffic (Miscellaneous) Regulations 2014 to consult with the Commissioner of Police or the Commissioner of Highways in the preparation of an event management plan for the purpose of Section 33(1) of the Act.</p>
<p>Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014</p> <p>Item Delegated</p> <p>14. Permit Zones 14.1 The power pursuant to Regulation 17(2) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to determine –</p> <p>14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;</p> <p>14.1.2 the persons entitled to such permits;</p> <p>14.1.3 any fees to be paid for such permits;</p> <p>14.1.4 the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles). and to vary any such determination.</p> <p>14. Permit Zones 14.2 The power pursuant to Regulation 17(3) of the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.</p> <p>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.</p>

Attachment 8



Instrument of Delegation under the Safe Drinking Water Act 2011

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Safe Drinking Water Act 2011* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Safe Drinking Water Act 2011
Item Delegated
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.
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.
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.
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; (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.
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.
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.
14. Related matters

Safe Drinking Water Act 2011

(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.

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.

34. Appointment of authorised officers

(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.

(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council.

35. Certificates of authority

(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.

(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.

37. Seizure orders

(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:

(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or

(ii) order that the thing seized be forfeited to the Council;

(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.

38. Notices

(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:

(a) securing compliance with a requirement imposed by or under the Act; or

(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.

(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.

39. Action or non-compliance with a notice

(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.

(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.

(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.

(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.

40. Action in emergency situations

(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.

Safe Drinking Water Act 2011

41. Specific power to require information

(1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.

42. Appeals

(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.

52. Annual reports by enforcement agencies

(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

Updated Attachment 9



Instrument of Delegation under the South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General)

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *South Australian Public Health Act 2011* and *South Australian Public Health (Legionella) Regulations 2013* and *South Australian Public Health (Wastewater) Regulations 2013* and *South Australian Public Health (General)* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

South Australian Public Health (Fees) Regulations 2018
Item Delegated
35. Refund and Recovery of Fees 35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.
35. Refund and Recovery of Fees 35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.
South Australian Public Health Act 2011
Item Delegated
1. Power to Require Reports 1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1. Power to Require Reports 1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1. Power to Require Reports 1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity 2.1 The power pursuant to Section 22(2) of the Act, if the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2. Risk of Avoidable Mortality or Morbidity 2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about: 2.2.1 any steps already being taken by the Council that may be relevant in the circumstances; and 2.2.2 any plans that the Council may have that may be relevant in the circumstances; and 2.3 any steps that the Council is willing to take in the circumstances; and 2.4 any other matter relating to the Council that appears to be relevant.
3. Cooperation Between Councils 3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils

South Australian Public Health Act 2011

3. Cooperation Between Councils

3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.

3. Cooperation Between Councils

3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.

4. Power of Chief Public Health Officer to Act

4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.

5. Council Failing to Perform a Function Under Act

5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.

5. Council Failing to Perform a Function Under Act

5.2 The power pursuant to Section 41(6) of the Act to:

5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and

5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and

5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.

6. Transfer of Function of Council at Request of Council

6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.

6. Transfer of Function of Council at Request of Council

6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.

6. Transfer of Function of Council at Request of Council

6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.

6. Transfer of Function of Council at Request of Council

6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.

7. Local Authorised Officers

7.1 The power pursuant to Section 44(1) of the Act, subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.

7. Local Authorised Officers

7.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.

7. Local Authorised Officers

7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.

7. Local Authorised Officers

7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.

7. Local Authorised Officers

7.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate:

7.5.1 makes an appointment under Section 44 of the Act; or

7.5.2 revokes an appointment under Section 44 of the Act.

7. Local Authorised Officers

7.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.

South Australian Public Health Act 2011

8. Identity Cards

8.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer:

8.1.1 containing the person's name and a photograph of the person; and

8.1.2 stating that the person is an authorised officer for the purposes of the Act; and

8.1.3 setting out the name or office of the issuing authority.

9. Specific Power to Require Information

9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.

10. Regional Public Health Plans

10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).

10. Regional Public Health Plans

10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.

10. Regional Public Health Plans

10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:

10.3.1 prepare a draft of the proposal; and

10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:

10.3.2.1 give a copy of it to:

(a) the Minister; and

(b) any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region; and

(c) any relevant public health partner authority under Section 51(23); and

(d) any other body or group prescribed by the regulations; and

10.3.2.2 take steps to consult with the public.

10. Regional Public Health Plans

10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or the Delegate releases a draft plan under Section 51(11).

10. Regional Public Health Plans

10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.

10. Regional Public Health Plans

10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).

10. Regional Public Health Plans

10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.

10. Regional Public Health Plans

10.8 The power pursuant to Section 51(17) of the Act to undertake the processes set out in Section 51 of the Act in conjunction with the preparation and adoption of its strategic management plans under Section 122 of the Local Government Act 1999 (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).

10. Regional Public Health Plans

10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.

South Australian Public Health Act 2011

10. Regional Public Health Plans

10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.

10. Regional Public Health Plans

10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.

10. Regional Public Health Plans

10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Act, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or the Delegate should implement changes to the manner in which, or the means by which, the Council or the Delegate performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.

11. Reporting on Regional Public Health Plans

11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.

12. Action to Prevent Spread of Infection

12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.

12. Action to Prevent Spread of Infection

12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to the Delegate to assist in preventing the spread of the disease.

13. Notices

13.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of:

13.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or

13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.

13. Notices

13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act:

13.2.1 have regard to:

13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;

13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;

13.2.1.3 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty,

and such other matters as the Delegate thinks fit; and

13.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing:

13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and

13.2.2.2 stating the reasons for the proposed action; and

13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).

South Australian Public Health Act 2011

13. Notices

13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.

13. Notices

13.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act:

13.4.1 issue a notice in accordance with the terms of the original proposal; or

13.4.2 issue a notice with modifications from the terms of the original proposal; or

13.4.3 determine not to proceed further under Section 92.

13. Notices

13.5 The power pursuant to Section 92(4) of the Act to:

13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and

13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.

13. Notices

13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:

13.6.1 in the form of a written notice served on the person to whom it is issued; and

13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and

13.6.3 directing 2 or more persons to do something specified in the notice jointly; and

13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:

13.6.4.1 is the owner or occupier of the premises; or

13.6.4.2 has the management or control of the premises; or

13.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and

13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and

13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:

13.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority;

13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;

13.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances;

13.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity;

13.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;

13.6.6.6 a requirement that the person undertake specified tests or monitoring;

South Australian Public Health Act 2011

13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;

13.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health;

13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and

13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.

13. Notices

13.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.

13. Notices

13.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.

14. Action on Non-compliance with Notice

14.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.

14. Action on Non-compliance with Notice

14.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.

14. Action on Non-compliance with Notice

14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.

14. Action on Non-compliance with Notice

14.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.

15. Action in Emergency Situations

15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.

16. Reviews - Notices Relating to General Duty

16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.

16. Reviews - Notices Relating to General Duty

16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:

16.2.1 dismiss or determine any proceedings that appear:

16.2.1.1 to be frivolous or vexatious; or

16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;

16.2.2 bring any proceedings to an end that appear:

16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or

16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or

16.2.3 bring any proceedings to an end for any other reasonable cause.

17. Appeals

17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

South Australian Public Health (Legionella) Regulations 2013

Item Delegated

18. Duty to Register High Risk Manufactured Water System

18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, register the high risk manufactured water system to which the application relates.

18. Duty to Register High Risk Manufactured Water System

18.2 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.

19. Register of High Risk Manufactured Water Systems

19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by the Council.

19. Register of High Risk Manufactured Water Systems

19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:

19.2.1 the type of water system; and

19.2.2 the address of the premises on which the water system is installed; and

19.2.3 the location of the water system on the premises; and

19.2.4 the full name and residential and business addresses of the owner of the premises; and

19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,

and such other information as the Delegate thinks fit.

19. Register of High Risk Manufactured Water Systems

19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with the Council is installed, written notice:

19.3.1 requiring the owner, within the period specified in the notice:

19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and

19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:

(a) of at least 1 sample of water taken from a cooling water system; and

(b) of at least 2 samples of water taken from a warm water system,

to determine the presence and number of colony forming units of Legionella in the water; and

19. Register of High Risk Manufactured Water Systems

19.4 requiring the owner to submit to the Council written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.

20. Power of Council to Require Microbiological Testing in Other Circumstances

20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:

20.1.1 the Council is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or

20.1.2 the Council or Delegate has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations, to give the owner of the premises written notice:

20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and

South Australian Public Health (Legionella) Regulations 2013
20.1.4 requiring the owner to submit to the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.
21. Fees 21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.
21. Fees 21.2 Deliberately left blank.
21. Fees 21.3 Deliberately left blank.
South Australian Public Health (Wastewater) Regulations 2013
Item Delegated
22. Relevant Authority 22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.
23. Public Notification of Proposed Community Wastewater Management System 23.1 The power pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.
24. Connection to Community Wastewater Management System 24.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) of the Wastewater Regulations on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system: 24.1.1 to connect the system to the community wastewater management system; and 24.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for: 24.1.2.1 the connection; and 24.1.2.2 if necessary, consequential alterations to the on-site wastewater system.
24. Connection to Community Wastewater Management System 24.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1) of the Wastewater Regulations, to grant a wastewater works approval for the required wastewater works as if the application had been made.
24. Connection to Community Wastewater Management System 24.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).
24. Connection to Community Wastewater Management System 24.4 The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9 of the Wastewater Regulations, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.
24. Connection to Community Wastewater Management System 24.5 The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) of the Wastewater Regulations and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.

South Australian Public Health (Wastewater) Regulations 2013

25. Exemptions

25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by the Delegate and stated in the notice.

25. Exemptions

25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.

26. Exemptions From Prescribed Codes

26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by the Delegate and stated in the notice.

26. Exemptions From Prescribed Codes

26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.

27. Application

27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.

28. Determination of Application

28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:

28.1.1 if the applicant fails to satisfy the Delegate of either or both of the following:

28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;

28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or

28.1.2 for any other sufficient reason.

28. Determination of Application

28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.

29. Conditions of Approval

29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:

29.1.1 any 1 or more of the following prescribed expiable conditions:

29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;

29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;

29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the Council with specified information in a specified manner and at specified times;

29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;

29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;

29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or

29.1.2 any other conditions including any 1 or more of the following:

South Australian Public Health (Wastewater) Regulations 2013

29.1.2.1 a condition that requires decommissioning of the wastewater system:

- (a) after a specified trial period; or
- (b) in specified circumstances; or
- (c) on written notice to the operator of the system;

29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;

29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;

29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the Council);

29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;

29.1.2.6 a condition that otherwise specifies requirements relating to:

- (a) the installation of the waste watersystem; or
- (b) the decommissioning of the wastewater system; or
- (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
- (d) the operation, servicing and maintenance of the wastewater system; or
- (e) the reuse or disposal of wastewater from the wastewater system.

29. Conditions of Approval

29.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:

29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council or some other specified person or body; and

29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and

29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.

29. Conditions of Approval

29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the prescribed fee, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.

29. Conditions of Approval

29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on the Delegate's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:

29.4.1 the operator consents; or

29.4.2 the Delegate states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.

30. Expiry of Approval

30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the prescribed fee, postpone the expiry of a wastewater works approval for a specified period.

31. Registers of Wastewater Works Approvals

31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.

31. Registers of Wastewater Works Approvals

31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.

32. Requirement to Obtain Expert Report

32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator

South Australian Public Health (Wastewater) Regulations 2013
of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32. Requirement to Obtain Expert Report 32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.
32. Requirement to Obtain Expert Report 32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees 33.1 Deliberately left blank
33. Fees 33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.
South Australian Public Health (General) Regulations 2013
Item Delegated
34. Non-compliance with Notices (Section 93(6) of Act) 34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar General: 34.1.1 setting out the amount recoverable under Section 93 of the Act; and 34.1.2 setting out the land in relation to which the relevant action was taken; and 34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34. Non-compliance with Notices (Section 93(6) of Act) 34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar General) cancel the charge.
South Australian Public Health (Fees) Regulations 2018
Item Delegated
35. Refund and Recovery of Fees 35.1 The power pursuant to Clause 2(1) of Schedule 1 of the South Australian Public Health (Fees) Regulations 2018 (the Fees Regulations), to, where the Council is the relevant authority within the meaning of the respective regulations specified in Schedule 1 of the Fees Regulations, refund, reduce or remit payment of a fee payable under those regulations if the delegate considers that appropriate in the circumstances.
35. Refund and Recovery of Fees 35.2 The power pursuant to Clause 2(2) of the Fees Regulations to recover a fee payable to the Council by action in a Court of competent jurisdiction as a debt due to the Council.

Updated Attachment 10



Instrument of Delegation under the Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Supported Residential Facilities Act 1992
Item Delegated
1. Appointment of Authorised Officers 1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1. Appointment of Authorised Officers 1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1. Appointment of Authorised Officers 1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence 2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2. Application for a Licence 2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2. Application for a Licence 2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and
2. Application for a Licence 2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.
2. Application for a Licence 2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;
2. Application for a Licence 2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;
2. Application for a Licence 2.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;
2. Application for a Licence 2.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3. Renewal of Licence 3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3. Renewal of Licence 3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act.

Supported Residential Facilities Act 1992
<p>3. Renewal of Licence</p> <p>3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.</p>
<p>4. Licence Conditions</p> <p>4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;</p>
<p>4. Licence Conditions</p> <p>4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:</p> <p>4.2.1 if imposed at the time of grant or renewal of the licence - the duty to include them in the licence itself;</p> <p>4.2.2 if imposed during the currency of the licence - the duty to impose them by notice in writing served on the holder of the licence;</p> <p>4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;</p>
<p>4. Licence Conditions</p> <p>4.3 Deliberately left blank</p>
<p>5. Transfer of Licence</p> <p>5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.</p>
<p>6. Cancellation of Licence</p> <p>6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;</p>
<p>6. Cancellation of Licence</p> <p>6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;</p>
<p>6. Cancellation of Licence</p> <p>6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and</p>
<p>6. Cancellation of Licence</p> <p>6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.</p>
<p>7. Review of Decision or Order</p> <p>7.1 The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review.</p>
<p>7. Review of Decision or Order</p> <p>7.2 The power pursuant to Section 32(4) of the Act to:</p> <p>7.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and</p> <p>7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order.</p>
<p>7. Review of Decision or Order</p> <p>7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.</p>
<p>8. Appointment of Manager</p> <p>8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.</p>
<p>8. Appointment of Manager</p> <p>8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.</p>
<p>9. Death of Licensee</p> <p>9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.</p>

Supported Residential Facilities Act 1992
<p>10. Recision of Resident Contract by Proprietor</p> <p>10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.</p>
<p>11. Disputes</p> <p>11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;</p>
<p>11. Disputes</p> <p>11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;</p>
<p>11. Disputes</p> <p>11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;</p>
<p>11. Disputes</p> <p>11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.</p>
<p>11. Disputes</p> <p>11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;</p>
<p>11. Disputes</p> <p>11.6 The power, pursuant to Section 43(12) of the Act -</p> <p>11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;</p> <p>11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or</p> <p>11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and</p>
<p>11. Disputes</p> <p>11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.</p>
<p>12. Attendance by Health Service Providers etc.</p> <p>12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.</p>
<p>13. Complaints</p> <p>13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.</p>
<p>13. Complaints</p> <p>13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.</p>
<p>13. Complaints</p> <p>13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.</p>
<p>13. Complaints</p> <p>13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.</p>
<p>14. Regulations</p> <p>14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -</p> <p>14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and</p> <p>14.1.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case, the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.</p>

Supported Residential Facilities Act 1992

14. Regulations

14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

14.2.1 revoke an exemption under Section 57(5);

14.2.2 vary or revoke a condition under Section 57(6).

Supported Residential Facilities Regulations 2009

Item Delegated

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.

16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.

17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.

18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.

19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.

20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.

21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.

22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.

23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.

24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.

25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.

Attachment 11



Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Electricity Act 1996
Item Delegated
<p>1. Power to Carry Out Work on Public Land</p> <p>1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.</p>
<p>1. Power to Carry Out Work on Public Land</p> <p>1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</p>
<p>1. Power to Carry Out Work on Public Land</p> <p>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.</p>
<p>1. Power to Carry Out Work on Public Land</p> <p>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:</p> <p>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and</p> <p>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</p>
<p>2. Duties in Relation to Vegetation Clearance</p> <p>2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.</p>
<p>2. Duties in Relation to Vegetation Clearance</p> <p>2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.</p>
<p>3. Vegetation Clearance Schemes</p> <p>3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area.</p>
<p>3. Vegetation Clearance Schemes</p> <p>3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:</p> <p>3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;</p> <p>3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;</p> <p>3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;</p> <p>3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;</p> <p>3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;</p> <p>3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;</p> <p>3.2.7 make provision for other related matters.</p>

Electricity Act 1996
3. Vegetation Clearance Schemes 3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.
4. Vegetation Clearance Scheme Dispute 4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.
4. Vegetation Clearance Scheme Dispute 4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.
5. Determinations 5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas 6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas 6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement: 6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and 6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and 6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and 6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.
7. Program for Undergrounding of Powerlines 7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.
7. Program for Undergrounding of Powerlines 7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.
7. Program for Undergrounding of Powerlines 7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.
Electricity (Principles of Vegetation Clearance) Regulations 2010
Item Delegated
8. Duty of Electricity Entity or Council 8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.
9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance 9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.
11. Objections Relating to Vegetation Clearance 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.
11. Objections Relating to Vegetation Clearance 11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.

11. Objections Relating to Vegetation Clearance

11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.

Attachment 12



Instrument of Delegation Under the Gas Act 1997

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Gas Act 1997* are hereby delegated this **25th** day of **June 2019** to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position and the said, powers and functions may be sub-delegated to any other officer of Council.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

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

Attachment 13



INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Local Government Act 1999* ("the Act") contained hereunder are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **25th** day of **June 2019** to the Alwyndor Management Committee, (a committee established by the Council pursuant to section 41 of the *Local Government Act 1999*).

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Delegations to the Alwyndor Management Committee

Local Government Act 1999 (Alwyndor)		
Provision	Item Delegated	Conditions and Limitations
Section 36(1)(c) - General Powers and Capacity	1. The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental to performing or discharging the functions and duties of or to achieving the objectives of the Alwyndor Management Committee as set out in the Committee's Terms of Reference, including the power to undertake procurement processes relevant to the operations of Alwyndor in a manner consistent with applicable Council and/or Alwyndor Policies and Procedures.	The delegate shall exercise the powers and functions conferred herein – - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 37(b) - Provision Relating to Contracts and Transactions	The power pursuant to section 37(b) of the Act to enter into contracts or to authorise another officer, employee or agent of the Council to enter into contracts, on behalf of the Council, where the common seal of the Council is not required.	The delegate shall exercise the powers and functions conferred herein – - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of

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		<p>the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</p> <ul style="list-style-type: none"> - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 87(1) - Committee Meetings	<p>The power pursuant to section 87(1) of the Act to determine the time and places of meetings of the Alwyndor Management Committee taking into account: -</p> <ul style="list-style-type: none"> (a) The availability and convenience of members of the Committee; and (b) The nature and purpose of the Committee. 	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 133 - Sources of Funds	<p>The power, pursuant to section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the functions of the Alwyndor Management Committee by: -</p> <ul style="list-style-type: none"> (a) Obtaining grants or other allocations of money other than by borrowing, and (b) By leasing or hiring out property 	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.

Local Government Act 1999 (Alwyndor)		
Section 137 - Expenditure of Funds	The power, pursuant to section 137 of the Act to expend Council's approved budgeted funds in order to achieve the objectives of the Alwyndor Management Committee as set out under its Terms of Reference.	The delegate shall exercise the powers and functions conferred herein – <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 139 - Investment Powers	<p>1. The power pursuant to section 139(1) of the Act to invest money under the Council's control in order to achieve the objectives of the Alwyndor Management Committee as set out under its Terms of Reference and having regard to the matters set out under section 139(3) and (4) which include:</p> <ul style="list-style-type: none"> - The purpose of the investment; - The desirability of diversifying Council investments; - The nature of and risk associated with existing Council investments; - The desirability of maintaining the real value of the capital and income of the investment; - The risk of capital or income loss or depreciation; - The potential for capital appreciation; - The likely income return and the timing of the income return; - The length of the term of the proposed investment; - The period for which the investment is likely to be required; - The liquidity and marketability of a proposed investment during, and on the determination of, the term of the investment; - The aggregate value of the assets of the Council; - The likelihood of inflation affecting the value of a proposed investment; - The costs of making a proposed investment; - The results of any review of existing Council investments; - The anticipated community benefit from an investment; - The desirability of attracting additional resources into the local community. <p>2. The power pursuant to section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds and the management of Alwyndor's funds from a person whom the Alwyndor Management Committee reasonably believes to be competent to give the advice.</p>	The delegate shall exercise the powers and functions conferred herein – <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 143 - Writing Off Bad Debts	The power pursuant to section 143(1) of the Act to write off any debts owed to the Council in respect of the Alwyndor Aged Care facility up to and not exceeding the amount of \$5,000 where: (a) The Council has no reasonable prospect of recovering the	The delegate shall exercise the powers and functions conferred herein – <ul style="list-style-type: none"> - Having due regard to Council's

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	<p>debt; or</p> <p>(b) The costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of \$1000 in respect of any one debt; and</p> <p>Where the Chief Executive Officer has certified pursuant to section 143(2) that:</p> <p>(a) Reasonable attempts have been made to recover the debt; or</p> <p>(b) The costs of recovery are likely to equal or exceed the amount to be recovered.</p>	<p>adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan.</p> <ul style="list-style-type: none"> - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 144 - Recovery of Amounts due to Council	The power pursuant to section 144(1) of the Act to recover as a debt, by action in a court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under the Act or another Act in respect of the operations of the Alwyndor Aged Care facility.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee and other relevant legislative provisions. - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
Section 298 - Power to Council to Act in Emergency	Where flooding in the area of the Council has occurred or is imminent and the Chief Executive Officer of the Council is of the opinion that a situation of emergency has arisen in which there is a danger to life or property, the power pursuant to section 298(1) to order that action be taken as the Chief Executive Officer thinks fit to avert or reduce the danger.	<p>The delegate shall exercise the powers and functions conferred herein –</p> <ul style="list-style-type: none"> - Having due regard to Council's adopted Annual Business Plan and Budget, Council's Long Term Financial Plan and Council's Long Term Infrastructure and Asset Management Plan. - With due diligence and in accordance with reasonable, prudent administrative good practice. - In accordance with the Policies and Procedures adopted by the Council

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		<p>and Alwyndor Management Committee and other relevant legislative provisions.</p> <ul style="list-style-type: none"> - Limited to the performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference. - Subject to the delegate complying with any relevant duty set out in Annexure 1.
<p>Duties relevant to the Alwyndor Management Committee under the Local Government Act 1999</p>	<p>The below sets out the duties that are applicable in respect of the Alwyndor Management Committee, including the duties of Members of the Committee, the Committee itself and of the Chief Executive Officer of the Council in relation to the management of the Committee.</p> <p>Section 62 GENERAL DUTIES</p> <p>62(1) Members of the Committee must at all times act honestly in the performance and discharge of official functions and duties;</p> <p>62(2) Members of the Committee must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties;</p> <p>62(3) A member or former member of the Committee must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Committee to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Committee and/or Council;</p> <p>62(4) A member of the Committee must not, whether within or outside the State, make improper use of his or her position as a member of the Committee to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Committee and/or Council.</p> <p>62(4a) A member of the Committee must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 of the Act requiring the information or document to be treated confidentially, unless the disclosure is required or authorised by law as described in section 62(4b) of the Act.</p> <p>Section 74 DEALING WITH MATERIAL CONFLICTS OF INTEREST</p> <p>74(1) Unless approval has been granted in accordance with section 74(3) of the Act, a member of the Committee with a material conflict of interest in a matter to be discussed at a meeting of the Committee must:</p> <ul style="list-style-type: none"> (a) inform the meeting of the material conflict of interest; (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting; and (c) stay out of the meeting while the matter is being discussed and voted on. <p>74(5) A disclosure of a material conflict of interest by a member of the Committee must be recorded in the Minutes of the Committee meeting and on a website determined by the Chief Executive Officer and must include:</p> <ul style="list-style-type: none"> (a) the member's name; (b) the nature of the interest, as described by the member; and (c) if the member took part in the meeting, or was in the chamber 	

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during the meeting, under an approval under section 74(3) of the Act, the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).

Section 75A DEALING WITH ACTUAL AND PERCEIVED CONFLICTS OF INTEREST

75A(1) Members of the Committee must deal with an actual or perceived conflict of interest in a transparent and accountable way.

75A(2) Members of the Committee must inform the meeting of the member's actual or perceived conflict of interest in the matter, and (if the member proposes to participate in the meeting in relation to the matter) how the member intends to deal with the actual or perceived conflict of interest.

75A(4) A disclosure of an actual or perceived conflict of interest by a member of the Committee must be recorded in the Minutes of the Committee meeting and on a website determined by the Chief Executive Officer and must include:

- (a) the member's name;
- (b) the nature of the interest, as described by the member;
- (c) the manner in which the member dealt with the actual or perceived conflict of interest;
- (d) if the member voted on the matter, the manner in which he or she voted; and
- (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.

Section 87 CALLING AND TIMING OF COMMITTEE MEETINGS

87(2) The Committee must, in appointing a time for the holding of an ordinary meeting of the Committee, take into account:

- (a) the availability and convenience of members of the Committee; and
- (b) the nature and purpose of the Committee.

87(5) The Chief Executive Officer must, at the request of:

- (a) the Presiding Member of the Committee; or
 - (b) at least two members of the Committee,
- call a special meeting of the Committee.

87(13) The Chief Executive Officer must ensure that a record of all notices of Committee meetings is maintained.

NOTE:

In accordance with clause 9.1.1 of the Committee's Terms of Reference, Part 3 of the Local Government (Procedures at Meetings) Regulations 2013 applies in respect of the Committee. On that basis, in regards to the provision of notice of Committee meetings to Committee members, regulation 23 applies to vary the application of Sections 87(4), (7)-(10) to the Committee and provides as follows:

- (a) that notice of a meeting of Committee may be given in a form determined by the Committee after taking into account that nature and purpose of the Committee; and
- (b) that notice need not be given for each meeting separately; and
- (c) that if ordinary meetings of the Committee have a set agenda, the notice of such a meeting need not contain, or be accompanied, the agenda for the meeting; and
- (d) that it is not necessary for the Chief Executive Officer to ensure that each member of the Committee at that time the notice of meeting is given is supplied with a copy of any documents or

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reports that are to be considered at the meeting.

Section 88 PUBLIC NOTICE OF COMMITTEE MEETINGS

88(1) The Chief Executive Officer must ensure that notice is given to the public of the times and places of meetings of the Committee.

88(1a) The Chief Executive Officer must ensure that the notice under section 88(1) of the Act is given in accordance with section 88(1a) of the Act.

88(5) The Chief Executive Officer must ensure that a reasonable number of copies of any document or report is supplied to members of the Committee for consideration at a meeting of the Committee are available for inspection by members of the public at the principle office of Council as soon as practicable after the time when the document or report supplied to members of the Committee (this duty does not apply in respect of documents which relate to matters that are dealt with by the Committee on a confidential basis or, which the Chief Executive Officer recommends the Committee deal with on a confidential basis.

NOTE:

By virtue of clause 9.1.1 of the Committee's Terms of Reference, section 88 of the Act is modified in its application to the Committee by Part 3 of the Local Government (Procedures at Meetings) Regulations 2013 so that in accordance with regulation 24:

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

(b) public notice may be given by displaying a notice and agenda in a place or places determined by the Chief Executive Officer and taking into account the nature and purpose of the Committee.

Section 90 MEETINGS TO BE HELD IN PUBLIC EXCEPT IN SPECIAL CIRCUMSTANCES

90(1) Subject to the provisions of Section 90 of the Act, a meeting of the Committee must be conducted in a place open to the public;

90(7) If an order is made under Section 90(2) of the Act to exclude the public from a part of a Committee meeting, a note must be made in the minutes of the making of the order and specifying:

(a) the grounds on which it was made;

(b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and

(c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.

Section 91 MINUTES AND RELEASE OF DOCUMENTS

91(1) The Chief Executive Officer must ensure that minutes are kept of the proceedings of every meeting of the Committee;

91(2) If the Chief Executive Officer is excluded from a meeting, in accordance with any order made by the Committee, the person presiding at the meeting must ensure that minutes are kept;

91(3) Each member of the Committee must, within 5 days after a meeting of the Committee, be supplied with a copy of all minutes of the proceedings of the meeting kept.

91(9) Where an order is made to maintain documents as confidential, the Committee must –

(a) specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed, and, in any event, any order that operates for a period exceeding 12 months must be reviewed at least once in

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every year; and
(b) ensure that a note is made in the minutes recording the making of the order, the grounds on which it was made and the decision of the Committee in relation to the duration of the order.

Section 132 ACCESS TO DOCUMENTS

132(3) The Council must, as far as reasonably practicable, make the agenda for meetings of the Committee and minutes of meetings of the Committee available for inspection on the internet within a reasonable time after they are available at the principle office of the Council.

Section 132A RELATED ADMINISTRATIVE STANDARDS

132A(1) The Council in conjunction with the Committee must ensure that appropriate policies, practices and procedures are implemented and maintained in order –

- (a) to ensure compliance with any statutory requirements; and
- (b) to achieve and maintain standards that reflect good administrative practices.

Attachment 14



**INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999 -
Sections 103 & 104**

In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Local Government Act 1999* ("the Act") contained hereunder are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **25th** day of **June 2019** to the General Manager Alwyndor and anyone who may, from time to time, be appointed to act in that position.

LOCAL GOVERNMENT ACT 1999 - Sections 103 & 104			
Provision	Item Delegated	Delegate	Conditions and Limitations
Section 103	Appointment etc by Chief Executive Officer The power pursuant to Section 103(3) of the Act to appoint, manage, suspend and dismiss other employees who hold (or potentially will hold) a position at the Alwyndor Aged Care Facility	Alwyndor - General Manager Alwyndor	In relation to employees of the Alwyndor Aged Care Facility
Section 104	Remuneration etc of other employees The power to determine remuneration and other conditions of service of employees who are engaged in a position at Alwyndor Aged Care Facility	Alwyndor - General Manager Alwyndor	In relation to employees of the Alwyndor Aged Care Facility