

# Agenda

Council

## NOTICE OF MEETING

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

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

24 October 2023 at 7.00pm



**Roberto Bria**  
Chief Executive Officer



**1. Opening**

The Mayor will declare the meeting open at 7.00pm.

**2. Kurna Acknowledgement**

*We acknowledge Kurna 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 Kurna People today.*

**3. Service to Country Acknowledgement**

*The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.*

**4. 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.*

**5. Apologies**

5.1 Apologies Received – Councillor Miller

5.2 Absent

**6. Items Presented to Council**

**7. Declaration Of Interest**

*If a 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.*

**8. Confirmation Of Minutes**

That the minutes of the Ordinary Meeting of Council held on 10 October be taken as read and confirmed.

**9. Public Presentations**

9.1 Petitions - Nil

9.2 Presentations- Nil





9.3        **Deputations- Nil**

**10.        Questions by Members**

10.1       **Without Notice**

10.2       **On Notice - Nil**

**11.        Member's Activity Reports - Nil**

**12.        Motions on Notice**

12.1       Motion on Notice – Jet Skis – Councillor Bradshaw (Report No: 348/23)

12.2       Motion on Notice – Removal of Tea Trees in Dune System – Councillor Snewin  
(Report No: 363/23)

**13.        Adjourned Matters - Nil**

**14.        Reports of Management Committees and Subsidiaries**

14.1       Minutes – Jetty Road Mainstreet Committee – 4 October 2023 (Report No: 353/23)

14.2       Minutes – Audit and Risk Committee Minutes – 18 October 2023 (Report No: 360/23)

**15.        Reports by Officers**

15.1       Items in Brief (Report No: 347/23)

15.2       Appointment of Deputy Mayor (Report No: 318/23)

15.3       Appointment to the Public Art Acquisition Selection Panel 2023-24 (Report No: 356/23)

15.4       Partridge Street, Glenelg – Wombat Crossing (Report No: 362/23)

15.5       2022-23 General Purpose Financial Statements (Report No: 357/23)

15.6       Budget and Annual Business Plan Update – As At 30 September 2023 (Report No: 361/23)

15.7       2022-23 Annual Report (Report No: 358/23)

15.8       Greater Adelaide Regional Plan – Discussion Paper (Report No: 350/23)

15.9       Time and Place for Ordinary Council Meetings (Report No: 341/23)

15.10      Code of Practice – Access to Meetings and Documents – Outcomes of Community Consultation  
(Report No: 343/23)

15.11      Review of Council's Delegations (Report No: 352/23)

15.12      Prescribed Officer Declaration (Report No: 359/23)

**16.        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.*



**17. Urgent Business – Subject to the Leave of the Meeting**

**18. Items in Confidence**

**18.1 Claim Against Council (Report No: 354/23)**

Pursuant to Section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- h. legal advice.
- i. information relating to actual litigation, or litigation the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.

**19. Closure**

A handwritten signature in black ink, appearing to read "Roberto Bria".

**Roberto Bria**  
Chief Executive Officer



**Item No:** 12.1

**Subject:** MOTION ON NOTICE – JET SKIS – COUNCILLOR BRADSHAW

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## **Proposed Motion**

Councillor Bradshaw proposed the following motion:

**That Administration investigates enforcement mechanisms available to manage safety and nuisance complaints associated with the use of personal watercraft along the City of Holdfast Bay coastline.**

**Administration to submit a report to Council for consideration by December 2023 outlining investigation findings.**

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## **Background**

Over a number of years residents and beach goers have raised concerns regarding safety and environmental pollution associated with the use of jet skis operating in close proximity to the shoreline.

**Item No:** 12.2

**Subject:** MOTION ON NOTICE – REMOVAL OF TEA TREES – COUNCILLOR SNEWIN

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## Proposed Motion

Councillor Snewin proposed the following motion:

**That Council approves an additional \$42,000 to the 2023-24 budget to complete the removal of tea trees along the coastal dunes system.**

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## Background

Coastal tea trees have been identified as an invasive species within our pristine coastal dune system. In recent years, council has been purposefully removing these species, ensuring the protection of the dunes. To date, 60% of the coastal tea trees have been removed. In addition to being invasive, these trees are also large in nature and some of the remaining trees are impeding the views from memorial seats.

The remaining trees to be removed are difficult due to location, and the level of traffic management required for the removal. I seek support from Council for the approval of \$42,000 to expediate the removal of the remaining coastal tea trees within the 2023-24 year.

**Item No:** 14.1

**Subject:** **MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 4 OCTOBER 2023**

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## Summary

The Minutes of the Jetty Road Mainstreet Committee meeting held on 4 October 2023 is attached and presented for Council's information.

Jetty Road Mainstreet Committee Agenda, Report and Minutes are available on council's website and the meetings are open to the public.

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## Recommendation

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 4 October 2023.**

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## Background

The Jetty Road Mainstreet Committee (JRMCM) 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.

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

## Report

Minutes of the meetings of JRMCM held on 4 October 2023 are attached for member's information.

## Budget

Not applicable

## Life Cycle Costs

Not applicable

## Strategic Plan

Building an economy and community that is inclusive, diverse, sustainable and resilient.



## **Council Policy**

Not applicable

## **Statutory Provisions**

Not applicable

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**Written By:** General Manager, Community and Business

**General Manager:** Community and Business, Ms M Lock

# Attachment 1

## **CITY OF HOLDFAST BAY**

**Minutes of the meeting of the Jetty Road Mainstreet Committee of the City of Holdfast Bay held in the Mayor's Parlour Glenelg Town Hall on Wednesday 4 October 2023 at 6:00pm**

### **PRESENT**

#### **Elected Members:**

Mayor A Wilson

Councillor R Abley

#### **Community Representatives:**

Attitudes Boutique, Ms G Martin

Beach Burrito, Mr A Warren

Cibo Espresso, Mr T Beatrice

Royal Copenhagen Glenelg and Brighton, Ms S Smith

Ikos Holdings Trust, Mr A Fotopoulos

Chatime, Mr A Chhoy

Echelon Studio – Architecture and Design, Mr C Morley

#### **Staff:**

Chief Executive Officer, Mr R Bria

General Manager, Community & Business, Ms M Lock

Acting Manager, City Activation, Ms V Miller

Jetty Road Development Coordinator, Ms A Klingberg

Event Lead, Mr H Covill

### **1. OPENING**

The Chair, Ms G Martin, declared the meeting open at 6.03pm.

### **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. APOLOGIES**

3.1 Apologies Received: Mr D Murphy, Councillor A Kane, Ms B Millard

3.2 Absent:



**4. DECLARATION OF INTEREST**

Members were reminded to declare any interest before each item.

**5. CONFIRMATION OF MINUTES****Motion**

**That the minutes of the Jetty Road Mainstreet Committee held on 6 September 2023 to be taken as read and confirmed.**

Moved Councillor Abley, Seconded T Beatrice

**Carried**

**6. QUESTIONS BY MEMBERS****6.1 Without Notice:**

- Mr C Morley asked a question about the Greater Adelaide Regional Plan, whether Council were aware of it, is it part of the masterplan and will Council be doing a submission. Administration provided a response.

Mr A Fotopoulos joined the meeting at 6.24pm

- Mayor Wilson asked a question about the Trader Facebook page, Administration provided a response.
- Mr A Warren asked a question about the outdoor dining permits in Moseley Square. Administration took this on notice and will provide a response.
- Mr A Warren asked a question about the external Ice Cream Festival award voting website, Administration took this on notice and will provide a response.
- Mr T Beatrice sought clarification around council representatives in stores to conducting a Business Confidence Survey. Administration provided a response.
- Ms G Martin asked a question around the upcoming dry zone consultation, Administration provided a response.

**6.2 With Notice: Nil****7. PRESENTATION: Nil**

## 8. REPORTS/ITEMS OF BUSINESS

### 8.1 Monthly Finance Report (Report No: 319/23)

This report provides an update on the Jetty Road Mainstreet income and expenditure as at 31 August 2023.

#### **Motion**

**That the Jetty Road Mainstreet Committee notes this report**

Moved A Chhoy, Seconded Councillor Abley

**Carried**

### 8.2 Jetty Road Events Update (Report No: 320/23)

Jetty Road Mainstreet Committee (JRMCC) in partnership with the City of Holdfast Bay are responsible for implementing and managing a variety of major events to support economic stimulus in the precinct in accordance with the annual marketing and business plan. This report provides an overview of recent and upcoming events.

#### **Motion**

**That the Jetty Road Mainstreet Committee:**

- 1. notes this report; and**
- 2. endorses licencing option 4, Individual traders apply for their own license for the Glenelg Ice Cream Festival 2024.**

Moved C Morley, Seconded T Beatrice

**Carried**

### 8.3 Marketing Update (Report No: 321/23)

This report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee aligned to the 2023-24 Marketing Plan.

#### **Motion**

**That the Jetty Road Mainstreet Committee notes this report**

Moved Councillor Abley, Seconded T Beatrice

**Carried**

**9. URGENT BUSINESS – Subject to the Leave of the Meeting**

**9.1 Motion - Exclusion of the Public – Section 90(3)(d) Order**

1. That pursuant to Section 90(3) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to discuss specific events update in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* the JRMC is satisfied that it is necessary that the public be excluded to consider the information discussed of a specific event update on the following ground:

- d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved A Fotopoulos, Seconded Councillor Abley

**Carried**

M Lock provided the Jetty Road Mainstreet Committee with a verbal update on a specific event activation.

**The meeting came out of confidence at 7.45pm and the meeting was re-open to the public.**

**10. REPORTS/ITEMS OF BUSINESS: Nil**

**11. DATE AND TIME OF NEXT MEETING**

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 1 November 2023 in the Mayor's Parlour Glenelg Town Hall.



**12. CLOSURE**

The meeting closed at 7.49pm

**CONFIRMED:** Wednesday 1 November 2023

**CHAIR**

**Item No:** 14.2

**Subject:** MINUTES – AUDIT AND RISK COMMITTEE – 18 OCTOBER 2023

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## Summary

The minutes of the meeting of the Audit and Risk Committee held 18 October 2023 are presented to Council for information.

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## Recommendation

That Council:

1. notes the minutes of the meeting of the Audit and Risk Committee of 18 October 2023, namely that the Audit and Risk Committee:
    - a. advises Council it has received and considered a Standing Items Report addressing:
      - Monthly Financial Statements
      - Risk Management and Internal Control
      - External Audit
      - Public Interest Disclosures
      - Economy and Efficiency Audits
      - Audit and Risk Committee Meeting Schedule 2023
    - b. informs Council it has reviewed the General Purpose Financial Reports for the year ending 30 June 2023, as required under Section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the Council as required under the *Local Government (Financial Management) Regulations 2011*;
    - c. recommends Council adopts the 2022-23 Annual Report, subject to design and minor alterations and the inclusion of the audited financial statements;
    - d. advises Council it has received and noted the revised Long-Term Financial Plan; and
    - e. advises Council it has reviewed the amended Terms of Reference and recommends them for adoption by Council, with the inclusion to allow for electronic attendance at meetings.
  2. adopts the revised Terms of Reference, as provided in Attachment 2.
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## Background

The Audit and Risk Committee is established under section 41 of the *Local Government Act 1999*, and section 126 of the *Local Government Act 1999* defines the functions of the Audit and Risk Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

## Report

The minutes of the meeting of the Audit and Risk Committee held on 18 October 2023 are attached for Members' information.

*Refer Attachment 1*

### ***Terms of Reference Review***

The Terms of Reference were last amended and adopted by Council on 25 October 2022.

As a result of the current Local Government reform, the Terms of Reference for the Audit and Risk Committee have been reviewed and updated to ensure additional requirements have been added where relevant and are attached for consideration.

*Refer Attachment 2*

### ***Proposed Changes***

The key proposed changes are:

1. Insertion of an Audit and Risk Committee 'purpose' statement.
2. Addition of a section relating to the appointment of independent committee members.
3. Insertion clarifying the Chief Executive Officer's role in relation to strategic, financial, and operational risks.
4. Insertion highlighting the need for the Audit and Risk Committee to provide an annual report summarising key content.

5. Added detail in the role of the Audit and Risk Committee regarding internal control and risk management policies and procedures, not merely systems.
6. Additional detail relating to auditor retention and remuneration information.
7. To allow for electronic attendance at meetings.

## **Budget**

Not applicable

## **Life Cycle Costs**

Not applicable

## **Strategic Plan**

Statutory compliance

## **Council Policy**

Not applicable

## **Statutory Provisions**

*Local Government Act 1999, sections 41 and 126*

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**Written By:** Executive Assistant, Strategy and Corporate

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1

**Minutes of the meeting of the Audit and Risk Committee of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 18 October 2023 at 4.00pm.**

**PRESENT**

**Members**

Presiding Member – Councillor J Smedley  
Ms P Davies (from 4.15pm)  
Ms C Garrett  
Mr D Powell

**Staff**

Chief Executive Officer – Mr R Bria  
General Manager Strategy and Corporate – Ms S Wachtel  
Manager Finance – Mr C Blunt  
Manager Strategy and Governance – Ms A Karzek  
Manager Finance Alwyndor – Mr R Mirzaev  
Management Accountant Lead – Ms R Childs

**Guests**

Ms Samantha Creten, Partner, Dean Newbery  
Ms Whitney Sandow, Dean Newbery

**1. OPENING**

The Chairman declared the meeting open at 4.00pm.

**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. APOLOGIES**

- 3.1 Apologies Received - Councillor R Snewin
- 3.2 Absent

**4. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**5. CONFIRMATION OF MINUTES**

**Motion**

**That the minutes of the Audit and Risk Committee held on 16 August 2023 be taken as read and confirmed.**



Moved by D Powell, Seconded by C Garrett

**Carried**

**6. ACTION ITEMS**

The Action Items were tabled and discussed.

**7. PRESENTATIONS - Nil**

**8. REPORTS BY OFFICERS**

**8.1 Standing Items (Report No: 334/23)**

The Audit and Risk Committee is provided with a report on standing items at each ordinary meeting.

**Motion**

**That the Audit and Risk Committee advises Council it has received and considered a Standing Items Report addressing:**

- **Monthly Financial Statements**
- **External Audit**
- **Public Interest Disclosures**
- **Economy and Efficiency Audits**
- **Council Recommendations**
- **Audit and Risk Committee meeting schedule**

Moved D Powell, Seconded C Garrett

**Carried**

**8.2 Internal Audit Program Report (Report No: 333/23)**

The risk-based audits scheduled for the Internal Audit Program 2023-24 have now commenced, with the program attached to this report for further information.

In addition, the 'Audit Recommendations Outstanding Actions Update' is attached in three parts, highlighting those actions that are either completed, in progress or not yet implemented.

**Motion**

- 1. That the Audit and Risk Committee notes this report.**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

- 2. That having considered Agenda Item 8.2 Internal Audit Program Report (Report No: 333/23) in confidence under section 90(2) and (3)(e) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that Attachment 2b be retained in confidence until the Chief Executive Officer is satisfied that the information no longer poses security**

**concerns, at which point the documents can be released, and that this order be reviewed every 12 months.**

Moved D Powell, Seconded C Garrett

**Carried**

**8.3 2022-23 General Purpose Financial Statements (Report No: 335/23)**

The financial statements for the year ended 30 June 2023 have been completed and audited by Council's audit firm, Dean Newbery, who have indicated that an unqualified audit opinion will be provided and that there are no material issues arising from the audit. They are presented to the Audit and Risk Committee for review.

P Davies joined the meeting at 4.15pm

**Motion**

**That the Audit and Risk Committee informs Council it has reviewed the General Purpose Financial Reports for the year ending 30 June 2023, as required under Section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the Council as required under the *Local Government (Financial Management) Regulations 2011*.**

Moved C Garrett, Seconded D Powell

**Carried**

**8.4 2022-23 Draft Annual Report (Report No: 331/23)**

Council's Annual Report is a legislative requirement under Section 131 of the *Local Government Act 1999*. The information contained within the publication provides legislators and the community with assurance that the City of Holdfast Bay is meeting its strategic and governance requirements. The publication also provides a detailed overview of the Council's services and achievements during the year.

The 2022-23 Annual Report has been prepared to meet all statutory requirements. The report shows that Council has continued to deliver quality and improved services and facilities to its community.

**Motion**

**That the Audit and Risk Committee recommends Council adopts the 2022-23 Annual Report, which appears as Attachment 1 to this report, subject to design and minor alterations and the inclusion of the audited financial statements.**

Moved C Garrett, Seconded D Powell

**Carried**

**8.5 Long-Term Financial Plan 2023 - 2033** (Report No: 332/23)

The Long-Term Financial Plan (LTFP) was developed on the assumptions and parameters discussed at Council workshops held during the year and following public consultation in May and June 2023 on Council's Annual Business Plan. The Audit and Risk Committee received updates on the development of the LTFP at its meetings on 15 March 2023 and 7 June 2023.

A completed LTFP document covering the financial years 2023-24 to 2032-33 is presented to the Audit and Risk Committee for further comment and support, noting that it satisfies Council's financial sustainability and performance measures.

**Motion**

**That the Audit and Risk Committee advises Council it has received and noted the revised Long-Term Financial Plan.**

Moved C Garrett, Seconded P Davies

**Carried**

**8.6 Risk Report** (Report No: 336/23)

A review of the Strategic Risk Register and high operational risks was undertaken in line with ISO31000 (2018), to ensure an accurate reflection of the current risk management position across the business, scoping both business risks and opportunities.

**Motion**

**That the Audit and Risk Committee notes this report.**

Moved D Powell, Seconded P Davies

**Carried**

**8.7 End of Financial Year Debtors** (Report No: 337/23)

This report provided the Audit and Risk Committee with an annual update in relation to outstanding balances in Rates Debtors and Sundry Debtors in line with end of year financial statements.

**Motion**

**That the Audit and Risk Committee notes this report.**

Moved C Garrett, Seconded P Davies

**Carried**

**8.8 Terms of Reference Review** (Report No: 338/23)

The *Local Government Act 1999* requires Council to have an Audit and Risk Committee to carry out the functions as defined in Section 126. Pursuant to Section 41 of the Act, Council established an Audit Committee in 2007. This was redesignated as the Audit and Risk Committee in 2022.

The Local Government Reform process has scheduled mandatory changes to the Terms of Reference and Audit and Risk Committee functions. These changes are now due for implementation and provide an opportunity for review.

Provided are both the current Terms of Reference (Attachment 1) and the draft revised Terms of Reference (Attachment 2), outlining suggested updates and changes.

**Motion**

**That the Audit and Risk Committee advises Council it has reviewed the amended Terms of Reference, as provided in Attachment 2, and recommends them for adoption by Council, with the inclusion to allow for electronic attendance at meetings.**

Moved D Powell, Seconded C Garrett

**Carried**

**9. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

**10. CONFIDENTIAL ITEMS - Nil**

**11. DATE AND TIME OF NEXT MEETING**

The next meeting of the Audit and Risk Committee will be held on Wednesday 15 November 2023 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

**12. CLOSURE**

The Meeting closed at 5.16pm.

**CONFIRMED 15 November 2023**

**PRESIDING MEMBER**

# Attachment 2

## Audit and Risk Committee Terms of Reference

### 1. Establishment

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council hereby establishes a committee to be known as the Audit and Risk Committee, in order to fulfill the role of an audit committee as required by section 126 of the Act.

1.2 The purpose of this Audit and Risk Committee is to provide independent assurance and advice to the council on accounting, risk management and governance matters.

### 2. Membership

- 2.1 The Audit and Risk Committee shall consist of five persons with the majority being Independent Members.
- 2.2 Independent Members of the Audit and Risk Committee must have recent and relevant financial, risk management or internal audit experience and must not be an employee of City of Holdfast Bay.
- 2.3 Members of the Audit and Risk Committee are appointed by Council. Elected Members are appointed for a term agreed by Council, and Independent Members are appointed for a term not exceeding three years. On expiry of their term, a member may be re-appointed by Council.
- 2.4 If Council proposes to remove an Independent Member from the Committee, it must give written notice to the Independent Member of its intention to do so and provide that Independent Member with the opportunity to be heard at an Executive Committee meeting, if that Independent Member so requests.
- 2.5 The Audit and Risk Committee shall recommend, and Council shall appoint, the Presiding Member of the Audit and Risk Committee. The Presiding Member must already be a member of the Audit and Risk Committee. The Mayor may not be appointed to the Role of Presiding Member of the Audit and Risk Committee.

### 3. Method of Appointment of Independent Committee Members

The method of appointment of Independent Committee Members will be as follows:

- 3.1 Council will advertise the vacancy in line with regular policy and procedure.
- 3.2 A selection panel will be convened comprising: two Elected Members appointed to the Committee; the Chief Executive Officer; and General Manager Strategy and Corporate.



- 3.3 The selection panel will make a recommendation to Council as to the appointment of the independent member for consideration and appointment by the Council.

#### 4. Secretariat and Support

- 4.1 The Chief Executive Officer shall ensure that the Audit and Risk Committee has access to reasonable administrative resources in order to carry out its duties (subject to any budget allocation being approved by Council).
- 4.2 The Chief Executive Officer shall ensure effective policies, systems and procedures are in place for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks.
- 4.3 The Audit and Risk Committee shall be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members.

#### 5. Meetings

- 5.1 The Audit and Risk Committee shall meet at least four times each year, at least once per quarter, at appropriate times in the budgeting and financial reporting cycle, and otherwise as required. Pursuant to section 90 of the Act, meetings are public (except in special circumstances as defined by the Act) and will be conducted in a place open to the public.
- 5.2 Meetings of the Audit and Risk Committee are governed by the *Local Government (Procedures at Meetings) Regulations 2013*.
- 5.3 Unless required by legislation not to vote, each member must vote on every matter that is before the Audit and Risk Committee for decision.
- 5.4 The Presiding Member has a deliberative vote but not a casting vote in the event of a tie. A tied vote means that the motion is lost.
- 5.5 The quorum necessary for the transaction of business shall be three members. A duly convened meeting of the Audit and Risk Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by it.
- 5.6 The Chief Executive Officer, General Manager, Strategy and Corporate and other officers of Council may attend any meeting as observers or in support of matters being considered by the Audit and Risk Committee.
- 5.7 Council's External Auditor and Internal Auditor may be invited to attend meetings of the Audit and Risk Committee.

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- 5.8 Ordinary meetings of the Audit and Risk Committee will be held at times and places determined by Council or, subject to a decision of Council, the Audit and Risk Committee.
- 5.9 If necessary, Members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all members.
- 5.10 A special meeting of the Audit and Risk Committee may be called by the Chief Executive Officer in accordance with section 87(5) of the Act, at the request of the Presiding Member or at least two members of the Audit and Risk Committee.
- 5.11 The agenda and minutes of Audit and Risk Committee meetings, subject to any items that are discussed in confidence under section 90 of the Act and subsequently retained under section 91 of the Act, are also required to be made available to the public.
- 5.12 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Audit and Risk Committee, no later than three business days before the date of the meeting. Supporting papers shall be sent to committee members (and to other attendees as appropriate) at the same time.
- 5.13 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Audit and Risk Committee are minuted and that the minutes comply with the requirements of the *Local Government (Procedure at Meetings) Regulations 2013*.
- 5.14 Minutes of Audit and Risk Committee meetings shall be circulated within five days after a meeting to all members of the Audit and Risk Committee and to members of the Council and will (as appropriate) be available to the public.

## 6. Review

- 6.1 The Audit and Risk Committee shall, at least once per year following the adoption of the audited financial statements by Council, review its own performance, terms of reference and provide a report to Council including any recommended changes.

## 7. Role of the Committee

- 7.1 The Audit and Risk Committee has no authority to act independently of Council. The primary role of the Audit and Risk Committee is to provide suggestions and recommendations to Council about matters relating to financial governance.

### 7.2 *Financial Reporting*

The Audit Committee shall:

- 7.2.1 pursuant to section 126 of the Act, review Council's annual financial statements to ensure that they present fairly the state of affairs of the Council;
- 7.2.2 monitor the integrity of the financial statements of Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain;
- 7.2.3 review:
  - 7.2.3.1 the consistency of, and/or changes to, accounting policies;
  - 7.2.3.2 the application of accounting standards and appropriate estimates and judgements, taking into account the views of the external auditor;
  - 7.2.3.3 the clarity of disclosure in the Council's financial reports and the context in which statements are made; and
  - 7.2.3.4 all material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).

### 7.3 ***Strategic Management Plans and Annual Business Plan***

The Audit and Risk Committee shall:

- 7.3.1 pursuant to section 126 of the Act, propose and provide information relevant to a review of Council's strategic management plans or annual business plan; and
- 7.3.2 review and provide recommendations to Council on the sustainability of Council's financial performance and proposals with respect to debt levels included in the strategic management plans and, in particular, the long-term financial plan.

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**7.3.3 provide an annual report to Council, outlining a summary of key advisory content from the previous twelve-month period.**

### 7.4 ***Internal Controls and Risk Management Systems***

The Audit and Risk Committee shall:

- 7.4.1 pursuant to section 126 of the Act, review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis;

- 7.4.2 receive reports on risks rated high and above, pursuant to Council's Risk Management Policy and Procedure;
- 7.4.3 verify annually that risks are controlled within risk appetite and tolerances and propose emerging risks for consideration as relevant;
- 7.4.4 review and assess the effectiveness and maintenance of Council's internal controls and risk management policies, systems and procedures; and
- 7.4.5 review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management.

#### 7.5 ***Public Interest Disclosures***

The Audit and Risk Committee shall:

- 7.5.1 review the Council's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters; and
- 7.5.2 ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

#### 7.6 ***Internal Audit***

The Audit and Risk Committee shall, in accordance with Council's Internal Audit Policy and Procedure:

- 7.6.1 endorse the internal audit program;
- 7.6.2 receive and review internal audit reports on a regular basis;
- 7.6.3 review the status of internal audit recommendations;
- 7.6.4 provide advice and recommendations to Council in relation to internal audit program and matters;
- 7.6.5 monitor and review the effectiveness of Council's internal audit function;
- 7.6.6 meet with the Internal Audit Partner at least once a year, without management being present, to discuss any issues arising from the Internal Audits carried out during the year. In addition, the Internal Audit Partner shall be given the right of direct access to the Mayor and the Presiding Member of the Audit and Risk Committee;

- 7.6.7 monitor and review the selection process for the Internal Auditor. Appointment of Internal Auditor is the responsibility of management. If the Internal Auditor resigns, the Audit Committee shall investigate the issues leading to the resignation and decide whether any action is required.

## 7.7 **External Audit**

The Audit and Risk Committee shall:

- 7.7.1 pursuant to section 126 of the Act, liaise with Council's external auditor;
- 7.7.2 pursuant to section 129 of the Act, receive the external auditor's audit opinion with respect to Council's audited financial statements and the external auditor's report on particular matters arising from the audit;
- 7.7.3 develop and recommend to Council a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter;
- 7.7.4 pursuant to section 128 of the Act, consider and make recommendations to the council, in relation to the appointment, re-appointment and removal of the Council's external auditor;
- 7.7.5 include in the Annual Report, the remuneration payable to external auditor(s) for the annual audit of the Council's financial statements and other remuneration;
- 7.7.6 include in the Annual Report, reference to a person if they ceased to be the auditor of the council during the relevant financial year, other than via expiry of their appointment, including the reason why the appointment came to an end;
- 7.7.7 investigate the issues leading to the resignation of an external auditor and report to Council with any recommendations;
- 7.7.8 oversee Council's relationship with the external auditor including, but not limited to:
- 7.7.8.1 recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
- 7.7.8.2 recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;

- 7.7.8.3 assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
- 7.7.8.4 satisfying itself that there are no relationships that give rise to an actual, perceived or potential conflict of interest in the external auditor carrying out the external audit duties;
- 7.7.8.5 monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners;
- 7.7.8.6 assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the Audit Committee's own internal quality control procedures);
- 7.7.9 meet with the external auditor at least once per year, without management being present, to discuss the external auditor's report and any issues arising from the audit and otherwise as need;
- 7.7.10 review and make recommendations on the annual audit plan, and in particular, its consistency with the scope of the external audit engagement;
- 7.7.11 review the findings of the audit with the external auditor including, but not limited to, the following:
  - 7.7.11.1 a discussion of any major issues which arose during the external audit;
  - 7.7.11.2 any accounting and audit judgements; and
  - 7.7.11.3 levels of errors identified during the external audit;
- 7.7.12 review the effectiveness of the external audit;
- 7.7.13 review any representation letter requested by the external auditor before it is signed by administration;
- 7.7.14 review the management letter and administration's response to the external auditor's findings and recommendations; and
- 7.7.15 pursuant to regulation 22 of the *Local Government (Financial Management) Regulations 2011*, consider and authorise the Presiding Member to sign a statement with the Chief Executive Officer on an annual basis certifying that the external auditor is independent of Council.



**7.8      *Economy and Efficiency Audits***

The Audit and Risk Committee shall:

- 7.8.1      propose and review the exercise of powers under section 130A of the Act (relating to economy and efficiency audits); and
- 7.8.2      receive a report prepared by any person appointed by Council pursuant to section 130A of the Act to examine any matter relating to financial management, or the efficiency and economy with which Council manages or uses its resources to achieve its objectives.

**7.9      *Reporting Responsibilities***

- 7.9.1      The Audit and Risk Committee minutes shall be presented to the Council after every meeting to identify and present advice and recommendations.
- 7.9.2      The Chief Executive Officer will identify matters, further to those matters covered elsewhere in these Terms of Reference, to be reported to the Audit and Risk Committee in detail where those matters are considered to be of material affect, have a material impact on the operation of Council as an elected body (e.g. impact on policies relating to Elected Members), or have significant impact on Council's operations.

**Item No:** 15.1

**Subject:** ITEMS IN BRIEF

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## 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.

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## Recommendation

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

- 1. Local Government CEO Salary Remuneration Tribunal Determination**
  - 2. Minda Inc and the City of Holdfast Bay – Volunteering Pilot**
- 

## Report

- 1. Local Government CEO Salary Remuneration Tribunal Determination**

Council received correspondence from the President of the Remuneration Tribunal, Mr Matthew O’Callaghan in response to Council’s endorsed submission to the 2023 inaugural review of minimum and maximum remuneration for Local Government Chief Executive Officers. The CEO has forwarded the response from the Remuneration Tribunal to the LGA for their information and consideration of how they can assist the Remuneration Tribunal in their next determination.

*Refer Attachment 1*

- 2. Minda Inc and the City of Holdfast Bay – Volunteering Pilot**

In early 2023 Council collaborated with Minda to increase participation of people with intellectual disabilities in mainstream volunteering in community environments. A Wednesday Gardening Group was established at the Holdfast Bay Community Centre that has been achieving great outcomes for participants and the Centre. Building on the success of this initiative, Minda and council are partnering to extend this framework into other City of Holdfast Bay settings, to produce more meaningful volunteering opportunities for people with intellectual disabilities.

With over 40 percent of the people Minda support living in Holdfast Bay, volunteer placements within one-off, short- and long-term projects are sought. Through this partnership we will see an increase in people with intellectual disabilities supporting community events such as the Brighton Sculptures, community gardens and community centre programs including open days and fundraising events. Current

council programming has placements for six volunteers and their support staff. This is expected to grow to include an additional 5-10 placements to be included in the initial pilot program.

Through this partnership, City of Holdfast Bay volunteers will have access to disability awareness training and an opportunity to work across Minda's programs in a reciprocal arrangement, increasing meaningful participation and improving community understanding, awareness, and broader attitudinal change, helping us progress towards our aspiration of being internationally recognised as a leader in inclusion and participation.

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**Written By:** Executive Officer and Assistant to the Mayor

**Chief Executive Officer:** Mr R Bria

# Attachment 1



## REMUNERATION TRIBUNAL

Please address

all correspondence to

[remunerationtribunal@sa.gov.au](mailto:remunerationtribunal@sa.gov.au)

GPO BOX 1045  
ADELAIDE SA 5001

(08) 8429 4031  
[www.remtribunal.sa.gov.au](http://www.remtribunal.sa.gov.au)

4 October 2023

Amanda Wilson

Mayor City of Holdfast Bay

By email to EA: [krowntree@holdfast.sa.gov.au](mailto:krowntree@holdfast.sa.gov.au)

Dear Mayor

### **2023 Inaugural Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers**

Thank you for your correspondence dated 13 September 2023 in response to the 2023 inaugural review of minimum and maximum remuneration for Local Government Chief Executive Officers (**CEOs**).

As you have noted, the challenges faced by the Remuneration Tribunal (**Tribunal**) in setting the minimum and maximum remuneration for Local Government CEOs is detailed in Report 4 of 2023 (**Report**).

The Tribunal notes the recommendation that Local Government remuneration rules could broadly follow the rules for executive remuneration in State and Commonwealth governments, providing a larger comparison pool. It also notes the suggestion that remuneration banding could be underpinned by assessed work value, such as the Mercer CED job evaluation system. Such an assessment certainly could then be used to benchmark Local Government CEO roles against roles of a similar value within the market.

As the Tribunal noted at paragraph 36 of its Report, in September 2022 the Tribunal suggested to the Local Government Association (**LGA**) that an external professional consultancy be engaged to assist with the review of CEO remuneration. This was after the Tribunal had attempted to collect information from Local Government councils using its own resources. The LGA expressed concern about the cost of an external consultancy, resulting in the Tribunal conducting a further survey 'in house' with its own resources.

As you would be aware, in accordance with section 99A(8) *Local Government Act 1999* (SA) the reasonable costs of the Tribunal in making a determination are to be paid by the LGA under an arrangement determined by the Minister from time to time after consultation with the LGA and myself. The LGA may then recover the costs as a debt from councils to which the determination relates.

The Tribunal is cognisant of the fact that undertaking the process in house to reduce the costs associated with the review, as requested by the LGA, has limited its ability to assess the data before it.

As noted at paragraph 67 of the Report, the Tribunal's preference is to progress toward establishing minimum and maximum remuneration levels founded on an assessment of skill and competence levels. Such an approach would allow flexibility to set remuneration

consistent with challenges confronting a given council. The Tribunal considers the factors it listed at paragraph 18 of the Report (i.e. size of the council, revenue, regional issues etc.) to be sensible criterion to guide any future determinations. However, under the current legislation this requires the cooperation of councils and support of the LGA who to date have been opposed to any significant expenditure.

The Tribunal would appreciate receiving your views in relation to how it could work with the local government sector on a more cooperative basis to implement a robust methodology that could be used at the next review, that also takes into consideration the restraints imposed by the legislation relating to the cost of the review.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. O'Callaghan', with a long horizontal line extending to the right.

Matthew O'Callaghan  
**PRESIDENT**

**Item No:** 15.2

**Subject:** **APPOINTMENT OF DEPUTY MAYOR**

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## Summary

The *Local Government Act 1999* section 51(3) provides that Council may, if it chooses, appoint a Deputy Mayor from one of their Council members, for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to determine another term if it chooses.

In the absence of the Mayor, a Deputy Mayor may act in the office of Mayor.

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## Recommendation

**That Councillor \_\_\_\_\_ be appointed as Deputy Mayor for a period of one year, from 2 December 2023 to 30 November 2024.**

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## Background

Council has considered this matter annually, as it has chosen to appoint a Deputy Mayor for a term of one year. Councillor Lindop was appointed as Deputy Mayor on 29 November 2022 at the start of the new Council term - **Appointment of Deputy Mayor (Report No: 440/22)**.

### **Motion**

**C291122/7292**

***That Councillor Lindop be appointed as Deputy Mayor for a period of one year, from 30 November 2022 to 1 December 2023.***

*Moved Councillor Fleming, Seconded Councillor Lonie*

**Carried Unanimously**

## Report

Under section 51 of the *Local Government Act 1999*, if the council has a Mayor, there may also be, if the Council so resolves, a Deputy Mayor. In the absence of the Mayor, the Deputy Mayor may act in the office of the Mayor. If there is to be a Deputy Mayor, he or she will be chosen by the members of the Council from amongst their own numbers and will hold office for a term determined by the Council. The term must not exceed four years.

Council has previously chosen to appoint a Deputy Mayor for a period of one year. On the expiration of a term of office, a Deputy Mayor is eligible to be chosen for a further term. Councillor Lindop can be appointed for a further term.

If an Elected Member would like to nominate for the position of Deputy Mayor, the Mayor has requested that you submit a statement outlining your reasons for seeking this important role. In your statement, please address your commitment to the position and your ability to dedicate the necessary time to effectively discharge the duties associated with the Deputy

Mayor role. Statements are to be provided to the Mayor by **COB Monday 23 October**, so that these statements can be forwarded to all Elected Members for their consideration before the Council meets.

The role of the Deputy Mayor is to:

- Chair the meetings of Council in the absence of the Mayor;
- Act in the position of Mayor when the Mayor is absent, and exercise the powers and perform the functions of the Mayor;
- Be a member of the Executive Committee as stated in the Executive Committee Terms of Reference.

The Remuneration Tribunal of South Australia in its Determination No.2 of 2022, stated that:  
“The annual allowance for a councillor who is a deputy mayor will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.”

As the City of Holdfast Bay is a Group 1B Council, as determined by the Remuneration Tribunal, the current annual allowance for a Councillor is \$22,828.00 which equates to \$28,535.00 for the Deputy Mayor. Allowances for Members of Local Government councils are increased by CPI in late November each year, as determined by the Remuneration Tribunal of South Australia.

## Budget

The Elected Member appointed as Deputy Mayor by the Council will receive the Deputy Mayoral allowance as identified by the SA Reumeration Tribunal and Council's Elected Member Allowances, Support and Entitlements Policy. The 2023-24 budget includes provision for payment of an allowance to a Deputy Mayor.

## Life Cycle Costs

There are no full life cycle costs associated with this report.

## Strategic Plan

Statutory compliance

## Council Policy

Elected Member Allowances, Support and Entitlements Policy

## Statutory Provisions

*Local Government Act 1999 – section 51*

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**Written By:** Executive Support Officer

**Chief Executive Officer:** Mr Bria



**Item No:** 15.3

**Subject:** **APPOINTMENT TO THE PUBLIC ART ACQUISITION SELECTION PANEL  
2023-24**

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## Summary

This report seeks to appoint an Elected Member to the Public Art Acquisition Selection Panel. This panel consists of an Elected Member, council employees and an Arts professional or educator. The role of the Public Art Acquisition Selection Panel is to assess public art acquisitions in the form of direct purchases and Expressions of Interest commissioning procurement processes.

The Brighton Jetty Sculptures 'Outdoor Category' to be held in January 2024, will be the first works considered by the Public Art Acquisition Selection Panel. If the Panel concludes that no submissions are deemed appropriate based on the selection criteria, no purchase will be made.

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## Recommendation

**That Councillor \_\_\_\_\_ be appointed to the Public Art Acquisition Selection Panel 2023-24.**

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## Background

Annually as part of the Creative Holdfast Arts and Culture Strategy 2019 -2024, a number of projects assess public art acquisitions in the form of direct purchases and Expressions of Interest commissioning a procurement process. This process is to deliver projects ranging from murals and outdoor sculptures with respective annual budgets allocated as part of annual business planning. These projects include, not limited to the potential acquisition of an artwork at the Brighton Jetty Sculptures annual fundraiser event.

Brighton Jetty Sculptures is a major fundraising event for the Brighton Surf Life Saving Club and is planned, managed, and run by a small volunteer committee. This year the Brighton Jetty Sculptures Festival was held 18 – 29 January 2023, attracting more than 120,000 people.

Council provides annual support to Brighton Jetty Sculptures through a sponsorship agreement valued at \$5,000 cash and approximately \$100,000 of in-kind support through Depot, Events, Arts and Culture and Communications staff engagement.

Historically, Council has purchased artwork from the outdoor sculpture category of the Brighton Jetty Sculptures competition and installed the artworks along the Esplanade to add cultural interest to the boardwalk. Last year no purchase was made as no sculpture was deemed appropriate by the Selection Panel.

## Report

The role of the Public Art Acquisition Selection Panel will be to decide on the suitability of a 'Direct Purchase' of a sculpture as stated in the *'Creative Holdfast Public Art Guidelines 7.3 – This model enables Council to purchase an artwork from an artist or exhibition. This is relevant if an artist has a particular work of art that is appropriate for a specific project or site'*.

As part of the Public Art Acquisition Selection Panel, it is proposed Council appoint an Elected Member representative to assist in the assessment for the potential purchase of new public art assets and assess Expression of Interest submissions for public artworks for 2024.

Overview of selection criteria utilised for potential public artwork acquisitions:

- sensitive to the cultural significance of the area;
- visually appropriate and relevant to the area
- of high quality and strong artistic integrity;
- create a sense of place and a welcoming to destination;
- create a strong feeling of identity and pride of the public space;
- increase the enjoyment of public art by the community and visitors to the area;
- increase the diversity and quality of the City of Holdfast Bay public art collection;
- comply with all relevant Australian Standards and building codes and avoid dangerous protrusions, trip hazards, and sharp edges;
- be of relevant scale to the location;
- safe for the public, including pedestrians, cyclists and people with disabilities;
- are made from durable, robust, resilient, and structurally appropriate materials.
- be installed in such a way that they cannot be removed by force or will not dislodge over time;
- have a life span of a minimum five years.

The above criteria are subject to adaptation dependent on location, project scope and cultural significance.

## Budget

A capital budget allocation of \$20,000 is made annually through the Annual Business Plan process for potential public art acquisitions.

## Life Cycle Costs

The maintenance costs for the artworks will be facilitated through the existing Public Art Maintenance Budget \$5,000.

## Strategic Plan

Wellbeing: Good health and economic success in an environment and a community that supports wellbeing.

Open Space: Enhance character and vibrancy through innovation and distinctive public realm and placemaking.

Creative Holdfast: Arts & Culture Strategy – Create: Increase promotion of the current arts and culture activities and art making offerings of existing organisation.

## **Council Policy**

Public Art Policy

## **Statutory Provisions**

Not applicable

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**Written By:** Art and Culture Coordinator

**General Manager:** Community and Business, Ms M Lock

**Item No:** 15.4

**Subject:** PARTRIDGE STREET, GLENELG – WOMBAT CROSSING

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## Summary

Council carried a motion on 14 March 2023 to undertake design and construction of a separate school crossing point at Partridge Street, Glenelg.

Design has reached a hold point as the construction estimate has exceeded the allocated funding. Administration requests approval to increase the adopted budget for the Partridge Street wombat crossing from \$150,000 to \$310,000 excluding GST for design and construction.

Delivery is scheduled to begin during the summer school holidays with timing subject to market availability of contractors and materials.

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## Recommendation

**That Council:**

- 1. notes the report and project progress; and**
  - 2. endorses the additional budget of \$160,000, excluding GST, to complete the Partridge Street, Glenelg wombat crossing.**
- 

## Background

Partridge Street is a busy collector road which carries an average volume of 10,377 vehicles per weekday (traffic count June 2022). There are 42 pedestrians using the crossing during the morning period and 144 pedestrians during the afternoon period. Since these pedestrian counts were undertaken (March 2023) the adjacent school has increased its presence at the crossing which is likely to increase usage.

Council carried a motion on 14 March 2023:

*Motion on Notice – Pedestrian Safety and Traffic Calming Measures – Councillor Smedley*

- 1. That Council installs a raised wombat crossing with amber flashing lights, to replace the existing emu school crossing on Partridge Street, Glenelg adjacent to St Peter's Woodlands School and Council allocates a budget of \$150,000 in the 2022/23 financial year to undertake this work. The preference is for the flashing lights to be school activated.*

A signalised wombat crossing is a raised pedestrian crossing used in areas of high pedestrian demand with 24-hour continuously operating twin flashing amber lights. It is not a standard treatment for schools (which includes emu crossings (current crossing) or a koala crossings with flashing lights), however this treatment can be used in the vicinity of schools subject to

approval from the Department for Infrastructure (DIT). The signalised wombat crossing will be within the existing school zone and the '25km/h when children present' sign will be retained.

## Report

A tender for the provision for design services for both Partridge Street and King George Avenue crossings was undertaken in May 2023.

The Partridge Street wombat crossing initial concept design presented several challenges to upgrade the emu crossing to a wombat crossing. In particular the limited space between the two Norfolk Island pine trees resulted in the flashing light poles being within the structural root zone of both large trees. Significant pruning would also be required to achieve the required sight lines. Both these factors presented significant risk to the health of the large trees. Administration consulted with the Somerton Ward Councillors and St Peter's Woodlands Grammar Principal and agreed to relocate the wombat crossing location approximately 20 metres south.

A revised concept and cost estimate for the new location has been developed. Design factors include:

- A large SA Water sewer main running under the eastern side of Partridge Street conflicting with the eastern flashing light pole. The location and structural design for the footing will require SA Water approval for construction in proximity to the sewer.
- Additional underground services relocation.
- Footpath crossfalls to be regraded to meet DDA compliance.
- Opportunities to include WSUD infiltration and soakage against the large Norfolk Island pine trees to help drainage in the existing flat topography.
- 4-6 parking spaces lost due to wombat crossings being significantly wider (9m) than the existing emu crossing (3m).
- Approval required from DIT for non-standard traffic treatment at the location.
- The wombat crossing will be a permanently raised traffic control device and must meet relevant lighting standards. This will be achieved by installing new street lighting on both sides of the crossing.
- Administration is investigating radar controlled flashing lights that only flash on approach of a driver.

The summarised project estimate is below includes a contingency for additional underground service relocation. Any additional relocation may also effect timing to align with the utility provider:

### Summary of costs

Design	\$30,000
Street lighting	\$10,000
Construction	\$270,000
<b>Total (excluding GST)</b>	<b>\$310,000</b>

If endorsement is provided for additional budget, Administration will undertake early community consultation with the immediate adjacent residents and the school to inform of the proposed upgrade including the raised crossing, flashing lights and street lighting improvements.

The detailed design is expected to be completed early November 2023 subject to SA Water and DIT approvals.

The procurement process will begin in November with construction works anticipated to be undertaken from January 2024, subject to market availability of contractors and materials. Construction is anticipated to take up to six weeks, subject to favourable weather conditions. Works are expected to overrun the school holidays and into the school term.

## Budget

Estimates for the construction of the Partridge Street wombat crossing is \$270,000, street lighting upgrade is \$10,000 and design is \$30,000. The construction costs will be subject to market factors through a procurement process.

Administration's estimate for the total budget is \$310,000, excluding GST, and requests an additional budget of \$160,000 excluding GST.

## Life Cycle Costs

Ongoing management, operation and maintenance costs are to be included in future operational lines.

Renewal costs following a useful life will be incorporated in the Transport Asset Management Plan following capitalisation.

## Strategic Plan

Our Place 2050+

Sustainability: Prioritise sustainable and active transport (such as walking and cycling) across the city, including by reclaiming streets for play and nature and improving walkability to support healthy ageing.

Sustainability: Support the creation of safer places by improving the public realm and collaborating with transport providers to increase transport options.

## Council Policy

Not applicable

## Statutory Provisions

*Road Traffic Act 1961*  
*Australian Road Rules (SA)*

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**Written By:** Project Manager, Capital Renewal Delivery

**General Manager:** Assets and Delivery, Ms P Jackson

**Item No:** 15.5

**Subject:** 2022-23 GENERAL PURPOSE FINANCIAL STATEMENTS

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## Summary

The completed financial statements for the year ended 30 June 2023 have been reviewed by the Audit and Risk Committee and audited by council's external audit firm, Dean Newbery, who have indicated that an unqualified audit opinion will be provided. They are presented to Council to be received, noted, and authorised.

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## Recommendation

1. That the financial statements for the City of Holdfast Bay for the year ended 30 June 2023 as contained in Attachment 1 to Report No: 357/23 2022-23 General Purpose Financial Statements be received and noted.
2. That the Mayor and the Chief Executive Officer be authorised to sign the following certification of the financial statements;

### In our Opinion:

- (a) the accompanying (2022-23) financial statements comply with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and Australian Accounting Standards;
  - (b) the financial statements present a true and fair view of the Council's financial position at 30 June 2023 and the results of its operations and cash flows for the financial year;
  - (c) internal controls implemented by Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and
  - (d) the financial statements accurately reflect the Council's accounting and other records.
- 

## Background

The financial statements for the year ended 30 June 2023 have been prepared in accordance with Australian Accounting Standards, the *Local Government Act 1999*, and the *Local Government (Financial Management) Regulations 2011* and Council policies. They have also been reviewed by the Audit and Risk Committee which resolved that it is satisfied that they present fairly the state of affairs of Council.

Report No: 280/23 presented to Council at its meeting on 22 August 2023 included preliminary unaudited financial statements as at 30 June 2023. Subsequently, the financial statements have been completed and audited.

## Report

Compliance with the *Local Government Act 1999* ("the Act") and *Local Government (Financial Management) Regulations 2011* ("the Regulations") necessarily results in a detailed and lengthy report. It has been divided into four parts and discusses the financial performance of Council's municipal activities and Alwyndor Aged Care facility:

- Statutory requirements and audit;
- Changes since the unaudited interim statements were presented to Council on 22 August 2023;
- Comparison with the prior year, 2021-22, audited financial statements; and
- Comparison of actual results with the 2022-23 original budget and revised forecast.

### ***Statutory Requirements and Audit***

The Act and Regulations provide for a number of requirements in relation to the preparation, presentation, audit and adoption of Council's financial statements.

Council's financial statements have been prepared in accordance with legislative requirements and Council policies and are attached.

*Refer Attachment 1*

### ***Consolidation***

The consolidated financial statements include Alwyndor Aged Care Facility (Alwyndor) and Council's 15% equity interests in the Southern Region Waste Resource Authority (SRWRA).

Alwyndor is not a separate entity to Council but is operated with reasonable autonomy with oversight by the Alwyndor Management Committee, a committee of Council established under section 41 of the *Local Government Act 1999*, comprising Elected Members and independent members with industry expertise.

Alwyndor has prepared separate financial statements and these are attached.

*Refer Attachment 2*

Council's auditor has indicated that an unqualified report will be given for the Alwyndor Statements. The Alwyndor Management Committee reviewed the Alwyndor Financial Statements on 28 September 2023. Subsequent to the Committee meeting, the statements will be signed by the Chair of the Alwyndor Management Committee, council's Chief Executive Officer and the General Manager – Alwyndor.

### ***Review by Audit and Risk Committee***

Section 126(4) of the Act requires Council's Audit and Risk Committee to review the annual financial statements to ensure that they present fairly the state of affairs of council.



At its meeting on 18 October 2023, the Audit and Risk Committee received an unqualified audit completion report from Council's external audit firm, Dean Newbery, and the minutes of this meeting will be provided to Council for information and endorsement at the 24 October 2023 meeting.

#### *Independence of Council's Auditor*

Regulation 22 of the *Local Government (Financial Management) Regulations 2011* details the legislative requirements for the independence of the council auditor. Regulation 22(1) states that a Council must not engage its auditor to provide services to the council outside the scope of the auditor's function under the Act. Furthermore, the Presiding Member of the Audit and Risk Committee and Chief Executive Officer are required to provide a statement that provides certification as to compliance with the auditor's independence. A copy of that statement is attached.

*Refer Attachment 3*

#### *Certification by Chief Executive Officer and Mayor*

The format of certification of the Annual Financial Statements is governed by regulation 14 which requires that the financial statements must be in accordance with the requirements set out in the Model Financial Statements as published by the Local Government Association and approved by the Minister. The certification statement is placed at the beginning of the statements and requires the Mayor and the Chief Executive Officer to express an opinion as to the statement's legislative compliance, current financial position, effectiveness of associated internal controls and accuracy of accounting records.

The Audit and Risk Committee has reviewed the statements and expressed an opinion on Council's internal controls. It has also met with the external auditor who has indicated that an unqualified audit report will be given. It is proposed that the certification statement be authorised for signature as part of the final recommendation contained within this report.

#### *Audit*

The financial statements for the year ended 30 June 2023 have been audited by council's audit firm, Dean Newbery. The auditor has indicated that an unqualified audit report will be given after the final statements are signed by the Mayor and the Chief Executive Officer.

*Refer Attachment 4*

As part of the audit, the Chief Executive Officer and council's Manager Finance have signed a letter to the Auditor which provides certain representations in relation to the financial statements pursuant to Australian Auditing Standard ASA580, a copy of which is attached.

*Refer Attachment 5*

#### ***Operating Result***

The consolidated (rounded) operating result before capital revenues is \$1,679,000 (surplus) comprising \$2,544,000 surplus from council's municipal operations and (\$852,000) deficit from Alwyndor operations. Contained in council's municipal operations result is a \$323,000 surplus from council's equity interest in SRWRA.

The operating results vary from the preliminary result reported to Council on 22 August 2023 (Report 280/23) as indicated in the following table.

Preliminary Council Report 280/23 operating result before net gain/loss on asset disposals/revaluations – (rounded)	Financial Statements Operating Result (rounded)	Difference (to Council Report 280/23)
<b><i>Municipal Operations</i></b>		
\$2,524,000 Surplus	\$2,544,000 Surplus	\$20,000 increase in surplus
<b><i>Alwyndor Operations</i></b>		
(\$778,000) Deficit	(\$852,000) Deficit	\$74,000 increase in deficit
<b><i>Consolidated</i></b>		
\$1,746,000 Surplus	\$1,679,000 Surplus	\$67,000 decrease in surplus

There were a few final year-end adjustments made from council's previously stated operating result leading to a \$20,000 increase to the reported surplus:

- \$131,000 – increase in Council's equity share in SRWRA
- \$127,000 – reversal of a doubtful debt provision no longer required due to a change in the accounting for unpaid car parking infringements
- (\$205,000) – expenditure originally accounted for as capital transferred to operational expenses
- (\$33,000) late accruals for invoice payments

Loan receivables were reviewed and considered by the Audit and Risk Committee on 16 August 2023 (Report 267/23) with Council noting the minutes of the Audit and Risk Committee on 22 August 2023 (Resolution C220823/7534). The loan impairment provision has been maintained in accordance with the recommendations.

Alwyndor's deficit increased by \$74,000 following their final year-end adjustments, primarily due to increased employee cost related to Aged Care 15% Work Value adjustment in Annual and Long Service Leave provisions.

Additional comments comparing the results for 2022-23 to the previous year and referenced to the notes in the financial statements are provided at the end of Attachment 5.

*Refer Attachment 5*

### ***Comparison of Actual Result to Budget Forecasts***

During 2022-23 three budget updates detailing budget variances were approved by Council (Report Nos: 437/22, 45/23 and 139/23). A report covering the preliminary results and budget variations was also received by Council (Report No: 280/23).

Regulation 10 of the *Local Government (Financial Management) Regulations 2011* requires a final report to be prepared on the aggregated audited financial results relative to the

estimated results set out in the original and revised budgets. The report must include the four principal financial statements (excluding notes) presented in the same format as the Model Financial Statements. Separate funding statements with explanatory notes and the four comparative consolidated statements are attached.

*Refer Attachment 6*

### *Ratio Analysis*

Financial indicators have been determined and are detailed in Note 15 of the financial statements.

The ratios have been compared to the 2022-23 budget including the interest cover ratio which indicates the ability to service debt by calculating net financial interest as a percentage of overall operating revenue.

The following table provides ratio analysis for consolidated activities including comparisons to budget.

<b>Ratio Consolidated Funds</b>	<b>Target – from Long Term Financial Plan</b>	<b>Original Budget</b>	<b>Revised Budget Forecast</b>	<b>Actual Results</b>
Operating Result <sup>1</sup>	≥ 0	(\$108,644) Deficit	\$400,910 Surplus	\$1,679,000 Surplus
Operating Ratio <sup>2</sup>	≥ 0%	(0.1%)	0.5%	1.9%
Net Financial Liabilities Ratio <sup>3</sup>	≤ 75%	65%	62%	45%
Asset Sustainability Ratio <sup>4</sup>	90% -110%	82%	140%	104%

<sup>1</sup> **Operating Result** is the result from total operating income less total operating expenses before asset disposals, amounts received for assets and changes in the valuations of assets.

<sup>2</sup> **Operating Ratio** expresses the operating result as a percentage of total operating income.

<sup>3</sup> **Net Financial Liabilities Ratio** expresses total liabilities less total financial assets as a percentage of total operating income.

<sup>4</sup> **Asset Sustainability Ratio** is defined as net capital expenditure on the renewal and replacement of existing assets expressed as a percentage of the asset management plan required expenditure.

### *Ratios - Municipal Funds*

The following table provides ratio analysis for municipal activities including comparisons to budget.

<b>Ratio – Municipal Funds</b>	<b>Target – from Long Term Financial Plan</b>	<b>Original Budget</b>	<b>Revised Budget Forecast</b>	<b>Actual Results (rounded)</b>
Operating Result	≥ 0	\$389,644 Surplus	\$708,910 Surplus	\$2,544,000 Surplus
Operating Ratio	≥ 0%	0.8%	1.4%	4.8%
Net Financial Liabilities Ratio	≤ 75%	72%	69%	41%

Interest Cover Ratio <sup>1</sup>	≤ 5%	1.6%	1.0%	0.8%
Asset Sustainability Ratio	90% -110%	100%	153%	111%

<sup>1</sup> **Interest Cover Ratio** expresses finance costs including interest on borrowings less interest on investments as a percentage of total operating revenue excluding interest on investments.

The major contributing factors for the reduced *net financial liabilities ratio* are as follows:

- The 2022-23 original ratio assumed completion of the 2021-22 capital works program. However not all 2021-22 capital projects were completed, and the net capital expenditure budget was increased by \$10.2m (net) during 2022-23.
- The 2022-23 capital expenditure program was not finalised by 30 June 2023 and \$12.1m (net) has been approved by Council (Report 280/23) to be carried forward into 2023-24 to be funded by new borrowings.

#### *Explanation of variances between budget and result – Municipal Funds*

The contributing factors for the operating result budget forecast surplus increase from the original forecast have been reported to Council throughout the financial year. The most recent report on 23 August 2023 (Report 280/23) fully detailed the budget forecast variations for 2022/23. The report included comprehensive details of the business unit variances in the operating actual surplus result compared to the revised budget forecast. The report was provided to Audit and Risk Committee members under separate cover.

The following table summarises the major contributing variances between the revised budget forecast of \$709,000 and the final result:

<b>Major Municipal Operational Variances</b>	<b>Amount</b>
Timing of Financial Assistance Grants	\$740,000
Yet to be finalised operational projects	\$433,000
Higher car parking income	\$336,000
Higher cemeteries and memorial income	\$159,000
Higher Caravan Park user income	\$133,000
Reverse provision previously made for doubtful debts	\$127,000
Higher equity share in SRWRA	\$120,000
Lower depreciation expense	\$120,000
Lower materials, contract and other expenditure	\$118,000
Higher employment costs due to new Enterprise Agreement	(\$232,000)
Higher employee leave provisions	(\$219,000)
<b>Total variance to forecast (favourable)</b>	<b>\$1,835,000</b>

The majority of these unbudgeted variances are either due to timing, thus impacting the 2023-24 budget, (Financial Assistance Grant and operational projects carried forward) or are non-cash items that have no effect on council's cash surplus (provisions, depreciation and SRWRA equity share). These items account for \$1.3 million of the \$1.8 million of variances detailed in the above table.

*Ratios – Alwyndor Funds*

<b>Ratio – Alwyndor Funds</b>	<b>Target – from Long Term Financial Plan</b>	<b>Original Budget</b>	<b>Revised Budget Forecast</b>	<b>Actual Results Rounded</b>
Operating Result	≥ 0	(\$281,000) Deficit	(\$308,000) Deficit	(\$852,000) Deficit

<b>Additional Alwyndor Performance Indicators</b>	<b>Target</b>	<b>Actual to 30 June 2023</b>
Cash to total revenue	4.4%	7.5%
Cash Liquidity Level – ability to refund bonds/refundable accommodation deposits (RAD's)	Minimum of \$2.5m	\$2.6m
Bed occupancy rate – year-to-date average	98.0%	98.6%
Average direct care funding per resident per day (Aged Care Funding Instrument) to 30 Sept 2022	\$187.00	\$193.12
Average direct care funding per resident per day (Aged Care Funding Instrument) from 1 Oct 2022	\$187.00	\$224.00
No. of Home Support Packages	435	535
Home Support funding utilisation – the portion of revenue generated from Home Support Package funds.	78.0%	74.5%

*Explanation of variances between target, budget, and result – Alwyndor Funds*

The major contributing factors for the operating result actual deficit increase of \$544,000 from the revised forecast deficit of \$308,000 is based on numerous factors as tabled below.

<b>Major Alwyndor Operational Variances</b>	<b>Amount</b>
Additional expenses for Annual and Long Service Leave Provision (Aged Care Work Value 15% wage increase)	(\$295,000)
Additional expenses – Nurses Retention Grant	(\$68,000)
Carry forward amount to 2023/24 financial year - CHSP Grant Funding	(\$46,000)
Additional accrued expenses due to increased workforce - Workers Compensation	(\$44,000)
Fixed Assets adjustments - assets under \$2,000 capitalisation threshold have been incorrectly capitalised	(\$47,000)
Additional expenses - Support at Home Services	(\$25,000)
Net other	(\$19,000)
<b>Total variance to forecast</b>	<b>(\$544,000)</b>

***Southern Region Waste Resource Authority (SRWRA)***

SRWRA is an established regional subsidiary under Section 43 of the *Local Government Act* to provide and operate services for the management of waste facilities under its control on

behalf of its constituent councils. The councils include City of Holdfast Bay, City of Onkaparinga, and City of Marion. Each council has equal voting rights; however, the percentage of interest and ownership differs being City of Holdfast Bay 15 percent, City of Onkaparinga 55 percent and City of Marion 30 percent. The SRWRA overall financial result for 2022-23 was \$2,151,000 net surplus. The 2022/23 SRWRA financial statements are attached.

*Refer Attachment 7*

## **Budget**

This report has no direct budget implications.

## **Life Cycle Costs**

Not applicable

## **Strategic Plan**

Statutory compliance

## **Council Policy**

Not applicable

## **Statutory Provisions**

*Local Government Act 1999*

*Local Government (Financial Management) Regulations 2011*

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### **Written By:**

Manager Finance

### **General Manager:**

Strategy and Corporate, Ms S Wachtel

# Attachment 1

# City of Holdfast Bay

GENERAL PURPOSE FINANCIAL STATEMENTS  
for the year ended 30 June 2023

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## General Purpose Financial Statements

for the year ended 30 June 2023

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General Purpose Financial Statements  
for the year ended 30 June 2023

Certification of Financial Statements

We have been authorised by the Council to certify the financial statements in their final form.

In our opinion:

- the accompanying financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards,
- the financial statements present a true and fair view of the Council's financial position at 30 June 2023 and the results of its operations and cash flows for the financial year,
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year,
- the financial statements accurately reflect the Council's accounting and other records.

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R. Bria  
Chief Executive Officer

24 October 2023

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A. Wilson  
Mayor

24 October 2023

## Statement of Comprehensive Income

for the year ended 30 June 2023

\$ '000	Notes	2023	2022
<b>Income</b>			
Rates	2a	40,535	39,060
Statutory charges	2b	3,245	2,801
User charges	2c	10,577	8,882
Grants, subsidies and contributions - operating	2g	17,615	14,657
Investment income	2d	888	363
Reimbursements	2e	5,806	4,046
Other income	2f	8,198	5,387
Net gain - equity accounted council businesses	19(a)	323	441
<b>Total income</b>		<b>87,187</b>	<b>75,637</b>
<b>Expenses</b>			
Employee costs	3a	41,708	35,007
Materials, contracts and other expenses	3b	29,862	26,337
Depreciation, amortisation and impairment	3c	11,715	10,954
Finance costs	3d	2,223	1,758
<b>Total expenses</b>		<b>85,508</b>	<b>74,056</b>
<b>Operating surplus / (deficit)</b>		<b>1,679</b>	<b>1,581</b>
Asset disposal and fair value adjustments	4	446	(2,340)
Amounts received specifically for new or upgraded assets	2g	582	1,544
<b>Net surplus / (deficit)</b>		<b>2,707</b>	<b>785</b>
<b>Other comprehensive income</b>			
<b>Amounts which will not be reclassified subsequently to operating result</b>			
Changes in revaluation surplus - I,PP&E	9a	3,855	157,858
Share of other comprehensive income - equity accounted council businesses	19	—	173
<b>Total other comprehensive income</b>		<b>3,855</b>	<b>158,031</b>
<b>Total comprehensive income</b>		<b>6,562</b>	<b>158,816</b>

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

## Statement of Financial Position

as at 30 June 2023

\$ '000	Notes	2023	2022
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalent assets	5a	2,715	5,079
Trade and other receivables	5b	6,674	6,276
<u>Subtotal</u>		<u>9,389</u>	<u>11,355</u>
<b>Total current assets</b>		<u>9,389</u>	<u>11,355</u>
<b>Non-current assets</b>			
Trade and other receivables	6a	12,984	12,403
Equity accounted investments in council businesses	6b	4,251	3,928
Other non-current assets	6c	3,390	2,339
Infrastructure, property, plant and equipment	7	899,441	893,809
<b>Total non-current assets</b>		<u>920,066</u>	<u>912,479</u>
<b>TOTAL ASSETS</b>		<u>929,455</u>	<u>923,834</u>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	8a	41,461	42,372
Borrowings	8b	1,362	1,073
Provisions	8c	5,801	5,197
<u>Subtotal</u>		<u>48,624</u>	<u>48,642</u>
<b>Total current liabilities</b>		<u>48,624</u>	<u>48,642</u>
<b>Non-current liabilities</b>			
Borrowings	8b	12,276	13,365
Provisions	8c	657	491
<b>Total non-current liabilities</b>		<u>12,933</u>	<u>13,856</u>
<b>TOTAL LIABILITIES</b>		<u>61,557</u>	<u>62,498</u>
<u><b>Net assets</b></u>		<u><b>867,898</b></u>	<u><b>861,336</b></u>
<b>EQUITY</b>			
Accumulated surplus		187,896	185,189
Asset revaluation reserves	9a	673,587	669,732
Other reserves	9b	6,415	6,415
<b>Total council equity</b>		<u>867,898</u>	<u>861,336</u>
<u><b>Total equity</b></u>		<u><b>867,898</b></u>	<u><b>861,336</b></u>

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

## Statement of Changes in Equity

for the year ended 30 June 2023

\$ '000	Notes	Accumulated surplus	Asset revaluation reserve	Other reserves	Total equity
<b>2023</b>					
Balance at the end of previous reporting period		185,189	669,732	6,415	861,336
Net surplus / (deficit) for year		2,707	—	—	2,707
<b>Other comprehensive income</b>					
- Gain (Loss) on Revaluation of I,PP&E	7a	—	3,855	—	3,855
Equity Accounted Council Business - asset revaluation adjustment		—	—	—	—
<b>Other comprehensive income</b>		<b>—</b>	<b>3,855</b>	<b>—</b>	<b>3,855</b>
<b>Total comprehensive income</b>		<b>2,707</b>	<b>3,855</b>	<b>—</b>	<b>6,562</b>
<b>Balance at the end of period</b>		<b>187,896</b>	<b>673,587</b>	<b>6,415</b>	<b>867,898</b>
<b>2022</b>					
Balance at the end of previous reporting period		185,045	511,893	6,415	703,353
Adjustments (due to voluntary changes in accounting policies)	24	(458)	(375)	—	(833)
Net surplus / (deficit) for year		785	—	—	785
<b>Other comprehensive income</b>					
- Gain (Loss) on Revaluation of I,PP&E	7a	—	157,858	—	157,858
Equity Accounted Council Business - asset revaluation adjustment		(183)	356	—	173
<b>Other comprehensive income</b>		<b>(183)</b>	<b>158,214</b>	<b>—</b>	<b>158,031</b>
<b>Total comprehensive income</b>		<b>602</b>	<b>158,214</b>	<b>—</b>	<b>158,816</b>
<b>Balance at the end of period</b>		<b>185,189</b>	<b>669,732</b>	<b>6,415</b>	<b>861,336</b>

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

## Statement of Cash Flows

for the year ended 30 June 2023

\$ '000	Notes	2023	2022
<b>Cash flows from operating activities</b>			
<u>Receipts</u>			
Rates		40,460	38,989
Statutory charges		3,295	2,821
Investment receipts		888	364
Reimbursements		5,814	4,062
Other receipts		8,640	7,442
User charges		10,913	9,169
Grants, subsidies and contributions (operating purpose)		17,983	16,389
<u>Payments</u>			
Payments for materials, contracts and other expenses		(33,654)	(30,370)
Finance payments		(682)	(723)
Payments to employees		(40,781)	(34,478)
<b>Net cash provided by (or used in) operating activities</b>	11b	<u>12,876</u>	<u>13,665</u>
<b>Cash flows from investing activities</b>			
<u>Receipts</u>			
Sale of surplus assets		722	34
Repayments of loans by community groups		270	239
Amounts received specifically for new/upgraded assets		582	1,544
Sale of replaced assets		528	43
<u>Payments</u>			
Net purchase of investment securities		(468)	(12,407)
Expenditure on renewal/replacement of assets		(9,243)	(9,339)
Expenditure on new/upgraded assets		(6,416)	(5,655)
<b>Net cash provided (or used in) investing activities</b>		<u>(14,025)</u>	<u>(25,541)</u>
<b>Cash flows from financing activities</b>			
<u>Receipts</u>			
Proceeds from aged care facility deposits		9,841	7,573
Proceeds from borrowings		249	—
Proceeds from bonds and deposits		—	7
<u>Payments</u>			
Repayment of bonds and deposits		(7)	—
Repayment of lease liabilities		(11)	—
Repayment of aged care facility deposits		(10,214)	(8,351)
Repayments of borrowings		(1,322)	(1,117)
<b>Net cash provided by (or used in) financing activities</b>		<u>(1,464)</u>	<u>(1,888)</u>
<b>Net increase (decrease) in cash held</b>		<u>(2,613)</u>	<u>(13,764)</u>
plus: cash & cash equivalents at beginning of period		5,079	18,843
<b>Cash and cash equivalents held at end of period</b>	11a	<u>2,466</u>	<u>5,079</u>

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Contents of the Notes accompanying the General Purpose Financial Statements

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## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies

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The principal accounting policies adopted by Council in the preparation of these consolidated financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

#### (1) Basis of preparation

##### 1.1 Compliance with Australian Accounting Standards

This general purpose financial report has been prepared on a going concern basis using the historical cost convention in accordance with Australian Accounting Standards as they apply to not-for-profit entities, other authoritative pronouncements of the Australian Accounting Standards Board, Interpretations and relevant South Australian legislation.

The financial report was authorised for issue by certificate under regulation 14 of the *Local Government (Financial Management) Regulations 2011*

##### 1.2 Critical accounting estimates

The preparation of financial statements in conformity with Australian Accounting Standards requires the use of certain critical accounting estimates and requires management to exercise its judgement in applying Council's accounting policies.

The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are specifically referred to in the relevant sections of these Notes.

##### 1.3 Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000).

##### 1.4 Aged Care Facility

The City of Holdfast Bay (the Council) is the Trustee of an Aged Care Facility called Alwyndor which was established pursuant to the Dorothy Cheater Trust. Alwyndor is a registered charitable trust.

These consolidated financial statements have been prepared to satisfy the reporting obligations of the Council and Alwyndor. A committee of Council established under Section 41 of the Local Government Act comprising Elected Members and independent members oversees the governance of Alwyndor.

Given Alwyndor is a charitable trust, no profits are distributed to beneficiaries and are retained in Equity on the Statement of Financial Position. Additional disclosure has been made in Note 24.

#### (2) The local government reporting entity

City of Holdfast Bay (Consolidated) is incorporated under the South Australian Local Government Act 1999 and has its principal place of business at 24 Jetty Road, Brighton. These consolidated financial statements include the Council's direct operations and all entities through which Council controls resources to carry on its functions. In the process of reporting on the Council as a single unit, all transactions and balances between activity areas and controlled entities have been eliminated.

#### (3) Income recognition

The Council recognises revenue under *AASB 1058 Income of Not-for-Profit Entities* (AASB 1058) or *AASB 15 Revenue from Contracts with Customers* (AASB 15) when appropriate.

In cases where there is an 'enforceable' contract with a customer with 'sufficiently specific' performance obligations, the transaction is accounted for under AASB 15 where income is recognised when (or as) the performance obligations are satisfied (i.e. when it transfers control of a product or service to a customer). Revenue is measured based on the consideration to which the Council expects to be entitled in a contract with a customer.

In other cases, AASB 1058 applies when a not-for-profit (NFP) entity enters into transactions where the consideration to acquire an asset is significantly less than the fair value of the asset principally to enable the entity to further its objectives. The excess of the asset recognised (at fair value) over any 'related amounts' is recognised as income immediately, except in the case where a financial asset has been received to enable the council to acquire or construct a recognisable non-financial asset that



## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

is to be controlled by the council. In this case, the council recognises the excess as a liability that is recognised over time in profit and loss when (or as) the entity satisfies its obligations under the transfer.

In recent years the payment of untied grants (financial assistance grants / local roads / supplementary grants) has varied from the annual allocation as shown in the table below:

	Cash Payment Received	Annual Allocation	Difference
2019/20	\$1,234,622	\$1,173,216	+\$61,406
2020/21	\$1,126,691	\$1,180,780	-\$54,089
2021/22	\$1,909,790	\$1,409,816	+\$499,974
2022/23	\$1,868,862	\$1,483,827	+\$385,035

Because these grants are untied, the Australian Accounting Standards require that payments be recognised upon receipt. Accordingly, the operating results of these periods have been distorted compared to those that would have been reported had the grants been paid in the year to which they were allocated.

The Operating Surplus Ratio disclosed in Note 15 has also been calculated after adjusting for the distortions resulting from the differences between the actual grants received and the grants entitlements allocated.

#### (4) Cash, cash equivalents and other financial instruments

Cash Assets include all amounts readily convertible to cash on hand at Council's option with an insignificant risk of changes in value with a maturity of three months or less from the date of acquisition.

Receivables for rates and annual charges are secured over the subject land, and bear interest at rates determined in accordance with the *Local Government Act 1999*. Other receivables are generally unsecured and do not bear interest.

All receivables are reviewed as at the reporting date and adequate allowance made for amounts the receipt of which is considered doubtful. The provision for doubtful debts has reduced significantly this year because Council now reviews infringements receivables balances on a monthly basis.

Financial instruments are recognised at fair value at the date of recognition, except for trade receivables from a contract with a customer, which are measured at the transaction price. A detailed statement of the accounting policies applied to financial instruments forms part of Note 13. Alwyndor investment financial assets are measured at fair value through profit and loss. Measurement is determined by Ord Minnett at market value as at 30 June 2023.

#### (5) Infrastructure, property, plant and equipment

##### 5.1 Initial Recognition

All assets are initially recognised at cost. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition.

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use". Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other costs incurred. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

#### 5.2 Materiality

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Council for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life.

Examples of capitalisation thresholds applied during the year are given below. No capitalisation threshold is applied to the acquisition of land or interests in land.

Office Furniture & Fittings	\$2,000
Equipment	\$2,000
Buildings	\$5,000
Roads	\$5,000
Other Infrastructure	\$5,000

#### 5.3 Subsequent Recognition

All material asset classes are revalued on a regular basis such that the carrying values are not materially different from fair value. Significant uncertainties exist in the estimation of fair value of a number of asset classes including land, buildings and associated structures and infrastructure. Further detail of these uncertainties, and of existing valuations, methods and valuers are provided at Note 7.

#### 5.4 Depreciation of Non-Current Assets

Other than land, all infrastructure, property, plant and equipment assets recognised are systematically depreciated over their useful lives on a straight-line basis which, in the opinion of Council, best reflects the consumption of the service potential embodied in those assets.

Depreciation methods, useful lives and residual values of classes of assets are reviewed annually.

Major depreciation periods for each class of asset are listed below. Depreciation periods for infrastructure assets have been estimated based on the best information available to Council, but appropriate records covering the entire life cycle of these assets are not available, and extreme care should be used in interpreting financial information based on these estimates.

##### *Plant, Furniture & Equipment*

Office Furniture & Equipment	3 to 10 years
Vehicles and Road-making Equip	6 to 15 years
Other Plant & Equipment	3 to 25 years
Intangible Assets	6 to 10 years

##### *Building & Other Structures*

Buildings – masonry	50 to 170 years
Buildings – other construction	20 to 60 years
Park Structures – masonry	40 to 100 years
Park Structures – other construction	20 to 50 years

##### *Infrastructure*

Sealed Roads – Surface	15 to 40 years
Sealed Roads – Structure	120 to 150 years
Sealed Roads – Sub-base	300 years
Sealed Roads – Kerbing	100 years
Bridges	100 years
Paving & Footpaths	10 to 60 years
Drains / Culverts	15 to 150 years
Playground Equipment	10 to 20 years
Benches, seats, etc	7 to 25 years

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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#### 5.5 Impairment

Assets whose future economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, are not subject to impairment testing.

Other assets that are subject to depreciation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash inflows or value in use).

Where an asset that has been revalued is subsequently impaired, the impairment is first offset against such amount as stands to the credit of that class of assets in Asset Revaluation Reserve, any excess being recognised as an expense.

#### (6) Payables

##### 6.1 Goods & Services

Creditors are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

##### 6.2 Payments Received in Advance & Deposits

Amounts other than grants received from external parties in advance of service delivery, and security deposits held against possible damage to Council assets, are recognised as liabilities until the service is delivered or damage reinstated, or the amount is refunded as the case may be.

#### (7) Borrowings

Borrowings are carried at their principal amounts which represent the present value of future cash flows associated with servicing the debt. Interest is accrued over the period to which it relates, and is recorded as part of "Payables".

#### (8) Employee benefits

##### 8.1 Salaries, Wages & Compensated Absences

Liabilities for employees' entitlements to salaries, wages and compensated absences expected to be paid or settled within 12 months of reporting date are accrued at nominal amounts (including payroll based oncosts) measured in accordance with AASB 119.

Liabilities for employee benefits not expected to be paid or settled within 12 months are measured as the present value of the estimated future cash outflows (including payroll based oncosts) to be made in respect of services provided by employees up to the reporting date. Present values are calculated using government guaranteed securities rates with similar maturity terms.

##### 8.2 Superannuation

The Council makes employer superannuation contributions in respect of its employees to the Hostplus Superannuation Scheme. The Scheme has two types of membership, each of which is funded differently. Details of the accounting policies applied and Council's involvement with the schemes are reported in Note 18.

#### (9) Leases

Council and Alwyndor Aged Care assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

Council and Alwyndor Aged Care have elected not to recognise a right-of-use asset and corresponding lease liability for short-term leases with terms of 12 months or less and leases of low-value assets. Lease payments on these assets are expensed to profit or loss as incurred.

Resident loans are treated using the principles of lease accounting because Alwyndor Aged Care has assessed that residents enter a lease to occupy a room within residential aged care facilities. Refer to note 1 (9.1.ii.).

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

#### i) Aged Care Refundable Accommodation Deposits/ Contributions

Refundable Accommodation Deposits/Contributions are recognised upon receipt as per the amount received. Amounts received are repaid upon the resident vacating their accommodation and are settled in accordance with legislative requirements. The accounting treatment for resident loans is described in 1 (9.1.ii.) below. Un-refunded resident's loans (under the Aged Care Act) incur interest.

#### ii) Aged Care Resident Loans

Resident loans are recorded as aged care facility deposits. Resident loans comprise of Refundable Accommodation Deposits/Contributions and Accommodation Bonds, which are subject to the Aged Care Act 1997.

##### *Resident loans - Aged Care Act 1997*

Lump sum amounts received from residents in payment of their accommodation expense (prior to 01/07/2014: Accommodation Bonds, from 01/07/2014: Refundable Accommodation Deposits (RAD)).

From December 2005 repayment to the resident is guaranteed by the Australian Government.

RADs and Bonds fall within the scope of AASB 16: Leases, in that there is a contract conveying to the resident the right to use an asset for a period of time, in exchange for consideration.

Alwyndor Aged Care estimated the fair value of the consideration by reference to the Daily Accommodation Payment (DAP) that the resident would have paid if they had not chosen to provide a RAD. This results in the recognition of a rental income amount, and corresponding interest expense. The impact of the change in policy is described further in note 1 (12).

#### (10) Equity accounted Council businesses

Council participates in cooperative arrangements with other Councils for the provision of services and facilities. Council's interests in cooperative arrangements, which are only recognised if material, are accounted for in accordance with AASB 128 and set out in detail in Note 19.

#### (11) GST implications

In accordance with UIG Abstract 1031 "Accounting for the Goods & Services Tax"

- Receivables and creditors include GST receivable and payable.
- Except in relation to input taxed activities, revenues and operating expenditures exclude GST receivable and payable.
- Non-current assets and capital expenditures include GST net of any recoupment.
- Amounts included in the Statement of Cash Flows are disclosed on a gross basis.

#### (12) New accounting standards and UIG interpretations

The Council has not early adopted any other standard, interpretation or amendment that has been issued but is not yet effective.

##### Standards issued by the AASB not yet effective

The AASB has issued Australian Accounting Standards and Interpretations which are not effective at 30 June 2023, these standards have not been adopted by Council and will be included in the financial statements on their effective date. Where the standard is expected to have a significant impact for Council then further information has been provided in this note.

The following list identifies all the new and amended Australian Accounting Standards, and Interpretation, that were issued but not yet effective at the time of compiling these illustrative statements that could be applicable to Councils.

##### Effective for annual reporting periods beginning on or after 1 January 2023

- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current.

##### Effective for NFP annual reporting periods beginning on or after 1 January 2025 for public sector

- AASB 2014-10 Amendments to Australian Accounting Standards – Sale and Contribution of Assets between an Investor and its Associate or Joint Venture.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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#### **(13) Comparative figures**

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within these financial statements and/or the notes.

During the year the Council changed its asset accounting policy, the change has been retrospectively applied and comparative information has been restated, refer to Note 24 for detail.

An error in the figures previously reported in Note 25 when comparing Consolidated and Excluding Alwyndor figures was identified and corrected. Refer to Note 25 for detail.

#### **(14) Disclaimer**

Nothing contained within these statements may be taken to be an admission of any liability to any person under any circumstance.

# Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

## Note 2. Income

\$ '000	2023	2022
<b>(a) Rates</b>		
<b>General rates</b>		
General rates	39,080	37,903
Less: mandatory rebates	(501)	(518)
Less: discretionary rebates, remissions and write-offs	(201)	(411)
<b>Total general rates</b>	<b>38,378</b>	<b>36,974</b>
<b>Other rates (including service charges)</b>		
Landscape levy	1,351	1,327
Separate and special rates	695	673
<b>Total other rates (including service charges)</b>	<b>2,046</b>	<b>2,000</b>
<b>Other charges</b>		
Penalties for late payment	77	74
Legal and other costs recovered	34	12
<b>Total other charges</b>	<b>111</b>	<b>86</b>
<b>Total rates</b>	<b>40,535</b>	<b>39,060</b>
<b>(b) Statutory charges</b>		
Development Act fees	548	498
Animal registration fees and fines	201	191
Parking fines / expiation fees	1,662	1,590
Other licences, fees and fines	834	522
<b>Total statutory charges</b>	<b>3,245</b>	<b>2,801</b>
<b>(c) User charges</b>		
Cemetery/crematoria fees	295	274
Parking fees	1,260	1,054
Sundry	38	65
Commercial Leases/Caravan Park	2,231	1,994
Aged Care Residential Fees and Rentals	6,585	5,492
Major Community Event	164	—
Other	4	3
<b>Total user charges</b>	<b>10,577</b>	<b>8,882</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 2. Income (continued)

\$ '000	2023	2022
<b>(d) Investment income</b>		
Interest on investments		
- Local Government Finance Authority	214	119
- Interest on securities	91	—
- Banks and other	18	244
Investment Income		
- Dividend income and imputation credits (Alwyndor)	565	—
<b><u>Total investment income</u></b>	<b><u>888</u></b>	<b><u>363</u></b>
<b>(e) Reimbursements</b>		
Private works	150	59
Aged Care Facility - Home Care	5,382	3,733
Other	274	254
<b><u>Total reimbursements</u></b>	<b><u>5,806</u></b>	<b><u>4,046</u></b>
<b>(f) Other income</b>		
Rebates received	447	416
Sundry	457	385
Aged Care Facility - Home Care Management Fees	4,058	2,185
Aged Care Facility - COVID-19 Grant Income	338	247
Aged Care Facility - Accommodation and Care Fees	2,392	1,614
Aged Care Facility - Home Care	352	435
Other	154	105
<b><u>Total other income</u></b>	<b><u>8,198</u></b>	<b><u>5,387</u></b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 2. Income (continued)

\$ '000	2023	2022
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#### (g) Grants, subsidies and contributions

Amounts received specifically for new or upgraded assets

<b>Total</b>	<b>582</b>	<b>1,544</b>
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#### Other grants, subsidies and contributions

Other grants, subsidies and contributions	384	394
Aged Care Facility - Grants, Subsidies and Contributions	14,609	11,980
Untied - Financial Assistance Grant	1,484	1,410
Roads to Recovery	253	373
Local Roads and Community Infrastructure Program	500	—
Individually significant item - additional Grants Commission payment (refer below)	385	500
<b>Total other grants, subsidies and contributions</b>	<b>17,615</b>	<b>14,657</b>

#### Total grants, subsidies and contributions

	<b>18,197</b>	<b>16,201</b>
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The functions to which these grants relate are shown in Note 12.

#### (i) Sources of grants

Commonwealth Government	13,656	11,735
State Government	4,603	4,203
Other	(62)	263
<b>Total</b>	<b>18,197</b>	<b>16,201</b>



## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 3. Expenses

\$ '000	Notes	2023	2022
<b>(a) Employee costs</b>			
Salaries and wages		34,582	29,532
Employee leave expense		2,993	2,201
Superannuation - defined contribution plan contributions	18	3,507	2,727
Superannuation - defined benefit plan contributions	18	169	199
Workers' compensation insurance		1,440	1,282
Less: capitalised and distributed costs		(983)	(934)
<b>Total operating employee costs</b>		<b>41,708</b>	<b>35,007</b>
City of Holdfast Bay		174	175
Aged Care Facility		272	213
<b>Total number of employees (full time equivalent at end of reporting period)</b>		<b>446</b>	<b>388</b>
<b>(b) Materials, contracts and other expenses</b>			
<b>(i) Prescribed expenses</b>			
Auditor's remuneration			
- Auditing the financial reports		31	31
Elected members' expenses		409	367
Election expenses		229	43
Lease expense - low value assets / short term leases		15	16
<b>Subtotal - prescribed expenses</b>		<b>684</b>	<b>457</b>
<b>(ii) Other materials, contracts and expenses</b>			
Contractors		7,251	7,107
Energy		516	372
Maintenance		2,522	2,312
Legal expenses		227	168
Levies paid to Government - NRM levy		1,322	1,302
Professional services		3,071	2,884
Water		538	521
Materials		5,172	2,892
Insurances		639	596
Waste Management		4,259	4,087
Library Lending Materials		90	79
Covid 19 Related Expenditure		—	31
Other		3,571	3,529
<b>Subtotal - Other material, contracts and expenses</b>		<b>29,178</b>	<b>25,880</b>
<b>Total materials, contracts and other expenses</b>		<b>29,862</b>	<b>26,337</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 3. Expenses (continued)

\$ '000	2023	2022
<b>(c) Depreciation, amortisation and impairment</b>		
<b>(i) Depreciation and amortisation</b>		
Buildings and other structures	3,248	3,015
Infrastructure		
- Stormwater drainage	663	568
- Roads	1,496	1,485
- Footpaths	1,121	973
- Kerb & Guttering	702	683
- Other Transport	581	589
- Open Space & Coastal	2,055	2,105
Right-of-use assets	12	–
Plant and equipment	1,101	941
Furniture & Fittings, Office Equipment	736	595
<b>Subtotal</b>	<b>11,715</b>	<b>10,954</b>
<b>Total depreciation, amortisation and impairment</b>	<b>11,715</b>	<b>10,954</b>

### (d) Finance costs

Interest on loans	581	641
Interest on leases	1	–
Aged Care Facility - Interest on Deposits	1,641	1,117
<b>Total finance costs</b>	<b>2,223</b>	<b>1,758</b>

### Note 4. Asset disposal and fair value adjustments

\$ '000	2023	2022
<b>Infrastructure, property, plant and equipment</b>		
<b>(i) Assets renewed or directly replaced</b>		
Proceeds from disposal	528	44
Less: carrying amount of assets sold	(1,151)	(1,549)
<b>Gain (loss) on disposal</b>	<b>(623)</b>	<b>(1,505)</b>
<b>(ii) Assets surplus to requirements</b>		
Proceeds from disposal	722	31
Less: carrying amount of assets sold	–	(1)
<b>Gain (loss) on disposal</b>	<b>722</b>	<b>30</b>
<b>Fair Value movements on Alwyndor Investment Portfolio</b>		
Net gain/(loss) on fair value movements	418	(836)
Net gain/(loss) on disposal of investments	(71)	(29)
<b>Gain (loss) on disposal</b>	<b>347</b>	<b>(865)</b>
<b>Net gain (loss) on disposal or revaluation of assets</b>	<b>446</b>	<b>(2,340)</b>

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 5. Current assets

<b>\$ '000</b>	<b>2023</b>	<b>2022</b>
<b>(a) Cash and cash equivalent assets</b>		
Cash on hand and at bank	197	306
Deposits at call	2,300	4,553
Other	218	220
<b><u>Total cash and cash equivalent assets</u></b>	<b><u>2,715</u></b>	<b><u>5,079</u></b>
<b>(b) Trade and other receivables</b>		
Rates - general and other	709	644
Council rates postponement scheme	48	38
Accrued revenues	1,796	1,186
Debtors - general	2,084	2,105
GST recoupment	558	320
Prepayments	754	508
Loans to community organisations	216	252
Aged care facility deposits	300	1,300
Investment Income and Imputation Credits	228	80
<b><u>Subtotal</u></b>	<b><u>6,693</u></b>	<b><u>6,433</u></b>
Less: provision for expected credit losses	(19)	(157)
<b><u>Total trade and other receivables</u></b>	<b><u>6,674</u></b>	<b><u>6,276</u></b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 6. Non-current assets

\$ '000	Notes	2023	2022
<b>(a) Trade and other receivables</b>			
<b>Receivables</b>			
Loans to community organisations		1,145	1,379
Provision for Impairment on Loans to Community Organisations		(518)	(518)
<b>Subtotal</b>		<b>627</b>	<b>861</b>
<b>Total receivables</b>		<b>627</b>	<b>861</b>
<b>Other financial assets (investments)</b>			
Interest Rate Securities - Alwyndor Investments		9,607	8,904
Equity Securities - Alwyndor Investments		2,750	2,638
<b>Total other financial assets (investments)</b>	1(15)	<b>12,357</b>	<b>11,542</b>
<b>Total financial assets</b>		<b>12,984</b>	<b>12,403</b>
<b>(b) Equity accounted investments in council businesses</b>			
Southern Region Waste Resource Authority	19	4,251	3,928
<b>Total equity accounted investments in Council businesses</b>		<b>4,251</b>	<b>3,928</b>
<b>(c) Other non-current assets</b>			
<b>Other</b>			
Capital work in progress		3,390	2,339
<b>Total other</b>		<b>3,390</b>	<b>2,339</b>
<b>Total other non-current assets</b>		<b>3,390</b>	<b>2,339</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property

#### Infrastructure, property, plant and equipment

\$ '000	Fair Value Level	as at 30/06/22				Asset movements during the reporting period							as at 30/06/23			
		At Fair Value	At Cost	Accumulated Depreciation	Carrying amount	Asset Additions New / Upgrade	Asset Additions Renewals	WDV of Asset Disposals	Depreciation Expense (Note 3c)	Adjustments & Transfers	Revaluation Decrements to Equity (ARR) (Note 9)	Revaluation Increments to Equity (ARR) (Note 9)	At Fair Value	At Cost	Accumulated Depreciation	Carrying amount
Land	2	120,971	—	—	120,971	—	—	—	—	—	—	—	120,971	—	—	120,971
Land	3	383,251	—	—	383,251	230	—	—	—	—	—	—	383,251	230	—	383,481
Buildings and other structures	2	4,766	—	(3,862)	904	—	14	—	(96)	—	—	—	4,766	14	(3,958)	822
Buildings and other structures	3	172,315	—	(61,061)	111,254	105	856	3	(3,152)	—	—	—	172,314	876	(64,130)	109,060
Infrastructure																
- Stormwater drainage	3	68,267	—	(26,764)	41,503	500	56	—	(663)	21	—	—	68,299	554	(27,436)	41,417
- Roads	3	119,134	8,265	(45,296)	82,103	—	2,361	448	(1,496)	—	—	—	119,134	9,303	(45,917)	82,520
- Footpaths	3	44,367	1,296	(21,108)	24,555	122	687	90	(1,121)	4,047	—	—	50,252	1,919	(23,971)	28,200
- Kerb & Guttering	3	63,318	6,223	(20,788)	48,753	—	1,509	103	(702)	278	—	—	63,828	7,555	(21,648)	49,735
- Other Transport	3	35,277	37	(9,139)	26,175	—	304	—	(581)	(177)	—	—	34,980	341	(9,600)	25,721
- Open Space & Coastal	3	48,134	19,620	(22,604)	45,150	3,437	1,030	180	(2,055)	(4,169)	—	3,855	76,508	—	(29,440)	47,068
Right-of-use assets		—	—	—	—	35	—	—	(12)	—	—	—	—	35	(12)	23
Plant and equipment		—	11,525	(5,890)	5,635	411	1,895	327	(1,101)	—	—	—	—	12,524	(6,011)	6,513
Furniture & Fittings, Office Equipment		—	7,118	(3,563)	3,555	563	528	—	(736)	—	—	—	—	8,190	(4,280)	3,910
<b>Total infrastructure, property, plant and equipment</b>		<b>1,059,800</b>	<b>54,084</b>	<b>(220,075)</b>	<b>893,809</b>	<b>5,403</b>	<b>9,240</b>	<b>1,151</b>	<b>(11,715)</b>	<b>—</b>	<b>—</b>	<b>3,855</b>	<b>1,094,303</b>	<b>41,541</b>	<b>(236,403)</b>	<b>899,441</b>
Comparatives		863,641	65,593	(197,932)	731,302	7,504	9,650	(1,548)	(10,954)	—	(2,062)	159,920	1,059,800	54,084	(220,075)	893,809

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property (continued)

#### Valuation of infrastructure, property, plant & equipment and investment property

##### Valuation of assets

The fair value of assets and liabilities must be estimated in accordance with various Accounting Standards for either recognition and measurement requirements or for disclosure purposes.

*AASB 13 Fair Value Measurement* requires all assets and liabilities measured at fair value to be assigned to a "level" in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Refer to Note 7(a) for the disclosure of the Fair Value Levels of Infrastructure, Property, Plant and Equipment Assets.

##### Information on valuations

Fair value hierarchy level 2 valuations - Certain land, and the buildings and structures thereon, are shown above as being based on fair value hierarchy level 2 valuation inputs. They are based on prices for similar assets in an active market, with directly or indirectly observable adjustments for specific advantages or disadvantages attaching to the particular asset.

Fair value hierarchy level 3 valuations of land - Valuations of Crown land, community land and land subject to other restrictions on use or disposal, shown above as being based on fair value hierarchy level 3 valuation inputs, are based on prices for similar assets in an active market, but include adjustments for specific advantages or disadvantages attaching to the particular asset that are not directly or indirectly observable in that market, or the number and / or amount of observable adjustments of which are so great that the valuation is more fairly described as being based on level 3 valuation inputs.

Fair value hierarchy level 3 valuations of buildings, infrastructure and other assets - There is no known market for buildings, infrastructure and other assets. These assets are valued at depreciated current replacement cost. This method involves:

- The determination of the cost to construct the asset (or its modern engineering equivalent) using current prices for materials and labour, the quantities of each being estimated based on recent experience of this or similar Councils, or on industry construction guides where these are more appropriate.
- The calculation of the depreciation that would have accumulated since original construction using current estimates of residual value and useful life under the prime cost depreciation method adopted by Council.

This method has significant inherent uncertainties, relying on estimates of quantities of materials and labour, residual values and useful lives, and the possibility of changes in prices for materials and labour, and the potential for development of more efficient construction techniques. Accordingly, formal sensitivity analysis does not provide useful information.

##### Other information

At 1 July 2004 upon the transition to AIFRS, Council elected pursuant to *AASB 1.D5* to retain a previously established deemed cost under GAAP as its deemed cost. With subsequent addition at cost, this remains as the basis of recognition of non-material asset classes.

Upon revaluation, the current new replacement cost and accumulated depreciation are re-stated such that the difference represents the fair value of the asset determined in accordance with *AASB 13 Fair Value Measurement*: accumulated depreciation is taken to be the difference between current new replacement cost and fair value. In the case of land, current replacement cost is taken to be the fair value.

##### Highest and best use

All of Council's non financial assets are considered as being utilised for their highest and best use.

Highest and best use - For land which Council has an unfettered right to sell, the "highest and best use" recognises the possibility of the demolition or substantial modification of some or all of the existing buildings and structures affixed to the land.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property (continued)

Much of the land under Council's care and control is Crown land or has been declared as community land under the provisions of the Local Government Act 1999. Other types of restrictions also exist.

For land subject to these restrictions, the highest and best use is taken to be the "highest and best use" available to Council, with a rebuttable presumption that the current use is the "highest and best use". The reason for the current use of a large proportion of Council's assets being other than the "highest and best use" relates to Council's principal role as the provider of services to the community, rather than the use of those assets for the generation of revenue.

For buildings and other structures on and in the land, including infrastructure, "highest and best use" is determined in accordance with the land on and in which they are situated.

#### Transition to AASB 13 - Fair Value Measurement

The requirements of AASB 13 Fair Value Measurement have been applied to all valuations undertaken since 1 July 2013 as shown by the valuation dates by individual asset classes below.

#### Land & Land Improvements

Council being of the opinion that it is not possible to attribute a value sufficiently reliably to qualify for recognition, land under roads has not been recognised in these reports. .

Land and Land improvements, including bulk earthworks with an assessed unlimited useful life, were valued at 30 June 2022 by Public Private Property.

- Basis of valuation: Fair Value
- Date of valuation: 30 June 2022
- Valuer: Public Private Property

#### Buildings & Other Structures

Buildings and other structures were revalued as at 30 June 2022 by Public Private Property

- Basis of valuation: Fair Value / Market Value / Written down current replacement cost
- Date of valuation: 30 June 2022
- Valuer: Public Private Property

#### Infrastructure

Infrastructure assets have been valued as follows:

##### *Roads, Kerb and Gutter*

- Basis of valuation: Written down current replacement cost
- Date of valuation: 30 June 2019
- Valuer: Public Private Property
- An updated valuation will be undertaken in 2023/24

##### *Footpaths*

- Basis of valuation: Written down current replacement cost
- Date of valuation: 31 December 2019
- Valuer: Public Private Property
- An updated valuation will be undertaken in 2023/24

##### *Stormwater Drainage*

- Basis of valuation: Written down current replacement cost
- Date of valuation: 30 June 2022
- Valuer: City of Holdfast Bay - reviewed by Public Private Property

##### *Other Transport - Bridges, Car Parks, Traffic Control Devices*

- Basis of valuation: Written down current replacement cost
- Date of valuation: 30 June 2021
- Valuer: Asset Engineering

##### *Open Space, Coastal*

- Basis of valuation: Written down current replacement cost
- Date of valuation: 30 June 2023

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property (continued)

- Valuer: Public Private Property

#### Plant & Equipment

These assets are recognised at cost.

#### Furniture & Fittings, Office Equipment

These assets are recognised at cost.

### Note 8. Liabilities

\$ '000	2023 Current	2023 Non Current	2022 Current	2022 Non Current
<b>(a) Trade and other payables</b>				
Goods and services	4,977	—	4,762	—
Payments received in advance	4,201	—	4,382	—
- Grants, subsidies, contributions - operating	354	—	—	—
Accrued expenses - employee entitlements	622	—	349	—
Accrued expenses - other	513	—	450	—
Aged care facility deposits	29,141	—	30,514	—
Deposits, retentions and bonds	1	—	8	—
Other	1,652	—	1,907	—
<b>Total trade and other payables</b>	<b>41,461</b>	<b>—</b>	<b>42,372</b>	<b>—</b>

\$ '000	Notes	2023 Current	2023 Non Current	2022 Current	2022 Non Current
<b>(b) Borrowings</b>					
Short term draw down facility		249	—	—	—
Loans		1,101	12,264	1,073	13,365
Lease liabilities	17b	12	12	—	—
<b>Total Borrowings</b>		<b>1,362</b>	<b>12,276</b>	<b>1,073</b>	<b>13,365</b>

All interest bearing liabilities are secured over the future revenues of the Council

### (c) Provisions

Employee entitlements (including oncosts)	5,801	657	5,197	491
<b>Total provisions</b>	<b>5,801</b>	<b>657</b>	<b>5,197</b>	<b>491</b>



## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 9. Reserves

	as at 30/06/22				as at 30/06/23
\$ '000	Opening Balance	Increments (Decrements)	Transfers	Impairments	Closing Balance
<b>(a) Asset revaluation reserve</b>					
Land - other	455,227	—	—	—	455,227
Buildings and other structures	54,076	—	—	—	54,076
Infrastructure					
- Stormwater drainage	21,213	—	—	—	21,213
- Roads	67,266	—	—	—	67,266
- Footpaths	13,389	—	—	—	13,389
- Kerb & Guttering	41,589	—	—	—	41,589
- Other Transport	8,307	—	—	—	8,307
- Open Space & Coastal	8,309	3,855	—	—	12,164
Equity Accounted Council Business - asset revaluation reserve	356	—	—	—	356
<b>Total asset revaluation reserve</b>	<b>669,732</b>	<b>3,855</b>	<b>—</b>	<b>—</b>	<b>673,587</b>
Comparatives	511,518	158,214	—	—	669,732

	as at 30/06/22				as at 30/06/23
\$ '000	Opening Balance	Tfrs to Reserve	Tfrs from Reserve	Other Movements	Closing Balance
<b>(b) Other reserves</b>					
Alwyndor General Reserve	6,415	—	—	—	6,415
<b>Total other reserves</b>	<b>6,415</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>6,415</b>
Comparatives	6,415	—	—	—	6,415

### (c) Purpose of Reserves

#### Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements arising from changes in fair value of non current assets (less any subsequent impairment losses, where applicable).

#### Other Reserves

Alwyndor reserve is unspent funds which are carried forward to cover part of the unfunded accommodation deposit liability.

### Note 10. Assets subject to restrictions

\$ '000	2023	2022
The uses of the following assets are restricted, wholly or partially, by legislation or other externally imposed requirements. The assets are required to be utilised for the purposes for which control was transferred to Council, or for which the revenues were originally obtained.		
<b>Cash and Financial Assets</b>		
Aged Care Facility Deposits	300	1,300
<b>Total assets subject to externally imposed restrictions</b>	<b>300</b>	<b>1,300</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 11. Reconciliation to Statement of Cash Flows

\$ '000	Notes	2023	2022
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#### (a) Reconciliation of cash

Cash assets comprise highly liquid investments with short periods to maturity subject to insignificant risk of changes of value. Cash at the end of the reporting period as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Total cash and equivalent assets	5	2,715	5,079
Less: short-term borrowings	8	(249)	—
<b>Balances per Statement of Cash Flows</b>		<b>2,466</b>	<b>5,079</b>

#### (b) Reconciliation of change in net assets to cash from operating activities

<b>Net surplus/(deficit)</b>		<b>2,707</b>	<b>785</b>
<b>Non-cash items in income statements</b>			
Depreciation, amortisation and impairment		11,715	10,952
Equity movements in equity accounted investments (increase)/decrease		(323)	(441)
Grants for capital acquisitions treated as investing activity		(582)	(1,544)
Net (gain)/loss on disposals		(446)	2,340
		<b>13,071</b>	<b>12,092</b>
<b>Add (less): changes in net current assets</b>			
Net (increase)/decrease in receivables		(1,296)	(1,580)
Change in allowances for under-recovery of receivables		138	(27)
Net (increase)/decrease in other assets		(276)	54
Net increase/(decrease) in trade and other payables		469	2,634
Net increase/(decrease) in unpaid employee benefits		770	492
<b>Net cash provided by (or used in) operations</b>		<b>12,876</b>	<b>13,665</b>

#### (c) Financing arrangements

##### Unrestricted access was available at balance date to the following lines of credit:

Corporate credit cards	100	100
LGFA cash advance debenture facility	19,479	19,728

The bank overdraft facilities may be drawn at any time and may be terminated by the bank without notice.

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 12(a). Functions

Income, Expenses and Assets have been directly attributed to the following Functions / Activities.  
Details of these Functions/Activities are provided in Note 12(b).

\$ '000	2023	INCOME	2023	EXPENSES	OPERATING SURPLUS (DEFICIT)		GRANTS INCLUDED IN INCOME		TOTAL ASSETS HELD (CURRENT AND NON-CURRENT)	
		2022		2022	2023	2022	2023	2022	2023	2022
Functions/Activities										
Business Undertakings	3,398	2,937	732	710	2,666	2,227	—	(86)	44,359	102,907
Community Services	35,652	26,103	41,328	32,477	(5,676)	(6,374)	14,634	12,023	185,593	125,570
Culture	274	247	4,583	4,312	(4,309)	(4,065)	188	224	27,201	27,455
Economic Development	910	843	2,666	2,382	(1,756)	(1,539)	20	20	1,227	1,285
Environment	424	906	8,911	7,679	(8,487)	(6,773)	151	160	44,813	45,116
Recreation	292	224	5,999	6,996	(5,707)	(6,772)	—	—	424,981	420,329
Regulatory Services	2,687	2,463	6,283	5,903	(3,596)	(3,440)	—	—	526	629
Transport & Communication	32	20	11,072	9,171	(11,040)	(9,151)	—	—	180,047	179,878
Unclassified Activities	—	—	—	—	—	—	—	—	2,806	3,233
Council Administration	43,518	41,894	3,934	4,426	39,584	37,468	2,622	2,316	17,902	17,432
Total Functions/Activities	87,187	75,637	85,508	74,056	1,679	1,581	17,615	14,657	929,455	923,834

Revenues and expenses exclude net gain (loss) on disposal or revaluation of assets, amounts received specifically for new or upgraded assets and physical resources received free of charge.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 12(b). Components of functions

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The activities relating to Council functions are as follows:

#### **Business undertakings**

Caravan Parks, Off-street Car Parks, Private Works, Commercial Property, Commercial Activities.

#### **Community services**

Public Order and Safety, Crime Prevention, Health Services, Nursing Homes, Elderly Citizens Facilities, Home Assistance Scheme, Aged and Disabled Services, Youth Services, Community Bus, Community Amenities including Cemeteries and Public Conveniences.

#### **Culture**

Library Services, Heritage and Museum Facilities and Services.

#### **Economic development**

Tourism and Local Businesses Support.

#### **Environment**

Domestic Waste & Green Waste, Recycling, Coastal Protection, Stormwater and other Drainage, Street Cleaning, Street Lighting.

#### **Recreation**

Jetties, Other Marine Facilities, Parks and Gardens, Sports Facilities.

#### **Regulatory services**

Dog and Cat Control, Building Control, Town Planning, Health Inspection, Litter and Parking Control.

#### **Transport**

Construction and Maintenance of Roads, Footpaths, Traffic Control, Streetscape, Kerb and Water Table, Bridges.

#### **Council administration**

Administration n.e.c., Elected Members, Organisational, Support Services, Rate Revenue.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 13. Financial instruments

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#### Recognised financial instruments

##### Bank, deposits at call, short term deposits

**Accounting Policy:**

Initially recognised at fair value and subsequently measured at amortised cost; interest is recognised when earned.

**Terms & Conditions:**

Deposits are returning fixed interest rates between 1.05% and 4.30% (2022: 0.30% and 1.05%). No short term deposits were placed during 2022-2023.

**Carrying Amount:**

Approximates fair value due to the short term to maturity.

##### Receivables - rates and associated charges

**Accounting Policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

**Terms & Conditions:**

Secured over the subject land, arrears attract interest of 0.48% per month (2022: 0.42%). Council is not materially exposed to any individual debtor, credit risk exposure is concentrated within the Council's boundaries in the State.

**Carrying Amount:**

Approximates fair value (after deduction of any allowance).

##### Receivables - fees and other charges

**Accounting policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

**Terms and conditions:**

Unsecured, and do not bear interest. Council is not materially exposed to any individual debtor, credit risk exposure is concentrated within the Council's boundaries.

**Carrying amount:**

Approximates fair value (after deduction of any allowance).

##### Receivables - other levels of government

**Accounting policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

**Terms and conditions:**

Amounts due have been calculated in accordance with the terms and conditions of the respective programs following advice of approvals, and do not bear interest. All amounts are due by Departments and Agencies of State and Federal Governments.

**Carrying amount:**

Approximates fair value.

##### Receivables - Aged Care Facility Contributions

**Accounting Policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 13. Financial instruments (continued)

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**Terms & Conditions:**

Amounts due have been calculated in accordance with the terms and conditions of the respective legislation.

**Carrying Amount:**

Approximates fair value (after deduction of any allowance).

**Liabilities - creditors and accruals****Accounting policy:**

Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not billed to the Council.

**Terms and conditions:**

Liabilities are normally settled on 30 day terms.

**Carrying amount:**

Approximates fair value.

**Liabilities - Aged Care Facility Contributions****Accounting policy:**

To avoid inconvenience when complying with the separate audit requirements imposed by the relevant legislation, amounts are carried at nominal values.

**Terms and conditions:**

Pursuant to Commonwealth legislation certain intending residents are required to contribute amounts on an interest free basis. The amounts are subject to certain deductions as prescribed by the legislation, the balance being repaid on termination of tenancy.

**Carrying amount:**

Approximates fair value for short tenancies; may be non-materially overstated for longer tenancies.

**Liabilities - interest bearing borrowings****Accounting Policy:**

Initially recognised at fair value and subsequently at amortised cost using the effective interest rate.

**Terms & Conditions:**

Secured over future revenues, borrowings are repayable (describe basis); interest is charged at fixed rates between 1.30% and 5.63% (2022: 3% and 5.63%).

**Carrying Amount:**

Approximates fair value.

**Liabilities - leases****Accounting Policy:**

Accounted for in accordance with AASB 16 as stated in Note 1.

**Aged Care Facility Investments****Accounting Policy:**

Financial assets are initially measured at fair value through profit or loss unless measured at amortised cost, Transactions costs are included as part of the initial measurement except where the instrument is classified at fair value through profit or loss. Such assets are subsequently measured at either amortised cost or fair value depending on their classification. Classification is

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

## Note 13. Financial instruments (continued)

determined based on both the business model within which such assets are held and the contractual cash flow characteristics of the financial asset.

Financial assets not measured at amortised cost such as equity securities and interest rate securities are classified as financial assets to fair value through profit or loss. Financial assets at fair value through profit or loss are classified as non-current assets when they are not expected to be sold within 12 months after the end of the reporting period.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the entity has transferred substantially all the risks and reqds of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying value is written off.

*Impairment*

The entity will recognise a loss allowance for expected credit losses on financial assets which are measured at amortised cost. The measurement of the loss allowance depends upon the entity's assessment at the end of each reporting period as to whether the financial instrument's credit risk has increased significantly since initial recognition, based on reasonable and supportable information which is available, without undue cost or effort to obtain.

\$ '000	Due < 1 year	Due > 1 year and ≤ 5 years	Due > 5 years	Total Contractual Cash Flows	Carrying Values
<b>Financial assets and liabilities</b>					
<b>2023</b>					
<b>Financial assets</b>					
Cash and cash equivalents	2,716	—	—	2,716	2,715
Receivables	6,421	596	812	7,829	6,714
Other financial assets	3,859	5,915	2,745	12,519	12,357
<b>Total financial assets</b>	<b>12,996</b>	<b>6,511</b>	<b>3,557</b>	<b>23,064</b>	<b>21,786</b>
<b>Financial liabilities</b>					
Payables	40,820	—	—	40,820	40,594
Current borrowings	1,893	—	—	1,893	1,350
Non-current borrowings	—	5,860	9,840	15,700	12,264
Lease liabilities	12	12	—	24	24
<b>Total financial liabilities</b>	<b>42,725</b>	<b>5,872</b>	<b>9,840</b>	<b>58,437</b>	<b>54,232</b>
<b>Total financial assets and liabilities</b>	<b>55,721</b>	<b>12,383</b>	<b>13,397</b>	<b>81,501</b>	<b>76,018</b>
<b>2022</b>					
<b>Financial assets</b>					
Cash and cash equivalents	5,079	—	—	5,079	5,079
Receivables	6,175	690	824	7,689	6,936
Other financial assets	3,688	5,600	2,598	11,886	11,542
<b>Total financial assets</b>	<b>14,942</b>	<b>6,290</b>	<b>3,422</b>	<b>24,654</b>	<b>23,557</b>
<b>Financial liabilities</b>					
Payables	41,777	—	—	41,777	41,922
Current borrowings	1,656	—	—	1,656	1,073
Non-current borrowings	—	6,300	11,057	17,357	13,365
<b>Total financial liabilities</b>	<b>43,433</b>	<b>6,300</b>	<b>11,057</b>	<b>60,790</b>	<b>56,360</b>
<b>Total financial assets and liabilities</b>	<b>58,375</b>	<b>12,590</b>	<b>14,479</b>	<b>85,444</b>	<b>79,917</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 13. Financial instruments (continued)

The following interest rates were applicable to Council's borrowings at balance date:

\$ '000	2023		2022	
	Weighted Avg Interest Rate	Carrying Value	Weighted Avg Interest Rate	Carrying Value
Fixed interest rates	4.01%	13,638	4.09%	14,438
		<u>13,638</u>		<u>14,438</u>

#### Net fair value

All carrying values approximate fair value for all recognised financial instruments. There is no recognised market for the financial assets of the Council.

### Risk exposures

**Credit Risk** represents the loss that would be recognised if counterparties fail to perform as contracted. The maximum credit risk on financial assets of the Council is the carrying amount, net of any impairment. All Council investments are made with the SA Local Government Finance Authority and are guaranteed by the SA Government. Except as detailed in Notes 5 and 6 in relation to individual classes of receivables, exposure is concentrated within the Council's boundaries, and there is no material exposure to any individual debtor.

**Market Risk** is the risk that fair values of financial assets will fluctuate as a result of changes in market prices. Alwyndor is exposed to Market risk investments in equity investments, managed funds and income securities. Such risk is managed through diversification of investments across industries and geographic locations. Council's financial assets are denominated in Australian dollars and are not traded on any market, and hence neither market risk nor **currency risk** apply.

**Liquidity Risk** is the risk that Council will encounter difficulty in meeting obligations with financial liabilities. In accordance with the model Treasury Management Policy (LGA Information Paper 15), liabilities have a range of maturity dates. Council also has available a range of bank overdraft and standby borrowing facilities that it can access.

**Interest Rate Risk** is the risk that future cash flows will fluctuate because of changes in market interest rates. Council has a balance of both fixed and variable interest rate borrowings and investments. Cash flow fluctuations are managed holistically in seeking to minimise interest costs over the longer term in a risk averse manner.



## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 13. Financial instruments (continued)

#### Expected credit losses (ECL)

Council uses an allowance matrix to measure expected credit losses for receivables from individual customers, which comprise a large number of small balances. As rates and annual charges are secured over subject land no allowance for such receivables is made. The following table provides information about Council's ECLs from receivables (excluding secured rates and charges, GST and other amounts held in trust). Impairment analysis is performed each reporting date. ECLS are based on credit history adjusted for forward looking estimates and economic conditions.

Set out below is the movement in the allowance for expected credit losses:

\$ '000	2023	2022
As at 1 July	(157)	(130)
Provisions for Doubtful Debt	133	(27)
<b>As at 30 June</b>	<b>(24)</b>	<b>(157)</b>

### Note 14. Capital expenditure and investment property commitments

\$ '000	2023	2022
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#### Capital commitments

##### Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Buildings	1,428	503
Infrastructure	2,030	2,261
Reserves	710	187
Plant and equipment	587	897
	<b>4,755</b>	<b>3,848</b>

##### These expenditures are payable:

Not later than one year	4,755	3,848
	<b>4,755</b>	<b>3,848</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 15. Financial indicators

	Indicator 2023	Indicators 2022	Indicators 2021
<p>Financial Indicators overview</p> <p><i>These Financial Indicators have been calculated in accordance with Information paper 9 - Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia.</i></p>			
<b>1. Operating Surplus Ratio</b>			
Operating surplus			
Total operating income	<b>1.9%</b>	2.1%	1.8%
<p><i>This ratio expresses the operating surplus as a percentage of total operating revenue.</i></p>			
<b>2. Net Financial Liabilities Ratio</b>			
Net financial liabilities			
Total operating income	<b>45%</b>	51%	51%
<p><i>Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses). These are expressed as a percentage of total operating revenue.</i></p>			
<b>Adjusted Operating Surplus Ratio</b>			
Operating surplus			
Total operating income	<b>1.5%</b>	1.4%	1.8%
<b>Adjustments to Ratios</b>			
<p><i>In recent years the Federal Government has made advance payments prior to 30th June from future year allocations of financial assistance grants, as explained in Note 1. These Adjusted Ratios correct for the resulting distortion in key ratios for each year and provide a more accurate basis for comparison.</i></p>			
<b>Adjusted Net Financial Liabilities Ratio</b>			
Net financial liabilities			
Total operating income	<b>45%</b>	52%	51%
<b>3. Asset Renewal Funding Ratio</b>			
Asset renewals			
Infrastructure and Asset Management Plan required expenditure	<b>104%</b>	93%	116%
<p><i>Asset renewals expenditure is defined as capital expenditure on the renewal and replacement of existing assets relative to the optimal level planned, and excludes new capital expenditure on the acquisition of additional assets.</i></p>			

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 16. Uniform presentation of finances

\$ '000	2023	2022
<p>The following is a high level summary of both operating and capital investment activities of the Council prepared on a simplified Uniform Presentation Framework basis.</p> <p>All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.</p> <p>The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances.</p>		
<u>Income</u>		
Rates	40,535	39,060
Statutory charges	3,245	2,801
User charges	10,577	8,882
Grants, subsidies and contributions - operating	17,615	14,657
Investment income	888	363
Reimbursements	5,806	4,046
Other income	8,198	5,387
Net gain - equity accounted council businesses	323	441
<b>Total Income</b>	<b>87,187</b>	<b>75,637</b>
<u>Expenses</u>		
Employee costs	41,708	35,007
Materials, contracts and other expenses	29,862	26,337
Depreciation, amortisation and impairment	11,715	10,954
Finance costs	2,223	1,758
<b>Total Expenses</b>	<b>85,508</b>	<b>74,056</b>
<b>Operating surplus / (deficit)</b>	<b>1,679</b>	<b>1,581</b>
<b>Adjusted Operating surplus / (deficit)</b>	<b>1,679</b>	<b>1,581</b>
<b>Net outlays on existing assets</b>		
Capital expenditure on renewal and replacement of existing assets	(9,243)	(9,339)
Add back depreciation, amortisation and impairment	11,715	10,954
Add back proceeds from sale of replaced assets	528	43
	<b>3,000</b>	<b>1,658</b>
<b>Net outlays on new and upgraded assets</b>		
Capital expenditure on new and upgraded assets (including investment property and real estate developments)	(6,416)	(5,655)
Add back amounts received specifically for new and upgraded assets	582	1,544
Add back proceeds from sale of surplus assets (including investment property, real estate developments and non-current assets held for resale)	722	31
	<b>(5,112)</b>	<b>(4,080)</b>
<b>Annual net impact to financing activities (surplus/(deficit))</b>	<b>(433)</b>	<b>(841)</b>

### Note 17. Leases

#### (i) Council as a lessee

Set out below are the carrying amounts of right-of-use assets recognised within Infrastructure, Property, Plant and Equipment and the movements during the period:

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 17. Leases (continued)

#### (a) Right of use assets

\$ '000	Ready to use	Total
<b>2023</b>		
Opening balance	—	—
Additions to right-of-use assets	35	35
Adjustments to right-of-use assets due to re-measurement of lease liability	—	—
Depreciation charge	(11)	(11)
Impairment of right-of-use assets	—	—
Other	—	—
<b>Balance at 30 June</b>	<b>24</b>	<b>24</b>
<b>2022</b>		
Opening balance	—	—
Additions to right-of-use assets	—	—
Adjustments to right-of-use assets due to re-measurement of lease liability	—	—
Depreciation charge	—	—
Impairment of right-of-use assets	—	—
Other	—	—
<b>Balance at 30 June</b>	<b>—</b>	<b>—</b>

#### (b) Lease liabilities

Set out below are the carrying amounts of lease liabilities (included under interest-bearing loans and borrowings) and the movements during the period:

\$ '000	2023	2022
Balance at 1 July	—	—
Additions	35	—
Accretion of interest	1	—
Payments	(12)	—
<b>Balance at 30 June</b>	<b>24</b>	<b>—</b>
<b>Classified as:</b>		
Current	12	—
Non-current	12	—

The maturity analysis of lease liabilities is included in Note 13.

The Group had total cash outflows for leases of \$12,243.

The following are the amounts recognised in profit or loss:

Depreciation expense of right-of-use assets	11	—
Interest expense on lease liabilities	1	—
<b>Total amount recognised in profit or loss</b>	<b>12</b>	<b>—</b>

#### Council as a lessor

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 17. Leases (continued)

#### Leases Providing Revenue to the Council

Council owns various buildings, plant and other facilities that are available for hire or lease (on a non-cancellable basis wherever practicable) in accordance with the published revenue policy. Rentals received from such leases are disclosed in Note 2c.

\$ '000	2023	2022
<b>Future minimum rentals receivable under non-cancellable operating leases as at 30 June, are as follows:</b>		
Not later than one year	570	538
Later than one year and not later than 5 years	1,865	1,841
Later than 5 years	614	1,286
	<b>3,049</b>	<b>3,665</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 18. Superannuation

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The Council makes employer superannuation contributions in respect of its employees to Hostplus Super Fund (formerly Statewide Super). There are two types of membership, each of which is funded differently. Permanent and contract employees of the South Australian Local Government sector with Salarylink benefits prior to 24 November 2009 have the option to contribute to the Accumulation section and/or Salarylink. All other employees (including casuals) have all contributions allocated to the Accumulation section.

#### **Accumulation only members**

Accumulation only members receive both employer and employee contributions on a progressive basis. Employer contributions are based on a fixed percentage of ordinary time earnings in accordance with superannuation guarantee legislation (10.50% in 2022/23; 10% in 2021/22). No further liability accrues to the Council as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

#### **Salarylink (Defined Benefit Fund) members**

Salarylink is a defined benefit scheme where the benefit payable is based on a formula determined by the member's contribution rate, number of years and level of contribution and final average salary. Council makes employer contributions to Salarylink as determined by the Fund's Trustee based on advice from the appointed Actuary. The rate is currently 6.3% (6.3% in 2021/22) of "superannuation" salary.

In addition, Council makes a separate contribution of 3% of ordinary time earnings for Salarylink members to their Accumulation account. Employees also make member contributions to the Salarylink section of the Fund. As such, assets accumulate in the Salarylink section of the Fund to meet the member's benefits, as defined in the Trust Deed, as they accrue.

The Salarylink section is a multi-employer sponsored plan. As the Salarylink section's assets and liabilities are pooled and are not allocated by each employer, and employees may transfer to another employer within the local government sector and retain membership of the Fund, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided by AASB 119.34(a), Council does not use defined benefit accounting for these contributions.

The most recent actuarial investigation was conducted by the Fund's actuary, Louise Campbell, FIAA, of Willis Towers Watson as at 30 June 2020. The Trustee has determined that the current funding arrangements are adequate for the expected Salarylink liabilities. However, future financial and economic circumstances may require changes to Council's contribution rates at some future time.

#### **Contributions to other superannuation schemes**

Council also makes contributions to other superannuation schemes selected by employees under the "choice of fund" legislation. All such schemes are of the accumulation type, where the superannuation benefits accruing to the employee are represented by their share of the net assets of the scheme, and no further liability attaches to the Council.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 19. Interests in other entities

All joint ventures and associates are required to prepare Annual Financial Statements that comply with the SA Local Government Model Financial Statements.

\$ '000	Council's Share of Net Income		Council's Share of Net Assets	
	2023	2022	2023	2022
<b>Council's share of net income</b>				
Joint ventures	323	441	4,251	3,928
<b>Total Council's share of net income</b>	<b>323</b>	<b>441</b>	<b>4,251</b>	<b>3,928</b>

#### ((a)i) Joint ventures, associates and joint operations

##### (a) Carrying amounts

\$ '000	Principal Activity	2023	2022
Southern Region Waste Resource Authority	Management of waste and waste facilities	4,251	3,928
<b>Total carrying amounts - joint ventures and associates</b>		<b>4,251</b>	<b>3,928</b>

##### **Southern Region Waste Resource Authority**

Established under Section 43 of the Local Government Act, 1999 to provide operate services for the management of waste and the management of waste facilities under its control on behalf of the constituent Council, being the City of Holdfast Bay, City of Marion, and City of Onkaparinga. The Authority has made provisions of \$13.7m in the accounts for landfill restoration. The measurement of the provisions requires significant estimates and assumptions. The next scheduled review of restoration costs is expected to occur in FY24. As a result, the value of the provisions may change materially in the FY24 financial statements.

##### (b) Relevant interests

	Interest in Operating Result		Ownership Share of Equity		Proportion of Voting Power	
	2023	2022	2023	2022	2023	2022
Southern Region Waste Resource Authority	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%

##### (c) Movement in investment in joint venture or associate

\$ '000	Southern Region Waste Resource Authority	
	2023	2022
Opening Balance	3,928	3,314
Share in Operating Result	323	441
Share in Other Comprehensive Income	—	173
<b>Council's equity share in the joint venture or associate</b>	<b>4,251</b>	<b>3,928</b>

### Note 20. Non-current assets held for sale and discontinued operations

Council does not have any Non-Current Assets Held for Sale or any Discontinued Operations.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 21. Contingencies and assets/liabilities not recognised in the balance sheet

---

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but knowledge is considered relevant to the users of the financial report in making and evaluating decisions about the allocation of scarce resources.

#### 1. Land under roads

As reported in the Financial Statements, Council is of the opinion that it is not possible to attribute a value sufficiently reliably for these assets to qualify for recognition, and accordingly land under roads has not been recognised in the reports. Land acquired for road purposes during the year is initially recognised at cost, but transferred to fair value at reporting date, effectively writing off the expenditure.

At reporting date, Council controlled 178 km of road reserves of average width 8.7 metres.

#### 2. Potential insurance losses

Council is a multi-purpose organisation providing a large range of building, parks infrastructure, playgrounds and other facilities accessible to the public. At any time, it is likely that claims will have been made against Council that remain unsettled.

Council insures against all known insurable risks using a range of insurance policies, each of which is subject to deductible "insurance excesses", the amount of which varies according to the class of insurance.

Council has recognised the potential losses arising from claims known at reporting date based on average historical net cost (including insurance excess) of similar types of claims. Other potential claims not reported to Council may have existed at reporting date.

#### 3. Legal expenses

Council is the planning consent authority for its area under the Development Act 1993 (as amended). Pursuant to that Act, certain persons aggrieved by a planning decision of the Council may appeal. It is normal practice that parties bear their own legal costs. At the date of these reports, Council had notice of 7 appeals against planning decisions made prior to reporting date. All known costs have been recognised, but the amount of further costs cannot be known until the appeals are determined.

#### 4. Southern Region Waste Resource Authority

Council has a 15% interest in Southern Region Waste Resource Authority. The Authority describes contingent liabilities in Note 13 to their Financial Statements for the year ended 30 June 2023.

### Note 22. Events after the balance sheet date

---

Events that occur after the reporting date of 30 June 2023, up to and including the date when the financial statements are "authorised for issue" have been taken into account in preparing these statements.

Council has adopted the date of receipt of the Auditors' Report as the appropriate "authorised for issue" date relating to these General Purpose Financial Statements.

Council is unaware of any material or significant "non adjusting events" that should be disclosed.



## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 23. Related party transactions

#### Key management personnel

##### Transactions with key management personnel

The Key Management Personnel of the Council include the Mayor, Councillors, Alwyndor Management Committee CEO and certain prescribed officers under section 112 of the Local Government Act 1999. In all, 31 persons were paid the following total compensation:

\$ '000	2023	2022
<b>The compensation paid to key management personnel comprises:</b>		
Short-term employee benefits	1,175	1,136
Post Employment Benefits	118	18
Payments to Mayor and Elected Members	370	402
Development Assessment Panel Independent Members, Alwyndor Management Committee	47	53
<b>Total</b>	<b>1,710</b>	<b>1,609</b>

Amounts paid as direct reimbursement of expenses incurred on behalf of Council have not been included above.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 24. Retrospective restatement of comparative data

#### Voluntary changes in accounting policies

##### Nature of changes in accounting policies

During the year ended 30 June 2023, the Council revised its Asset Accounting Policy and removed the asset class Library Lending Materials (Other Assets). The adoption of the change in policy has resulted in the classification of Library Lending Materials as an expense in the Statement of Comprehensive Income.

The accounting policy change identified above has been applied by restating the balances at the beginning of the earliest period presented (1 July 2021) and taking the adjustment through to accumulated surplus at that date.

Comparatives have been changed to reflect the accounting policy changes. The impact on each line item is shown in the tables below.

#### Statement of Financial Position

\$ '000	Original Balance 30 June, 2022	Impact Increase/ (decrease)	Restated Balance 30 June, 2022
Infrastructure, property, plant and equipment	894,636	(827)	893,809
<b>Net assets</b>	<b>862,163</b>	<b>(827)</b>	<b>861,336</b>
Accumulated surplus	185,662	(473)	185,189
Asset revaluation reserves	670,086	(354)	669,732
<b>Total equity</b>	<b>862,163</b>	<b>(827)</b>	<b>861,336</b>

#### Statement of Comprehensive Income

\$ '000	Original Balance 30 June, 2022	Impact Increase/ (decrease)	Restated Balance 30 June, 2022
Grants, Subsidies and Contributions	14,743	(86)	14,657
Materials, contracts and other expenses	(26,258)	(79)	(26,337)
Depreciation, amortisation and impairment	(11,104)	150	(10,954)
<b>Net surplus / (deficit)</b>	<b>800</b>	<b>(15)</b>	<b>785</b>
Changes in revaluation surplus - I,PP&E	157,837	21	157,858
<b>Other comprehensive income</b>	<b>158,010</b>	<b>21</b>	<b>158,031</b>
<b>Total comprehensive income for the year</b>	<b>158,810</b>	<b>6</b>	<b>158,816</b>

# Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

## Note 24. Retrospective restatement of comparative data (continued)

### Adjustments to the comparative figures for the year ended 30 June 2022

#### Statement of Changes in Equity

\$ '000	Original Balance 30 June, 2022	Impact Increase/ (decrease)	Restated Balance 30 June, 2022
<b>Accumulated surplus</b>			
Balance at beginning of period	185,045	(458)	184,587
Net Surplus/(Deficit) for Year	800	(15)	785
<b>Balance at end of period</b>	<b>185,662</b>	<b>(473)</b>	<b>185,189</b>
<b>Asset revaluation reserve</b>			
Balance at beginning of period	511,893	(375)	511,518
Gain/(Loss) on revaluation of I,PP&E	157,837	21	157,858
<b>Balance at end of period</b>	<b>670,086</b>	<b>(354)</b>	<b>669,732</b>
<b>Total equity</b>	<b>862,163</b>	<b>(827)</b>	<b>861,336</b>

\$ '000	Original Balance 30 June, 2022	Impact Increase/ (decrease)	Restated Balance 30 June, 2022
<b>Note 7 Infrastructure, property, plant &amp; equipment and investment property</b>			
Library lending materials	827	(827)	—
<b>Total Infrastructure, property, plant &amp; equipment</b>	<b>894,636</b>	<b>(827)</b>	<b>893,809</b>

#### Note 9. Reserves

##### (a) Asset Revaluation Reserve

Library Books	354	(354)	—
<b>Total Asset Revaluation Reserve</b>	<b>670,086</b>	<b>(354)</b>	<b>669,732</b>

## City of Holdfast Bay

### Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

#### Note 25. Comparative Financial Reporting

Alwyndor Aged Care – City of Holdfast Bay, is a registered charity (being a Public Benevolent Institution), governed by the Alwyndor Trust Deed.

Council is the Trustee of the Alwyndor Trust and, as such, delegates its day to day management of the Trust to the Alwyndor Management Committee, established under Section 41 of the Local Government Act. Australian Accounting Standard AASB 10 requires Council to prepare a consolidated annual financial report incorporating Alwyndor.

Under the Alwyndor Trust Deed and its status as a Public Benevolent Institution, Council is permitted to receive payments from Alwyndor for commercial services provided, but has no legal entitlement to otherwise financially benefit. Alwyndor operates as a self-sustaining business separate to Council.

Separate comparative financial statements of Council have been prepared to report the financial performance and position of Council excluding Alwyndor.

#### Statement of Comprehensive Income

for the year ended 30 June 2023

\$ '000	Consolidated		Excluding Alwyndor	
	2023	2022	2023	2022
<b>Income</b>				
Rates	40,535	39,060	40,535	39,060
Statutory Charges	3,245	2,801	3,245	2,801
User Charges	10,577	8,882	3,992	3,401
Grants, Subsidies and Contributions	17,615	14,657	3,188	3,052
Investment Income	888	363	141	21
Reimbursements	5,806	4,046	725	520
Other income	8,198	5,387	1,318	1,347
Net Gain - Equity Accounted Council Business	323	441	323	441
<b>Total Income</b>	<b>87,187</b>	<b>75,637</b>	<b>53,467</b>	<b>50,643</b>
<b>Expenses</b>				
Employee Costs	41,708	35,007	18,953	17,892
Materials, Contracts and Other Expenses	29,862	26,337	21,039	19,521
Depreciation, Amortisation and Impairment	11,715	10,954	10,349	9,711
Finance Costs	2,223	1,758	582	641
<b>Total Expenses</b>	<b>85,508</b>	<b>74,056</b>	<b>50,923</b>	<b>47,765</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,679</b>	<b>1,581</b>	<b>2,544</b>	<b>2,878</b>
Asset Disposal and Fair Value Adjustments	446	(2,340)	99	(1,476)
Amounts Received Specifically for New or Upgraded Assets	582	1,544	582	1,466
<b>Net Surplus/(Deficit)</b>	<b>2,707</b>	<b>785</b>	<b>3,225</b>	<b>2,868</b>
<b>Other Comprehensive Income</b>				
<b>Amounts which will not be classified subsequently to operating result</b>				
Asset Disposal and Fair Value Adjustments	3,855	157,858	3,855	154,506
Share of Other Comprehensive Income - Equity Accounted Council Business	-	173	-	173
<b>Total Other Comprehensive Income</b>	<b>3,855</b>	<b>158,031</b>	<b>3,855</b>	<b>154,679</b>
<b>Total Comprehensive Income</b>	<b>6,562</b>	<b>158,816</b>	<b>7,080</b>	<b>157,547</b>

## City of Holdfast Bay

Notes to and forming part of the Financial Statements  
for the year ended 30 June 2023

## Note 25. Comparative Financial Reporting (continued)

\$ '000	Consolidated		Excluding Alwyndor	
	2023	2022	2023	2022
<b>Statement of Financial Position</b>				
as at 30 June 2023				
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and Cash Equivalents	2,715	5,079	114	842
Trade and Other Receivables	6,674	6,276	3,519	3,216
<b>Total current assets</b>	<b>9,389</b>	<b>11,355</b>	<b>3,633</b>	<b>4,058</b>
<b>Non-current Assets</b>				
Financial Assets	12,984	12,403	627	861
Equity accounted investments - Council Business	4,251	3,928	4,251	3,928
Other Non-Current Assets	3,390	2,339	3,386	2,339
Infrastructure, Property, Plant & Equipment	899,441	893,809	858,973	853,229
<b>Total non-current assets</b>	<b>920,066</b>	<b>912,479</b>	<b>867,237</b>	<b>860,357</b>
<b>TOTAL ASSETS</b>	<b>929,455</b>	<b>923,834</b>	<b>870,870</b>	<b>864,415</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Trade and Other Payables	41,461	42,372	8,813	8,795
Borrowings	1,362	1,073	1,362	1,073
Provisions	5,801	5,197	3,476	3,312
<b>Total Current Liabilities</b>	<b>48,624</b>	<b>48,642</b>	<b>13,651</b>	<b>13,180</b>
<b>Non-current liabilities</b>				
Borrowings	12,276	13,365	12,276	13,365
Provisions	657	491	275	282
<b>Total non-current liabilities</b>	<b>12,933</b>	<b>13,856</b>	<b>12,551</b>	<b>13,647</b>
<b>TOTAL LIABILITIES</b>	<b>61,557</b>	<b>62,498</b>	<b>26,202</b>	<b>26,827</b>
<b>Net Assets</b>	<b>867,898</b>	<b>861,336</b>	<b>844,668</b>	<b>837,588</b>
<b>EQUITY</b>				
Accumulated Surplus	187,896	185,189	183,504	180,279
Asset Revaluation Reserve	673,587	669,732	661,164	657,309
Other Reserves	6,415	6,415	-	-
<b>TOTAL EQUITY</b>	<b>867,898</b>	<b>861,336</b>	<b>844,668</b>	<b>837,588</b>

## City of Holdfast Bay

Notes to and forming part of the Financial Statements  
for the year ended 30 June 2023

## Note 25. Comparative Financial Reporting (continued)

\$ '000	Consolidated		Excluding Alwyndor	
	2023	2022	2023	2022
<b>Statement of Changes in Equity</b> for the year ended 30 June 2023				
<b>Accumulated Surplus</b>				
Balance at beginning of period	185,189	185,045	180,279	178,052
Net Surplus/(Deficit) for Year	2,707	785	3,225	2,868
Adjustments (due to voluntary changes in accounting policies)	-	(458)	-	(458)
Equity Accounted Council Business - asset revaluation adjustment	-	(183)	-	(183)
<b>Balance at end of period</b>	<b>187,896</b>	<b>185,189</b>	<b>183,504</b>	<b>180,279</b>
<b>Asset Revaluation Reserve</b>				
Balance at beginning of period	669,732	511,893	657,309	502,822
Gain/(Loss) on revaluation of I,PP&E	3,855	157,858	3,855	154,506
Adjustments (due to voluntary changes in accounting policies)	-	(375)	-	(375)
Equity Accounted Council Business - asset revaluation adjustment	-	356	-	356
<b>Balance at end of period</b>	<b>673,587</b>	<b>669,732</b>	<b>661,164</b>	<b>657,309</b>
<b>Other Reserves</b>				
Balance at beginning of period - Alwyndor General	6,415	6,415	-	-
Transfer to/(from) Reserve	-	-	-	-
<b>Balance at end of period</b>	<b>6,415</b>	<b>6,415</b>	<b>-</b>	<b>-</b>
<b>TOTAL EQUITY</b>	<b>867,898</b>	<b>861,336</b>	<b>844,668</b>	<b>837,588</b>

	Consolidated		Excluding Alwyndor	
	2023	2022	2023	2022

## Financial Indicators

for the year ended 30 June 2023

Operating Surplus Ratio	1.9%	2.1%	4.8%	5.7%
Net Financial Liabilities Ratio	45%	51%	41%	43%
Asset Renewal Funding Ratio	104%	93%	111%	90%

An error in the Excluding Alwyndor comparatives for previous years was identified. An amount of \$2,252,000 had been included in Accumulated Surplus but related to Council's Asset Revaluation Reserve. The comparatives for 2022 have been restated to correct this error. Consolidated amounts were correct and remain unchanged.

General Purpose Financial Statements  
for the year ended 30 June 2023

Independent Auditor's Report - Financial Statements

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General Purpose Financial Statements  
for the year ended 30 June 2023

Independent Auditor's Report - Internal Controls

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## General Purpose Financial Statements

for the year ended 30 June 2023

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## Certification of Auditor Independence

To the best of our knowledge and belief, we confirm that, for the purpose of the audit of City of Holdfast Bay (Consolidated) for the year ended 30 June 2023, the Council's Auditor, Dean Newbery has maintained its independence in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22(3) *Local Government (Financial Management) Regulations 2011*.

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**R. Bria****Chief Executive Officer**

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**J. Smedley****Presiding Member, Audit Committee****Date: 18 October 2023**

General Purpose Financial Statements  
for the year ended 30 June 2023

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Statement by Auditor

I confirm that, for the audit of the financial statements of City of Holdfast Bay (Consolidated) for the year ended 30 June 2023, I have maintained my independence in accordance with the requirements of APES 110 – Code of Ethics for Professional Accountants, Section 290, published by the Accounting Professional and Ethical Standards Board, in accordance with the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22 (5) *Local Government (Financial Management) Regulations 2011*.

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Auditor's Name  
Audit Firm Name

Date: 18 October 2023

# Attachment 2

# Alwyndor Aged Care

GENERAL PURPOSE FINANCIAL STATEMENTS  
for the year ended 30 June 2023

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# General Purpose Financial Statements

for the year ended 30 June 2023

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## General Purpose Financial Statements

for the year ended 30 June 2023

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### Certification of Financial Statements

**We have been authorised by Alwyndor to certify the financial statements in their final form.**

**In our opinion:**

- the accompanying financial statements comply with the Trust Deed, Australian Charities and Not-for-profits Commission Act 2012 and Australian Accounting Standards,
- the financial statements present a true and fair view of the Alwyndor's financial position at 30 June 2023 and the results of its operations and cash flows for the financial year,
- internal controls implemented by Alwyndor provide a reasonable assurance that Alwyndor's financial records are complete, accurate and reliable and were effective throughout the financial year,
- the financial statements accurately reflect Alwyndor's accounting and other records.

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**Roberto Bria**  
**Chief Executive Officer**

24 October 2023

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**Beth Davidson - Park**  
**General Manager - Alwyndor**

24 October 2023

## Alwyndor Aged Care

### General Purpose Financial Statements for the year ended 30 June 2023

## Alwyndor Management Committee Declaration

#### **The Alwyndor Management Committee declare that**

#### **In our opinion:**

The financial statements and notes, as set out in the document are in accordance with the *Australian Charities and Not-for-profits Commission Action 2012 and:*

- a comply with Australian Accounting Standards; and
- b give a true and fair view of the financial position of the registered entity as at 30 June 2023 and of its performance for the year ended on that date.

There are reasonable grounds to believe that the registered entity will be able to pay its debts as and when they become due and payable.

Signed in accordance with subsection 60.15(2) of the *Australian Charities and Not-for-profits Commission Regulations 2022*.

---

Kim Cheater  
**CHAIR**

**Date:** 26 October 2023

## Statement of Comprehensive Income

for the year ended 30 June 2023

\$	Notes	2023	2022
<b>Income</b>			
User charges	2a	6,586,429	5,497,676
Grants, subsidies and contributions - operating	2e	14,608,501	11,980,043
Investment income	2b	746,504	343,014
Reimbursements	2c	5,382,047	3,732,897
Other income	2d	7,178,206	4,521,329
<b>Total income</b>		<b>34,501,687</b>	<b>26,074,959</b>
<b>Expenses</b>			
Employee costs	3a	22,743,777	17,127,311
Materials, contracts and other expenses	3b	9,602,799	7,898,785
Depreciation, amortisation and impairment	3c	1,366,166	1,242,514
Finance costs	3d	1,640,867	1,116,705
<b>Total expenses</b>		<b>35,353,609</b>	<b>27,385,315</b>
<b>Operating surplus / (deficit)</b>		<b>(851,922)</b>	<b>(1,310,356)</b>
Asset disposal and fair value adjustments	4	347,408	(863,815)
Amounts received specifically for new or upgraded assets	2e	–	78,225
<b>Net surplus / (deficit)</b>		<b>(504,514)</b>	<b>(2,095,946)</b>
<b>Other comprehensive income</b>			
<b>Amounts which will not be reclassified subsequently to operating result</b>			
Changes in revaluation surplus - I,PP&E	9a	–	3,352,632
<b>Total amounts which will not be reclassified subsequently to operating result</b>		<b>–</b>	<b>3,352,632</b>
<b>Total other comprehensive income</b>		<b>–</b>	<b>3,352,632</b>
<b>Total comprehensive income</b>		<b>(504,514)</b>	<b>1,256,686</b>

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.



## Statement of Financial Position

as at 30 June 2023

\$	Notes	2023	2022
<b>ASSETS</b>			
<b>Current assets</b>			
Cash & Cash Equivalents	5a	2,601,425	4,237,540
Trade and other receivables	5b	3,155,131	3,059,413
<u>Subtotal</u>		<u>5,756,556</u>	<u>7,296,953</u>
<b>Total current assets</b>		<u>5,756,556</u>	<u>7,296,953</u>
<b>Non-current assets</b>			
Financial Assets	6	12,356,951	11,542,075
Infrastructure, property, plant and equipment	7	40,473,123	40,581,075
<b>Total Non-Current Assets</b>		<u>52,830,074</u>	<u>52,123,150</u>
<b>TOTAL ASSETS</b>		<u>58,586,630</u>	<u>59,420,103</u>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	8a	32,647,489	33,577,363
Provisions	8b	2,325,154	1,897,822
<u>Subtotal</u>		<u>34,972,643</u>	<u>35,475,185</u>
<b>Total current liabilities</b>		<u>34,972,643</u>	<u>35,475,185</u>
<b>Non-current liabilities</b>			
Provisions	8b	382,709	209,126
<b>Total non-current liabilities</b>		<u>382,709</u>	<u>209,126</u>
<b>TOTAL LIABILITIES</b>		<u>35,355,352</u>	<u>35,684,311</u>
<u>Net assets</u>		<u>23,231,278</u>	<u>23,735,792</u>
<b>EQUITY</b>			
Accumulated surplus		4,393,635	4,898,149
Asset revaluation reserves	9a	12,423,289	12,423,289
Other reserves	9b	6,414,354	6,414,354
<u>Total Alwyndor Equity</u>		<u>23,231,278</u>	<u>23,735,792</u>

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

## Statement of Changes in Equity

for the year ended 30 June 2023

\$	Notes	Accumulated surplus	Asset revaluation reserve	Other reserves	Total equity
<b>2023</b>					
Balance at the end of previous reporting period		4,898,149	12,423,289	6,414,354	23,735,792
Net surplus / (deficit) for year		(504,514)	—	—	(504,514)
Unrealised gain/(loss) on Fair Value movements of Investment Portfolio		—	—	—	—
<b>Other comprehensive income</b>					
Gain (loss) on revaluation of IPP&E	7a	—	—	—	—
<b>Other comprehensive income</b>		—	—	—	—
<b>Total comprehensive income</b>		<b>(504,514)</b>	<b>—</b>	<b>—</b>	<b>(504,514)</b>
Transfers between reserves		—	—	—	—
<b>Balance at the end of period</b>	9	<b>4,393,635</b>	<b>12,423,289</b>	<b>6,414,354</b>	<b>23,231,278</b>
<b>2022</b>					
Balance at the end of previous reporting period		6,994,095	9,070,657	6,414,354	22,479,106
Net surplus / (deficit) for year		(2,095,946)	—	—	(2,095,946)
Unrealised gain/(loss) on Fair Value movements of Investment Portfolio		—	—	—	—
<b>Other comprehensive income</b>					
Gain (loss) on revaluation of IPP&E	7a	—	3,352,632	—	3,352,632
<b>Other comprehensive income</b>		—	<b>3,352,632</b>	—	<b>3,352,632</b>
<b>Total comprehensive income</b>		<b>(2,095,946)</b>	<b>3,352,632</b>	<b>—</b>	<b>1,256,686</b>
Transfers between reserves		—	—	—	—
<b>Balance at the end of period</b>	9	<b>4,898,149</b>	<b>12,423,289</b>	<b>6,414,354</b>	<b>23,735,792</b>

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

## Statement of Cash Flows

for the year ended 30 June 2023

\$	Notes	2023	2022
<b>Cash flows from operating activities</b>			
<u>Receipts</u>			
User charges		6,586,429	5,497,676
Grants, subsidies and contributions		14,745,862	12,136,913
Investment receipts		746,504	343,014
Reimbursements		5,382,047	3,732,897
Other receipts		5,531,424	3,464,666
<u>Payments</u>			
Payments to employees		(21,948,486)	(16,959,936)
Payments for materials, contracts and other expenses		(10,482,077)	(8,933,479)
Finance payments		(99,891)	(82,164)
<b>Net cash provided by (or used in) operating activities</b>	11b	<b>461,812</b>	<b>(800,413)</b>
<b>Cash flows from investing activities</b>			
<u>Receipts</u>			
Sale of surplus assets		–	1,500
Amounts received specifically for new or upgraded assets		–	78,225
Net sale of investment securities		1,371,626	–
<u>Payments</u>			
Expenditure on renewal/replacement of assets		(927,824)	(284,486)
Expenditure on new/upgraded assets		(330,390)	(330,164)
Net purchase of investment securities		(1,839,094)	(12,406,922)
<b>Net cash provided (or used in) investing activities</b>		<b>(1,725,682)</b>	<b>(12,941,847)</b>
<b>Cash flows from financing activities</b>			
<u>Receipts</u>			
Proceeds from aged care facility deposits		9,840,626	7,573,425
<u>Payments</u>			
Repayment of aged care facility deposits		(10,212,871)	(8,350,662)
<b>Net cash provided by (or used in) financing activities</b>		<b>(372,245)</b>	<b>(777,237)</b>
<b>Net increase (decrease) in cash held</b>		<b>(1,636,115)</b>	<b>(14,519,497)</b>
plus: cash & cash equivalents at beginning of period		4,237,540	18,757,037
<b>Cash and cash equivalents held at end of period</b>	11a	<b>2,601,425</b>	<b>4,237,540</b>

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Contents of the Notes accompanying the General Purpose Financial Statements

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## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies

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The principal accounting policies adopted by Alwyndor in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

#### (1) Basis of preparation

##### 1.1 Compliance with Australian Accounting Standards

These general purpose financial statements have been prepared in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* and Australian Accounting Standards and Interpretations of the Australian Accounting Standards Board. The entity is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless stated otherwise.

##### 1.2 Critical accounting estimates

The preparation of financial statements in conformity with Australian Accounting Standards requires the use of certain critical accounting estimates and requires management to exercise its judgement in applying Alwyndor's accounting policies.

The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are specifically referred to in the relevant sections of these Notes.

##### 1.3 Rounding

All amounts in the financial statements have been rounded to the nearest dollar.

##### 1.4 Trustee

The City of Holdfast Bay (the Council) is the Trustee of Alwyndor Aged Care (Alwyndor) which was established pursuant to the Dorothy Cheater Trust. Alwyndor is a registered charitable trust. These financial statements have been prepared to satisfy the reporting obligations of the Council and the Australian Charities and Not-for-profits Commission Act 2012 (ACNC).

##### 1.5 Income Tax

Alwyndor is exempt from income tax in accordance with Section 50-5 of the Income Tax Assessment Act.

#### (2) The Reporting Entity

Alwyndor reports under the Australian Charities and Not-for-profits Commission Act 2012 and has its principal place of business at 52 Dunrobin Road, Hove, South Australia. These financial statements include Alwyndor's direct operations and all entities through which Alwyndor controls resources to carry on its function.

#### (3) Income recognition

Alwyndor recognises revenue under *AASB 1058 Income of Not-for-Profit Entities* (AASB 1058) or *AASB 15 Revenue from Contracts with Customers* (AASB 15) when appropriate.

In cases where there is an 'enforceable' contract with a customer with 'sufficiently specific' performance obligations, the transaction is accounted for under AASB 15 where income is recognised when (or as) the performance obligations are satisfied (i.e. when it transfers control of a product or service to a customer). Revenue is measured based on the consideration to which Alwyndor expects to be entitled in a contract with a customer.

In other cases, AASB 1058 applies when a not-for-profit (NFP) entity enters into transactions where the consideration to acquire an asset is significantly less than the fair value of the asset principally to enable the entity to further its objectives. The excess of the asset recognised (at fair value) over any 'related amounts' is recognised as income immediately, except in the case where a financial asset has been received to enable Alwyndor to acquire or construct a recognisable non-financial asset that is to be controlled by Alwyndor. In this case, Alwyndor recognises the excess as a liability that is recognised over time in profit and loss when (or as) the entity satisfies its obligations under the transfer.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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#### (4) Cash, cash equivalents and other financial instruments

Cash Assets include all amounts readily convertible to cash on hand at Alwyndor's option with an insignificant risk of changes in value with a maturity of three months or less from the date of acquisition.

All receivables are reviewed as at the reporting date and adequate allowance made for amounts the receipt of which is considered doubtful.

All financial instruments are recognised at fair value at the date of recognition. A detailed statement of the accounting policies applied to financial instruments forms part of Note 12.

#### (5) Infrastructure, property, plant and equipment

##### 5.1 Initial Recognition

All assets are initially recognised at cost. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition.

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use". Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other costs incurred. The cost of non-current assets constructed by Alwyndor includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

##### 5.2 Materiality

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Alwyndor for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life.

Examples of capitalisation thresholds applied during the year are given below. No capitalisation threshold is applied to the acquisition of land or interests in land.

Office Furniture & Equipment	\$2,000
Other Plant & Equipment	\$2,000
Buildings - new construction/extensions	\$10,000

##### 5.3 Subsequent Recognition

All material asset classes are revalued on a regular basis such that the carrying values are not materially different from fair value. Significant uncertainties exist in the estimation of fair value of a number of asset classes including land, buildings and associated structures and infrastructure. Further detail of these uncertainties, and of existing valuations, methods and valuers are provided at Note 7.

##### 5.4 Depreciation of Non-Current Assets

Other than land, all infrastructure, property, plant and equipment assets recognised are systematically depreciated over their useful lives on a straight-line basis which, in the opinion of Alwyndor, best reflects the consumption of the service potential embodied in those assets.

Depreciation methods, useful lives and residual values of classes of assets are reviewed annually.

##### 5.5 Impairment

Assets whose future economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Alwyndor were deprived thereof, are not subject to impairment testing.

Other assets that are subject to depreciation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash inflows or value in use).

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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Where an asset that has been revalued is subsequently impaired, the impairment is first offset against such amount as stands to the credit of that class of assets in Asset Revaluation Reserve, any excess being recognised as an expense.

#### (6) Payables

##### 6.1 Goods & Services

Creditors are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

##### 6.2 Payments Received in Advance & Deposits

Amounts other than grants received from external parties in advance of service delivery, and security deposits held against possible damage to Alwyndor assets, are recognised as liabilities until the service is delivered or damage reinstated, or the amount is refunded as the case may be.

#### (7) Employee benefits

##### 7.1 Salaries, Wages & Compensated Absences

Liabilities for employees' entitlements to salaries, wages and compensated absences expected to be paid or settled within 12 months of reporting date are accrued at nominal amounts (including payroll based oncosts) measured in accordance with AASB 119.

Liabilities for employee benefits not expected to be paid or settled within 12 months are measured as the present value of the estimated future cash outflows (including payroll based oncosts) to be made in respect of services provided by employees up to the reporting date. Present values are calculated using government guaranteed securities rates with similar maturity terms.

##### 7.2 Superannuation

Alwyndor makes employer superannuation contributions in respect of its employees to the Statewide Superannuation Scheme. The Scheme has two types of membership, each of which is funded differently. No changes in accounting policy have occurred during either the current or previous reporting periods. Details of the accounting policies applied and Alwyndor's involvement with the schemes are reported in Note 13.

#### (8) Leases

##### Leases and Right-of-Use Assets

Alwyndor assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

A right-of-use asset is recognised at the commencement date of a lease. The right-of-use asset is measured at cost, which comprises the initial amount of the lease liability, adjusted for, as applicable, any lease payments made at or before the commencement date net of any lease incentives received, any initial direct costs incurred, and, an estimate of costs expected to be incurred for dismantling and removing the underlying asset, and restoring the site or asset.

Right-of-use assets are depreciated on a straight-line basis over the unexpired period of the lease or the estimated useful life of the asset, whichever is the shorter. Where the entity expects to obtain ownership of the leased asset at the end of the lease term, the depreciation is over its estimated useful life. Right-of use assets are subject to impairment or adjusted for any remeasurement of lease liabilities.

Alwyndor has elected not to recognise a right-of-use asset and corresponding lease liability for short-term leases with terms of 12 months or less and leases of low-value assets. Lease payments on these assets are expensed to profit or loss as incurred. Resident loans are also treated using the principles of lease accounting because Alwyndor has assessed that residents enter a lease to occupy a room within residential aged care facilities. Refer to note 1 (8.1.ii.).

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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#### i) Refundable Accommodation Deposits/Contributions

Refundable Accommodation Deposits/Contributions are recognised upon receipt as per the amount received. Amounts received are repaid upon the resident vacating their accommodation and are settled in accordance with legislative requirements. The accounting treatment for resident loans is described in note 1 (8.1.ii.) below. Un-refunded resident's loans (under the Aged Care Act) incur interest.

#### ii) Resident Loans

Resident loans are recorded as aged care facility deposits. Resident loans comprise of Refundable Accommodation Deposits/Contributions and Accommodation Bonds, which are subject to the Aged Care Act 1997.

*Resident loans - Aged Care Act 1997*

Lump sum amounts received from residents in payment of their accommodation expense (prior to 01/07/2014: Accommodation Bonds, from 01/07/2014: Refundable Accommodation Deposits (RAD)).

From December 2005 repayment to the resident is guaranteed by the Australian Government.

RADs and Bonds fall within the scope of AASB 16: Leases, in that there is a contract conveying to the resident the right to use an asset for a period of time, in exchange for consideration.

Alwyndor estimated the fair value of the consideration by reference to the Daily Accommodation Payment (DAP) that the resident would have paid if they had not chosen to provide a RAD. This results in the recognition of a rental income amount, and corresponding interest expense.

#### (9) GST implications

In accordance with UIG Abstract 1031 "*Accounting for the Goods & Services Tax*"

- Receivables and creditors include GST receivable and payable.
- Except in relation to input taxed activities, revenues and operating expenditures exclude GST receivable and payable.
- Non-current assets and capital expenditures include GST net of any recoupment.
- Amounts included in the Statement of Cash Flows are disclosed on a gross basis.

#### (10) New and amended standards and interpretations

Alwyndor has not early adopted any other standard, interpretation or amendment that has been issued but is not yet effective.

##### Standards issued by the AASB not yet effective

The AASB has issued Australian Accounting Standards and Interpretations which are not effective at 30 June 2023, these standards have not been adopted by Alwyndor and will be included in the financial statements on their effective date. Where the standard is expected to have a significant impact for Alwyndor then further information has been provided in this note.

The following list identifies all the new and amended Australian Accounting Standards, and Interpretation, that were issued but not yet effective at the time of compiling these illustrative statements that could be applicable to Alwyndor.

##### Effective for annual reporting periods beginning on or after 1 January 2023

- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current.

#### (11) Comparative figures

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within these financial statements and/or the notes.

#### (12) Disclaimer

Nothing contained within these statements may be taken to be an admission of any liability to any person under any circumstance.

#### (13) Going Concern

The financial report has been prepared on a going concern basis which assumes that Alwyndor will be able to meet its financial obligations as and when they fall due. As at 30 June 2023, Alwyndor has refundable loans (liability) payable that exceeds current liquid assets given that Alwyndor records Refundable Accommodation Deposits (RAD) as current liabilities due to the



## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 1. Summary of Significant Accounting Policies (continued)

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inability of Alwyndor to unconditionally defer settlement of any specific RAD for a period greater than twelve months from reporting date. The total RAD liabilities recorded on the Statement of Financial Position represent amounts received from individual residents upon entry to the facility and which is repayable on exit and which is frequently replaced by new RAD payments received from new residents entering the facility. Alwyndor does not expect the balance of RAD liabilities to reduce significantly in the following financial year and expects that there will be sufficient demand to replace vacant positions created by any existing residents who exit.

#### **(14) Distribution of Profit**

Given Alwyndor is a charitable trust, no profits are distributed to beneficiaries and are retained in Equity on the Statement of Financial Position.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 2. Income

\$	2023	2022
<b>(a) User charges</b>		
Aged Care Fees and Rentals	6,586,429	5,497,676
<b><u>Total user charges</u></b>	<b><u>6,586,429</u></b>	<b><u>5,497,676</u></b>
<b>(b) Investment income</b>		
Interest on investments		
- Local Government Finance Authority	84,943	99,557
- Interest on Securities	91,124	22,606
- Banks and other	5,791	—
Investment Income		
- Dividend Income and imputation credits	564,646	220,851
<b><u>Total investment income</u></b>	<b><u>746,504</u></b>	<b><u>343,014</u></b>
<b>(c) Reimbursements</b>		
Home Care	5,382,047	3,732,897
<b><u>Total reimbursements</u></b>	<b><u>5,382,047</u></b>	<b><u>3,732,897</u></b>
<b>(d) Other income</b>		
Home Care Management Fees	4,058,474	2,184,785
Residential Daily Accommodation Fees	2,392,041	1,614,211
Means Tested Care Fees	351,859	435,188
COVID-19 Grant Income	338,247	247,000
Other	37,585	40,145
<b><u>Total other income</u></b>	<b><u>7,178,206</u></b>	<b><u>4,521,329</u></b>
<b>(e) Grants, subsidies and contributions</b>		
Amounts received specifically for new or upgraded assets	—	78,225
<b>Total</b>	<b>—</b>	<b>78,225</b>
<b>Other grants, subsidies and contributions</b>		
Grants, Subsidies and Contributions	14,608,501	11,980,043
<b><u>Total grants, subsidies and contributions</u></b>	<b><u>14,608,501</u></b>	<b><u>12,058,268</u></b>
<b>(i) Sources of grants</b>		
Commonwealth Government	13,185,117	10,933,339
State Government	1,413,820	1,112,493
Other	9,564	—
Local Government	—	12,436
<b>Total</b>	<b><u>14,608,501</u></b>	<b><u>12,058,268</u></b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 3. Expenses

\$	Notes	2023	2022
<b>(a) Employee costs</b>			
Salaries and wages		19,347,734	14,864,744
Employee leave expense		627,577	123,031
Superannuation - defined contribution plan contributions	13	2,042,900	1,529,304
Superannuation - defined benefit plan contributions	13	31,391	49,819
Workers' compensation insurance		694,175	560,413
<b>Total operating employee costs</b>		<b>22,743,777</b>	<b>17,127,311</b>
Total number of employees (full time equivalent at end of reporting period)		272	213
<b>(b) Materials, contracts and other expenses</b>			
<b>(i) Prescribed expenses</b>			
Auditor's remuneration			
- Auditing the financial reports		9,200	9,200
Lease expense - low value assets / short term leases		14,885	16,449
<b>Subtotal - prescribed expenses</b>		<b>24,085</b>	<b>25,649</b>
<b>(ii) Other materials, contracts and expenses</b>			
Contractors		2,684,552	3,420,996
Professional services		554,182	682,052
Sundry		2,106,358	1,923,388
Materials		4,233,622	1,846,700
<b>Subtotal - Other material, contracts and expenses</b>		<b>9,578,714</b>	<b>7,873,136</b>
<b>Total materials, contracts and other expenses</b>		<b>9,602,799</b>	<b>7,898,785</b>
<b>(c) Depreciation, amortisation and impairment</b>			
<b>Depreciation and Amortisation</b>			
Buildings and other structures		823,248	801,567
Plant and equipment		262,146	208,990
Furniture and fittings		280,772	231,957
<b>Total depreciation, amortisation and impairment</b>		<b>1,366,166</b>	<b>1,242,514</b>
<b>(d) Finance costs</b>			
Interest on Aged Care Facility Deposits		1,640,867	1,116,705
<b>Total finance costs</b>		<b>1,640,867</b>	<b>1,116,705</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 4. Asset disposal and fair value adjustments

\$	2023	2022
<b>Infrastructure, property, plant and equipment</b>		
Proceeds from disposal	–	1,500
Less: Carrying Amount of Assets Sold/Disposed	–	(468)
<b>Gain (loss) on disposal</b>	<b>–</b>	<b>1,032</b>
<b>Investments</b>		
Net gain/(loss) on fair value movements	417,979	(835,604)
Net gain/(loss) on disposal of investments	(70,571)	(29,243)
<b>Gain (loss) on disposal and fair value movement</b>	<b>347,408</b>	<b>(864,847)</b>
<u>Net gain (loss) on disposal and fair value movements of assets and investments</u>	<u>347,408</u>	<u>(863,815)</u>

### Note 5. Current assets

\$	2023	2022
<b>(a) Cash &amp; Cash Equivalents</b>		
Cash on hand and at bank	83,247	113,901
Deposits at call	2,299,920	3,903,364
Cash on Hand - at Ord Minnett (Investment Manager)	218,258	220,275
<b>Total cash and cash equivalent assets</b>	<b>2,601,425</b>	<b>4,237,540</b>

### (b) Trade and other receivables

Accrued revenues	1,795,974	1,186,447
Debtors - general	437,484	285,605
GST recoupment	104,508	96,027
Prepayments	288,761	122,725
Aged care facility deposits	300,000	1,300,000
Investment Income and Imputation Credits	228,404	79,970
<b>Subtotal</b>	<b>3,155,131</b>	<b>3,070,774</b>
Less: provision for doubtful debts	–	(11,361)
<b>Total trade and other receivables</b>	<b>3,155,131</b>	<b>3,059,413</b>

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 6. Non-current assets

\$	2023	2022
<b>Financial Assets</b>		
<b>Other financial assets (investments)</b>		
Interest Rate Securities	9,606,758	8,904,232
Equity Securities	2,750,193	2,637,843
<b>Total other financial assets (investments)</b>	<b>12,356,951</b>	<b>11,542,075</b>
<u>Total financial assets</u>	<u>12,356,951</u>	<u>11,542,075</u>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property

#### Infrastructure, property, plant and equipment

\$	Fair Value Level	as at 30/06/22				Asset movements during the reporting period							as at 30/06/23			
		At Fair Value	At Cost	Accumulated Depreciation	Carrying amount	Asset Additions New / Upgrade	Asset Additions Renewals	WDV of Asset Disposals	Depreciation Expense (Note 3c)	WIP Transfers	Revaluation Decrements to Equity (ARR) (Note 9)	Revaluation Increments to Equity (ARR) (Note 9)	At Fair Value	At Cost	Accumulated Depreciation	Carrying amount
Capital work in progress		–	–	–	–	–	4,109	–	–	–	–	–	–	4,109	–	4,109
Land	2	9,630,000	–	–	9,630,000	–	–	–	–	–	–	–	9,630,000	–	–	9,630,000
Buildings and other structures	3	39,885,000	–	(11,636,467)	28,248,533	–	–	–	(823,248)	–	–	–	39,885,000	–	(12,459,715)	27,425,285
Plant and equipment		–	3,266,640	(1,619,725)	1,646,915	251,766	458,431	–	(262,146)	–	–	–	–	3,976,837	(1,881,871)	2,094,966
Furniture and fittings		–	2,391,612	(1,335,985)	1,055,627	78,624	465,285	–	(280,772)	–	–	–	–	2,935,520	(1,616,757)	1,318,763
<b>Total infrastructure, property, plant and equipment</b>		<b>49,515,000</b>	<b>5,658,252</b>	<b>(14,592,177)</b>	<b>40,581,075</b>	<b>330,390</b>	<b>927,825</b>	<b>–</b>	<b>(1,366,166)</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>49,515,000</b>	<b>6,916,466</b>	<b>(15,958,343)</b>	<b>40,473,123</b>
Comparatives		45,668,708	4,992,294	(12,802,734)	37,858,268	330,164	284,486	(468)	(1,242,514)	(1,496)	(988,528)	4,341,160	49,515,000	5,658,252	(14,592,177)	40,581,075

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property (continued)

#### Valuation of infrastructure, property, plant & equipment and investment property

##### Valuation of assets

The fair value of assets and liabilities must be estimated in accordance with various Accounting Standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 *Fair Value Measurement* requires all assets and liabilities measured at fair value to be assigned to a "level" in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Refer to Note 7(a) for the disclosure of the Fair Value Levels of Infrastructure, Property, Plant and Equipment Assets.

##### Information on valuations

##### Valuation techniques used to derive Level 2 and Level 3 fair values recognised in the financial statements

The following table sets out the valuation techniques used to measure fair value within Level 2, including a description of the significant inputs used.

Description	Valuation approach and inputs used
Land	Direct comparison of market evidence approach. This method seeks to determine the current value of an asset by reference to recent comparable transactions involving the sale of similar assets. The valuation is based on price per square metre.

The following table sets out the valuation techniques used to measure the fair value within Level 3, including details of the significant unobservable inputs used and the relationship between unobservable inputs and fair value.

Description	Valuation Approach	Unobservable Inputs	Range of Inputs	Relationship between unobservable inputs and fair value
Buildings & Other Structures	Depreciated replacement cost approach. This is the current replacement cost of an asset less, where applicable accumulated depreciation calculated on a basis to reflect the already consumed or expired service potential.	Replacement Cost	\$8,233 to \$3,881,973	The higher the replacement cost the higher the fair value
Buildings & Other Structures		Remaining Useful Life of Assets	25 years to 150 years	The shorter the remaining life the lower the fair value

##### Other information

At 1 July 2004 upon the transition to AIFRS, Alwyndor elected pursuant to AASB 1.D5 to retain a previously established deemed cost under GAAP as its deemed cost. With subsequent addition at cost, this remains as the basis of recognition of non-material asset classes.

## Notes to and forming part of the Financial Statements

for the year ended 30 June 2023

### Note 7. Infrastructure, property, plant & equipment and investment property (continued)

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Upon revaluation, the current new replacement cost and accumulated depreciation are re-stated such that the difference represents the fair value of the asset determined in accordance with AASB 13 Fair Value Measurement: accumulated depreciation is taken to be the difference between current new replacement cost and fair value. In the case of land, current replacement cost is taken to be the fair value.

#### Highest and best use

All of Alwyndor's non financial assets are considered as being utilised for their highest and best use.

#### Transition to AASB 13 - Fair Value Measurement

The requirements of AASB 13 Fair Value Measurement have been applied to all valuations undertaken since 1 July 2013 as shown by the valuation dates by individual asset classes below.

#### Land & Land Improvements

Land and Land improvements, with an assessed unlimited useful life, were valued at 30 June 2022.

- Basis of valuation: Fair Value
- Date of valuation: 30 June 2022
- Valuer: Public Private Property

The next revaluation is expected to be undertaken in the 2026-2027 financial year.

#### Buildings & Other Structures

Buildings and other structures were revalued as at 30 June 2022

- Basis of valuation: Written down current replacement cost
- Date of valuation: 30 June 2022
- Valuer: Public Private Property

The next revaluation is expected to be undertaken in the 2026-2027 financial year.

#### Plant & Equipment

These assets are recognised on the cost basis.

#### Furniture & Fittings

These assets are recognised on the cost basis.

#### Residential Bed Licences

Alwyndor holds 134 bed licenses. These have not been brought to account as they do not meet the recognition criteria of AASB 138 Intangible Assets.

#### All other Assets

These assets are recognised at cost.



## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 8. Liabilities

	2023 Current	2023 Non Current	2022 Current	2022 Non Current
\$				
<b>(a) Trade and other payables</b>				
Trade Creditors	599,187	—	365,659	—
Payments Received in Advance				
- Grants, Subsidies, Contributions	353,725	—	216,364	—
Accrued expenses - employee entitlements	621,715	—	349,016	—
Accrued expenses - other	279,913	—	225,429	—
Aged care facility deposits	29,141,338	—	30,513,583	—
Other	1,651,611	—	1,907,312	—
<b>Total trade and other payables</b>	<b>32,647,489</b>	<b>—</b>	<b>33,577,363</b>	<b>—</b>

### (b) Provisions

Employee entitlements (including oncosts)	2,325,154	382,709	1,897,822	209,126
<b>Total provisions</b>	<b>2,325,154</b>	<b>382,709</b>	<b>1,897,822</b>	<b>209,126</b>

### Note 9. Reserves

	as at 30/06/22				as at 30/06/23
	Opening Balance	Increments (Decrements)	Transfers	Impairments	Closing Balance
\$					
<b>(a) Asset revaluation reserve</b>					
Land - other	9,284,428	—	—	—	9,284,428
Buildings and other structures	3,138,861	—	—	—	3,138,861
<b>Total asset revaluation reserve</b>	<b>12,423,289</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>12,423,289</b>
Comparatives	9,070,657	3,352,632	—	—	12,423,289

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 9. Reserves (continued)

	as at 30/06/22				as at 30/06/23
\$	Opening Balance	Tfrs to Reserve	Tfrs from Reserve	Other Movements	Closing Balance
<b>(b) Other reserves</b>					
General Reserves	6,414,354	–	–	–	6,414,354
<b>Total other reserves</b>	<b>6,414,354</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>6,414,354</b>
Comparatives	6,414,354	–	–	–	6,414,354

### (c) Purpose of Reserves

#### Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements arising from changes in fair value of non current assets (less any subsequent impairment losses, where applicable).

#### Other Reserves

General reserves are unspent funds which are carried forward to cover part of the unfunded accommodation deposit liability.

### Note 10. Assets subject to restrictions

\$	2023	2022
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The uses of the following assets are restricted, wholly or partially, by legislation or other externally imposed requirements. The assets are required to be utilised for the purposes for which control was transferred to Alwyndor, or for which the revenues were originally obtained.

#### Cash and financial assets

Aged Care Facility Deposits	300,000	1,300,000
<b>Total assets subject to externally imposed restrictions</b>	<b>300,000</b>	<b>1,300,000</b>

### Note 11. Reconciliation to Statement of Cash Flows

\$	Notes	2023	2022
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#### (a) Reconciliation of cash

Cash assets comprise highly liquid investments with short periods to maturity subject to insignificant risk of changes of value. Cash at the end of the reporting period as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Total cash and equivalent assets	5	2,601,425	4,237,540
<b>Balances per Statement of Cash Flows</b>		<b>2,601,425</b>	<b>4,237,540</b>

#### (b) Reconciliation of change in net assets to cash from operating activities

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 11. Reconciliation to Statement of Cash Flows (continued)

\$	2023	2022
<b>Net surplus/(deficit)</b>	<b>(504,514)</b>	<b>(2,095,946)</b>
<b>Non-cash items in income statements</b>		
Depreciation, amortisation and impairment	1,366,166	1,242,514
Grants for capital acquisitions	–	(78,225)
Net (Gain) Loss on disposal and fair value movements on investments	(347,408)	(1,032)
Transfer Capital Work in Progress to Expense	–	1,496
Net (Gain) Loss on disposal - Investment Portfolio	–	29,243
Net (Gain) Loss on fair value movements - Investment Portfolio	–	835,604
	<b>514,244</b>	<b>(66,346)</b>
<b>Add (less): changes in net current assets</b>		
Net (increase)/decrease in receivables	(1,084,357)	(779,834)
Change in allowances for under-recovery of receivables	11,361	(11,361)
Net (increase)/decrease in other assets	(22,722)	–
Net increase/(decrease) in trade and other payables	442,371	(53,672)
Net increase/(decrease) in unpaid employee benefits	600,915	110,800
<b>Net cash provided by (or used in) operations</b>	<b>461,812</b>	<b>(800,413)</b>

### Note 12. Financial instruments

#### Recognised financial instruments

##### Bank, deposits at call, short term deposits

##### Accounting Policy:

Carried at lower of cost and net realisable value; Interest is recognised when earned.

##### Terms & Conditions:

Deposits are returning fixed interest rates between 1.05% and 4.30% (2022: 0.30% and 0.65%). Alwyndor did not have short term deposits in 2023 (2022: 65 days and 0.33%).

##### Carrying Amount:

Approximates fair value due to the short term to maturity.

#### Investments

##### Accounting Policy:

Financial assets are initially measured at fair value through profit or loss unless it is measured at amortised cost. Transaction costs are included part of the initial measurement except where the instrument is classified at fair value through profit or loss. Such assets are subsequently measured at either amortised cost or fair value depending on their classification. Classification is determined based on both the business model within which such assets are held and the contractual cash flow characteristics of the financial asset.

Financial assets not measured at amortised cost such as equity securities and interest rate securities are classified as financial assets to fair value through profit or loss. Fair value movements are recognised in profit or loss. Financial assets at fair value through profit or loss are classified as non-current assets when they are not expected to be sold within 12 months after the end of the reporting period.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the entity has transferred substantially all the risks and rewards of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying value is written off.

##### Impairment

The entity will recognise a loss allowance for expected credit losses on financial assets which are measured at amortised cost. The measurement of the loss allowance depends upon the entity's assessment at the end of each reporting period as

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 12. Financial instruments (continued)

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to whether the financial instrument's credit risk has increased significantly since initial recognition, based on reasonable and supportable information that is available, without undue cost or effort to obtain.

#### Receivables - fees and other charges

**Accounting Policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

**Terms & Conditions:**

Unsecured, and do not bear interest. Alwyndor is not materially exposed to any individual debtor, credit risk exposure is concentrated within the Alwyndor's boundaries.

**Carrying Amount:**

Approximates fair value (after deduction of any allowance).

#### Receivables - Aged Care Facility Contributions

**Accounting policy:**

Initially recognised at fair value and subsequently measured at amortised cost. An impairment provision is recognised using the expected credit loss method.

**Terms and conditions:**

Amounts due have been calculated in accordance with the terms and conditions of the respective legislation.

**Carrying amount:**

Approximates fair value (after deduction of any allowance).

#### Liabilities - creditors and accruals

**Accounting Policy:**

Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not billed to the Alwyndor.

**Terms & Conditions:**

Liabilities are normally settled on 30 day terms.

**Carrying Amount:**

Approximates fair value.

#### Liabilities - Aged Care Facility Contributions

**Accounting policy:**

To avoid inconvenience when complying with the separate audit requirements imposed by the relevant legislation, amounts are carried at nominal values.

**Terms and conditions:**

Pursuant to Commonwealth legislation certain intending residents are required to contribute amounts on an interest free basis. The amounts are subject to certain deductions as prescribed by the legislation, the balance being repaid on termination of tenancy.

**Carrying amount:**

Approximates fair value for short tenancies; may be non-materially overstated for longer tenancies.

#### Liabilities - leases

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 12. Financial instruments (continued)

#### Accounting Policy:

Accounted for in accordance with AASB 16 as stated in Note 1.

#### LIQUIDITY ANALYSIS

\$	Due < 1 year	Due > 1 year and ≤ 5 years	Due > 5 years	Total Contractual Cash Flows	Carrying Values
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#### Financial assets and liabilities

##### 2023

##### Financial assets

Cash and cash equivalents	2,601,425	—	—	2,601,425	2,601,425
Receivables	3,155,131	—	—	3,155,131	3,155,131
Investments - Interest Rate Securities	1,109,246	5,915,583	2,745,040	9,769,869	9,606,758
Investments - Equity Securities	2,750,193	—	—	2,750,193	2,750,193
<b>Total financial assets</b>	<b>9,615,995</b>	<b>5,915,583</b>	<b>2,745,040</b>	<b>18,276,618</b>	<b>18,113,507</b>

##### Financial liabilities

Payables	32,293,764	—	—	32,293,764	32,293,764
<b>Total financial liabilities</b>	<b>32,293,764</b>	<b>—</b>	<b>—</b>	<b>32,293,764</b>	<b>32,293,764</b>

##### 2022

##### Financial assets

Cash and cash equivalents	4,237,540	—	—	4,237,540	4,237,540
Receivables	3,070,774	—	—	3,070,774	3,059,413
Investments - Interest Rate Securities	1,050,016	5,599,712	2,598,465	9,248,193	8,904,232
Investments - Equity Securities	2,637,843	—	—	2,637,843	2,637,843
<b>Total financial assets</b>	<b>10,996,173</b>	<b>5,599,712</b>	<b>2,598,465</b>	<b>19,194,350</b>	<b>18,839,028</b>

##### Financial liabilities

Payables	33,256,999	—	—	33,256,999	33,360,999
<b>Total financial liabilities</b>	<b>33,256,999</b>	<b>—</b>	<b>—</b>	<b>33,256,999</b>	<b>33,360,999</b>

#### Risk exposures

**Credit Risk** represents the loss that would be recognised if counterparties fail to perform as contracted. The maximum credit risk on financial assets of Alwyndor is the carrying amount, net of any impairment. Alwyndor investments are made with the SA Local Government Finance Authority which is guaranteed by the SA Government and via an external investment manager, Ord Minnett. Except as detailed in Notes 5 & 6 in relation to individual classes of receivables, exposure is concentrated within Alwyndor's boundaries, and there is no material exposure to any individual debtor.

**Market Risk** is the risk that fair values of financial assets will fluctuate as a result of changes in market prices. Alwyndor is exposed to Market risk investments in equity investments, managed funds and income securities. Such risk is managed through diversification of investments across industries and geographic locations.

**Liquidity Risk** is the risk that Alwyndor will encounter difficulty in meeting obligations with financial liabilities. In accordance with the model Treasury Management Policy (LGA Information Paper 15), liabilities have a range of maturity dates. Alwyndor also has available a range of bank overdraft and standby borrowing facilities that it can access.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 12. Financial instruments (continued)

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**Interest Rate Risk** is the risk that future cash flows will fluctuate because of changes in market interest rates. Alwyndor has a balance of both fixed and variable interest rate investments. Cash flow fluctuations are managed holistically in seeking to minimise interest costs over the longer term in a risk averse manner.

### Note 13. Superannuation

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Alwyndor makes employer superannuation contributions in respect of its employees to Statewide Super (formerly Local Government Superannuation Scheme). There are two types of membership, each of which is funded differently. Permanent and contract employees of the South Australian Local Government sector with Salarylink benefits prior to 24 November 2009 have the option to contribute to the Accumulation section and/or Salarylink. All other employees (including casuals) have all contributions allocated to the Accumulation section.

#### Accumulation only members

Accumulation only members receive both employer and employee contributions on a progressive basis. Employer contributions are based on a fixed percentage of ordinary time earnings in accordance with superannuation guarantee legislation (10.5% in 2022/23; 10.0% in 2021/22). No further liability accrues to Alwyndor as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

#### Salarylink (Defined Benefit Fund) members

Salarylink is a defined benefit scheme where the benefit payable is based on a formula determined by the member's contribution rate, number of years and level of contribution and final average salary. Alwyndor makes employer contributions to Salarylink as determined by the Fund's Trustee based on advice from the appointed Actuary. The rate is currently 6.3% (6.3% in 2021/22) of "superannuation" salary.

In addition, Alwyndor makes a separate contribution of 3% of ordinary time earnings for Salarylink members to their Accumulation account. Employees also make member contributions to the Salarylink section of the Fund. As such, assets accumulate in the Salarylink section of the Fund to meet the member's benefits, as defined in the Trust Deed, as they accrue.

The Salarylink section is a multi-employer sponsored plan. As the Salarylink section's assets and liabilities are pooled and are not allocated by each employer, and employees may transfer to another employer within the local government sector and retain membership of the Fund, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided by AASB 119.34(a), Alwyndor does not use defined benefit accounting for these contributions.

The most recent actuarial investigation was conducted by the Fund's actuary, Louise Campbell, FIAA, of Willis Towers Watson as at 30 June 2021. The Trustee has determined that the current funding arrangements are adequate for the expected Salarylink liabilities. However, future financial and economic circumstances may require changes to Alwyndor's contribution rates at some future time.

#### Contributions to other superannuation schemes

Alwyndor also makes contributions to other superannuation schemes selected by employees under the "choice of fund" legislation. All such schemes are of the accumulation type, where the superannuation benefits accruing to the employee are represented by their share of the net assets of the scheme, and no further liability attaches to the Alwyndor.

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 14. Interests in other entities

Alwyndor has no interest in any Equity Accounted Businesses such as Joint Ventures, Associates & Joint Operations.

### Note 15. Non-current assets held for sale and discontinued operations

Alwyndor does not have any Non-Current Assets Held for Sale or any Discontinued Operations.

### Note 16. Contingencies and assets/liabilities not recognised in the balance sheet

Alwyndor does not have any Contingencies & Asset/Liabilities Not Recognised in the Balance Sheet.

### Note 17. Events after the balance sheet date

Alwyndor is unaware of any material or significant "non adjusting events" that should be disclosed.

### Note 18. Related party transactions

#### Key management personnel

##### Transactions with key management personnel

The Key Management Personnel of the Alwyndor includes the Alwyndor Management Committee and General Manager - Alwyndor under section 112 of the Local Government Act 1999.

In all, 8 persons were paid the following total compensation:

\$	2023	2022
<b>The compensation paid to key management personnel comprises:</b>		
Short-term employee benefits	184,396	181,425
Post-employment benefits	19,361	18,142
Payments to Alwyndor Management Committee	35,958	31,619
<b>Total</b>	<b>239,715</b>	<b>231,186</b>

## Notes to and forming part of the Financial Statements for the year ended 30 June 2023

### Note 18. Related party transactions (continued)

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#### Transactions with Related Parties

##### City of Holdfast Bay

	<b>Sales of goods and Services</b>	<b>Amounts Outstanding from Related Parties</b>
Services provided to City of Holdfast Bay	2,079	0

Description of services provided:

Group class services and staff physiotherapy services for early intervention.

	<b>Sales of goods and Services</b>	<b>Amounts Outstanding to Related Parties</b>
Services received from City of Holdfast Bay	845,924	32,228

Description of services received:

Fee for use of land, brokerage fees to deliver community services, contribution to public liability insurance premium, contribution for consultancy services, ICT and marketing services.



## Alwyndor Aged Care

### Notes to and forming part of the Financial Statements for the year ended 30 June 2023

#### Note 19. Segment Reporting

\$	2023	2022
Alwyndor operates in the aged care industry within South Australia and within 3 primary business segments:		
- provision and management of residential aged care accommodation		
- aged care services to the community,		
- rehabilitation and support services (day therapy)		
<b>Residential Aged Care</b>		
<b>Income Statement</b>		
for the year ended 30 June 2023		
<b>Care Income</b>		
Subsidies & Supplements (Commonwealth)	10,214,530	8,043,483
Resident Fees - Means Tested Care Fees	351,859	435,089
<b>Total Residential Care Income</b>	<b>10,566,389</b>	<b>8,478,572</b>
<b>Accommodation Income</b>		
Subsidies & Supplements (Commonwealth)	1,099,770	1,012,334
Resident Accommodation Payments and Charges	2,392,041	1,614,211
<b>Total Residential Accommodation Income</b>	<b>3,491,811</b>	<b>2,626,545</b>
<b>Other Resident Fee Income</b>		
Basic Daily Fee	2,983,734	3,200,318
Additional Service Fee	21,508	24,022
<b>Total Other Residential Fee Income</b>	<b>3,005,243</b>	<b>3,224,341</b>
<b>Financing Income</b>		
Interest Income	181,857	122,163
Dividend and Imputation Credit income	564,646	220,851
<b>Total Financing Income</b>	<b>746,502</b>	<b>343,013</b>
<b>Other Income</b>		
Donations and Fundraising	1,555	19,599
Gain on Sale of Assets	-	976
COVID-19 Grant Income	338,247	247,000
Other Income	94,611	39,935
<b>Total Other Income</b>	<b>434,412</b>	<b>307,509</b>
<b>Total Revenue</b>	<b>18,244,357</b>	<b>14,979,980</b>

## Alwyndor Aged Care

Notes to and forming part of the Financial Statements  
for the year ended 30 June 2023

## Note 19. Segment Reporting (continued)

\$	2023	2022
<b>Residential Aged Care</b>		
<b>Income Statement (continued)</b> for the year ended 30 June 2023		
<b>Care Expenses</b>		
Labour Costs	10,192,866	8,672,904
Other Expenses	372,402	340,242
<b>Total Care Expenses</b>	<b>10,565,268</b>	<b>9,013,146</b>
<b>Accommodation Expenses</b>		
Labour Costs	326,024	280,352
Property Repairs, Maintenance and Replacement	300,509	268,838
Other Accommodation Expenses	371,655	333,767
<b>Total Accommodation Expenses</b>	<b>998,188</b>	<b>882,957</b>
<b>Hotel Services Expenses</b>		
Labour Costs	1,469,454	465,854
Contracted Services - External Service Organisations	663,093	1,590,935
Other Hotel Services Expenses	778,200	153,778
<b>Total Hotel Services Expenses</b>	<b>2,910,746</b>	<b>2,210,567</b>
<b>Administration Expenses</b>		
Labour Costs	1,383,047	1,181,156
Management Fees	16,748	14,947
Other Administration Expenses	777,468	580,822
<b>Total Administration Expenses</b>	<b>2,177,263</b>	<b>1,776,925</b>
<b>Capital and Financing Expenses</b>		
Depreciation	1,200,337	1,111,245
Interest Expenses	1,548,329	1,055,655
<b>Total Capital and Financing Expenses</b>	<b>2,748,666</b>	<b>2,166,900</b>
<b>Other Expenses</b>		
Loss on Sale of Assets	-	-
Investments - Loss on disposal	66,454	29,243
Investments - Fair Value movements on unrealised losses	(393,598)	835,604
<b>Total Other Expenses</b>	<b>(327,144)</b>	<b>864,847</b>
<b>Total Expenses</b>	<b>19,072,988</b>	<b>16,915,342</b>
<b>Net Profit (Loss)</b>	<b>(828,631)</b>	<b>(1,935,362)</b>

## Alwyndor Aged Care

Notes to and forming part of the Financial Statements  
for the year ended 30 June 2023

## Note 19. Segment Reporting (continued)

\$	2023	2022
<b>Residential Aged Care</b>		
<b>Statement of Financial Position</b>		
as at 30 June 2023		
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash	340,421	1,762,373
Trade & Other Receivables	2,994,243	3,059,414
<b>Total Current Assets</b>	<b>3,334,665</b>	<b>4,821,786</b>
<b>Non-Current Assets</b>		
Financial Assets	12,356,951	11,542,075
Property, Plant & Equipment	40,473,123	40,581,075
<b>Total Non-Current Assets</b>	<b>52,830,074</b>	<b>52,123,150</b>
<b>TOTAL ASSETS</b>	<b>56,164,739</b>	<b>56,944,936</b>
<b>LIABILITIES</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	1,538,513	970,760
Employee Provisions	1,237,247	948,120
Accommodation Bonds	29,141,338	30,513,583
Other Current Liabilities	353,725	216,364
<b>Total Current Liabilities</b>	<b>32,270,823</b>	<b>32,648,827</b>
<b>Non-Current Liabilities</b>		
Employee Provisions	190,824	114,645
<b>Total Non-Current Liabilities</b>	<b>190,824</b>	<b>114,645</b>
<b>TOTAL LIABILITIES</b>	<b>32,461,648</b>	<b>32,763,472</b>
<b>Net Assets</b>	<b>23,703,091</b>	<b>24,181,464</b>

## Alwyndor Aged Care

Notes to and forming part of the Financial Statements  
for the year ended 30 June 2023

## Note 19. Segment Reporting (continued)

	Rehabilitation and Support Services	Consumer Directed Care	Other Home Care	Total
\$				
<b>2023</b>				
Revenue	1,469,361	12,164,989	2,622,978	16,257,328
Expenses	1,838,871	11,446,531	1,638,785	14,924,186
<b>Surplus/(Deficit)</b>	<b>(369,510)</b>	<b>718,459</b>	<b>984,193</b>	<b>1,333,141</b>
Assets	-	2,421,891	-	2,421,891
Liabilities	279,821	2,421,891	191,991	2,893,703
<b>Total Equity</b>	<b>(279,821)</b>	<b>-</b>	<b>(191,991)</b>	<b>(471,812)</b>
<b>2022</b>				
Revenue	1,148,510	7,487,283	2,538,385	11,174,179
Expenses	1,461,747	7,271,007	2,602,010	11,334,763
<b>Surplus/(Deficit)</b>	<b>(313,237)</b>	<b>216,277</b>	<b>(63,625)</b>	<b>(160,584)</b>
Assets	-	2,475,167	-	2,475,167
Liabilities	250,546	2,475,167	195,126	2,920,839
<b>Total Equity</b>	<b>(250,546)</b>	<b>-</b>	<b>(195,126)</b>	<b>(445,672)</b>

General Purpose Financial Statements  
for the year ended 30 June 2023

Independent Auditor's Report - Financial Statements

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## General Purpose Financial Statements

for the year ended 30 June 2023

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## Statement by Auditor

I confirm that, for the audit of the financial statements of Alwyndor Aged Care for the year ended 30 June 2023, I have maintained my independence in accordance with the requirements of APES 110 – Code of Ethics for Professional Accountants, Section 290, published by the Accounting Professional and Ethical Standards Board, in accordance with the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22 (5) *Local Government (Financial Management) Regulations 2011*.

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Auditor's Name

Audit Firm Name

Date: dd MMMM yyyy

# Attachment 3

## General Purpose Financial Statements

for the year ended 30 June 2023

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### Certification of Auditor Independence

To the best of our knowledge and belief, we confirm that, for the purpose of the audit of City of Holdfast Bay (Consolidated) for the year ended 30 June 2022, the Council's Auditor, Dean Newbery has maintained its independence in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22(3) *Local Government (Financial Management) Regulations 2011*.

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**R. Bria**  
Chief Executive Officer

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**J. Smedley**  
Presiding Member, Audit Committee

**Date: 18 October 2023**



# Attachment 4



# Audit Completion Report

Year Ended 30 June 2023

City of Holdfast Bay

**Dean**Newbery

# Executive Summary

6 October 2023

Cr John Smedley  
Independent Chair – Audit & Risk Committee  
City of Holdfast Bay

Dear Cr Smedley

This report has been prepared for the Audit & Risk Committee of the City of Holdfast Bay (the Council) in relation to the 30 June 2023 external audit.

The purpose of this report is to provide members of the Audit and Risk Committee and those charged with governance of the Council a summary of the significant matters that have arisen from our audit which we believe covers material matters dealt within our work completed.

We are pleased to advise that subject to finalisation of the outstanding matters outlined within this report, our audit opinion for financial year ended 30 June 2023 is expected to be issued as an unmodified audit reports.

I would like to take this opportunity to thank the Administration for the assistance provided throughout the year.

Please contact me should you have any queries you wish to clarify further.

Your sincerely  
**DEAN NEWBERY**

A handwritten signature in black ink, appearing to read 'Samantha', with a stylized flourish at the end.

**Samantha Creten**  
Director

# Executive Summary

## Scope

The audit procedures have been designed and carried out by the audit team in accordance with Australian Auditing Standards and per the audit scope prescribed under the *Local Government Act 1999* and applicable Regulations for the financial year ended 30 June 2023.

## Independence

In accordance with our professional ethical requirements, we confirm that, for the financial year ended 30 June 2023, all members of our audit team have maintained their independence in accordance with the requirements of APES 110 – Code of Ethics for Professional Accountants, Part 4A, published by the Accounting Professional and Ethical Standards Board and in accordance with *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011*.

## Audit Status

All requested audit adjustments have been processed and disclosures have been made within the financial report based on audit testing completed.

All requested information has been provided by the Administration during the course of the audit.

Subject to the finalisation of the matters outlined in this report, our audit opinion for the financial year ended 30 June 2023 will be signed without reference to any qualification.

## Outstanding Matters

All requested audit adjustments have been processed and disclosures within the financial report appropriately modified based on audit testing completed.

Subject to the following work being satisfactorily completed, we expect unmodified audit opinions to be issued for the financial year:

- Undertake a review of subsequent events since 30 June
- Obtain certified financial statements as required
- Receipt of the signed Management Representation Letter

## Fraud & Litigation

As part of our audit we have discussed with the Administration:

- The safeguards in place in relation to the prevention and detection of fraud
- The existence of any fraud
- The existence of any litigation and claims

We have not become aware of any matter which should be brought to the Council or Audit and Risk Committee's attention.

# Summary of Misstatements

- There remain no misstatements that have not been adjusted by the Administration that have been identified during the course of our audit or that in our assessment, require to be reported to Council's Audit & Risk Committee.
- Any misstatements, either individually or in aggregate, that are considered to be immaterial, have not been reported and regarded as being minor in the context of the financial report as a whole.
- All requested audit adjustments have been processed and disclosures within the financial report have been appropriately modified based on audit testing completed.

## Materiality

An item is considered material to the financial statements if, through its omission or non-disclosure, the financial statements would no longer show a true and fair view to the users of the financial statements. Materiality is set at the outset of planning to ensure that an appropriate level of audit work is planned. It is then used throughout the audit process in order to assess the impact of any item on the financial statements.

Any identified errors or differences are investigated and are recorded on a schedule of potential misstatements. These are assessed individually and in aggregate, discussed with the Administration and Audit & Risk Committee to further clarify the proposed treatment and/or disclosure of the matter.

Should the matter remain unadjusted and signed off by the Council's Administration in their letter of representation to us, confirming that in the Audit & Risk Committee view also that the matter(s) are immaterial to the financial statements, an item of low value may still be judged material by its nature.

An item of higher value may also be judged not material if it does not distort the accuracy and/or fairness of the financial statements.

# Key Audit Matters Considered

As a result of the work we have recently completed, we have provided further detail below of the key audit matters and the outcomes from our testing completed.

Key Audit Matter Description	Audit Work Undertaken	Outcomes of Testing Completed
Grants Revenue Received	<ul style="list-style-type: none"><li>Reviewed Grant Agreements and Identified Performance Obligation to determine if Deferred Revenue Liability was required.</li><li>Reviewed Accounting Treatment of funding received (e.g. Capital vs Operating) to ensure appropriate representation in the General Ledger.</li></ul>	<ul style="list-style-type: none"><li>No material misstatements were identified.</li></ul>
Impairment of Community Loans	<ul style="list-style-type: none"><li>Reviewed outstanding balances owed to Council.</li><li>Discussions held with Management.</li></ul>	<ul style="list-style-type: none"><li>No change made to provision for impairment of community loans in FY2023. Further review to be conducted in future years and adjustments made if/as required.</li></ul>
Infrastructure, Property, Plant & Equipment	<ul style="list-style-type: none"><li>Reviewed Note 7 Infrastructure, Property, Plant &amp; Equipment movements recorded against the General Ledger and relevant asset registers.</li></ul>	<ul style="list-style-type: none"><li>Our audit procedures have not identified any material misstatements</li></ul>
Infrastructure, Property, Plant & Equipment – Revaluations	<ul style="list-style-type: none"><li>A review of the methodology &amp; movement in the asset values was conducted for Open Space &amp; Coastal asset class.</li></ul>	<ul style="list-style-type: none"><li>Our audit procedures have not identified any material misstatements.</li></ul>
Asset Revaluation Reserve	<ul style="list-style-type: none"><li>Reviewed the General Ledger and Equity Accounts to ensure appropriate accounting treatment per accounting standards.</li></ul>	<ul style="list-style-type: none"><li>Our audit procedures have not identified any material misstatements.</li></ul>
Work in Progress (WIP)	<ul style="list-style-type: none"><li>Reviewed WIP reconciliation to identify any long-term projects recorded to ensure correct ongoing classification of costs as WIP.</li><li>Tested transactions allocated to WIP to ensure appropriate allocation of expenses incurred in line with AASB 116.</li></ul>	<ul style="list-style-type: none"><li>Our audit procedures have not identified any material misstatements.</li></ul>

# Matters to be Addressed in Future Financial Years

As a result of audit work completed, the following audit matters have been identified during the course of our audit which we have summarised below.

Audit Matter	Audit Recommendation
Asset Revaluation - Roads, Kerb and Gutter and Footpaths	<p>As disclosed in Note 7 of the Financial statements, Council will be undertaking a revaluation of the Roads, Kerb and Gutter and Footpaths asset classes in FY24. We recommend that the valuation be undertaken with an effective date of 1 July 2023 to ensure that recorded asset valuation and calculated depreciation expense for the financial year is based on the most reliable and up to date data.</p> <p>Council's Asset Management Plans and Long Term Financial Plan should be updated to include the latest data received as a result of the valuation and condition assessment undertaken.</p>

# Draft Audit Report

## INDEPENDENT AUDITOR'S REPORT

### To the members of City of Holdfast Bay Report on the Audit of the Financial Report

#### Opinion

We have audited the accompanying financial report of the City of Holdfast Bay (the Council), which comprises the statement of financial position as at 30 June 2023, statement of comprehensive income, statement of changes in equity, the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and other explanatory information, and the Certification of the Financial Statements.

In our opinion, the financial report presents fairly, in all material aspects, the financial position of the Council as at 30 June 2023, and its financial performance and its cash flows for the year then ended in accordance with the Local Government Act 1999 and the Local Government (Financial Management) Regulation 2011 and the Australian Accounting Standards.

#### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described as in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Council in accordance with the auditor independence requirements of the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110: Code of Ethics for Professional Accountants (Including Independence Standards) (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Council's Responsibility for the Financial Report

The Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011 and for such internal control as Council determines is necessary to enable the preparation of the financial report to be free from material misstatement, whether due to fraud or error.

In preparing the financial report, Council is responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless Council either intends to liquidate the Council or to cease operations, or has no realistic alternative but to do so. Those charged with governance are responsible for overseeing the Council's financial reporting process.

## Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that the audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of financial report.



# Draft Audit Report

## Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that the audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Council's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Council to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

**DEAN NEWBERY**

**Samantha Creten**  
**Director**

/ / 2023

# Draft Assurance Report on Internal Controls

## INDEPENDENT ASSURANCE REPORT ON THE INTERNAL CONTROLS OF CITY OF HOLDFAST BAY

### Opinion

In our opinion, the Council has complied, in all material respects, with *Section 125 of the Local Government Act 1999* in relation to the Internal Controls established by the Council relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities so as to provide reasonable assurance that the financial transactions of the Council have been conducted properly and in accordance with law for the period 1 July 2022 to 30 June 2023.

### Basis for Opinion

We have audited the Internal Controls of the City of Holdfast Bay (the Council) under the requirements of *Section 125 of the Local Government Act 1999* in relation only to the Internal Controls established by the Council to ensure that financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities for the period 1 July 2022 to 30 June 2023 have been conducted properly and in accordance with law.

We conducted our engagement in accordance with Standard on Assurance Engagements *ASAE 3000 Assurance Engagements Other than Audits or Reviews of Historical Financial Information* and *ASAE 3150 Assurance Engagements on Controls* issued by the Auditing and Assurance Standards Board.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### The Council's Responsibility for the Internal Controls

The Council is responsible for implementing and maintaining an adequate system of internal controls, in accordance with Section 125 of the Local Government Act 1999 to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and incurring of liabilities have been conducted properly and in accordance with law.

### Our Independence and Quality Control

We have complied with the independence and other relevant ethical requirements relating to assurance engagements, and applying Auditing Standard *ASQC 1 Quality Control for Firms that Perform Audits and Review of Financial Reports and Other Financial Information*, and Other Assurance Engagements in undertaking the assurance engagement.

### Assurance Practitioner's Responsibilities

Our responsibility is to express an opinion on the Council's compliance with *Section 125 of the Local Government Act 1999* in relation only to the Internal Controls established by the Council to ensure that financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities, based on our procedures have been conducted properly and in accordance with law.

ASAE 3150 requires that we plan and performed our procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the control objectives and the controls operating effectively through the period. ASAE 3000 also requires us to comply with the relevant ethical requirements for the Australian professional accounting bodies.

An assurance engagement to report on the designed and operating effectiveness of controls involves performing procedures to obtain evidence about the suitability of the design of the controls to achieve the control objectives and the operating effectiveness of the controls throughout the period. The procedures selected depend on our judgement, including the assessment of the risks that the controls are not suitably designed or the controls did not operate effectively. Our procedures included testing the operating effectiveness to the controls that we consider necessary to achieve the control objectives identified. An Assurance engagement of this type also includes evaluating the suitability of the control objectives.

# Draft Assurance Report on Internal Controls

## Limitation on Use

This report has been prepared for the members of the Council in accordance with *Section 129(1)(b) of the Local Government Act 1999* in relation to the Internal Controls specified above. We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than the members of the Council, or for any purpose other than that for which it was prepared.

## Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and operating effectively, the control objectives may not be achieved so that fraud, error, or non-compliance with laws and regulations may occur and not be detected.

An assurance engagement on operating effectiveness of controls is not designed to detect all instances of controls operating ineffectively as it is not performed continuously throughout the period and the tests performed are on a sample basis. Any projection of the outcome of the evaluation of controls to future periods is subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate

DEAN NEWBERY

Samantha Creten

Director

/ / 2023

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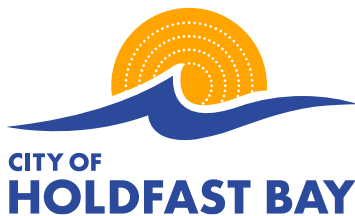
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**Dean**Newbery

# Attachment 5



24 October 2023

Samantha Creten  
Partner  
Dean Newbery  
PO Box 755  
North Adelaide SA 5006

Dear Samantha

**Management Representations: External Audit, Financial Year Ended 30 June 2023**

This Management Representation letter is provided in connection with your audit examination of the General Purpose Financial Report (**2023 Financial Report**) of City of Holdfast Bay (**'the Council'**) for the financial year ended 30 June 2023.

**We hereby confirm, at your formal request, that to the best of our knowledge and belief, the following representations relating to the 2023 Financial Report are correct.**

In making these representations, we understand that they are provided to you in connection with your external audit of the Council for the year ended 30 June 2023 as prescribed by the *Local Government Act 1999*, for the express purpose of your expressing an opinion as to whether the 2023 Financial Report is, in all material respects, presented fairly in accordance with all applicable standards and requirements, including statutory. In making these representations, we have read and understood the standard unqualified Audit Opinion that would be normally expressed to the Council by you as is required under Section 129(3) of the *Local Government Act 1999* for the financial year ended 30 June 2023. We therefore understand, without exception, the potential ramifications of making any representations to you that are not correct, to the best of our knowledge and belief as of the date of this letter.

We understand and acknowledge that it is the Council management's responsibility for the fair presentation of the 2023 Financial Report and that management, as appropriate, have approved the Financial Report. Accordingly, management of the Council are of the opinion that the 2023 Financial Report is free of material misstatements, including omissions.

**1. Compliance with all Applicable Standards, including Statutory**

The Financial Report of the Council has been prepared so as to present a true and fair view of the state of affairs of the Council as at 30 June 2023 and of the results of operations of the Council for the financial year ended on that date, including for all post balance date matters, as applicable.

The accounting and financial management policies, practices and records of the Council were at all times maintained in accordance with the requirements of the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and that the Financial Report was prepared in accordance with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011*, Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board together with all other mandatory professional reporting requirements in Australia.

## **ASSETS**

### **Cash and Cash Equivalents**

- (1) Cash on hand at balance date was represented by cash floats reconciled and on hand as at 30 June 2023.
- (2) Cash at bank at balance date represented the reconciled operating account(s) of the Council.
- (3) Short term deposits represented amounts held with the LGFA by Council and Ord Minnett (Investment Manager) for Alwyndor.

### **Rates and Other Receivables**

- (1) Current rate receivables at balance date represented all outstanding amounts owed by rate payers.
- (2) Current other receivables at balance date represented all outstanding amounts owed by debtors other than rate payers.
- (3) Debts due at balance date that are known to be uncollectible have since been written-off and adequate provision has been made for impairment to cover allowances, discounts and losses that may be sustained by Council in the collection of the debts.

### **Other Current Assets**

- (1) Prepayments at balance date represented payments for goods and services to be received in the 30 June 2024 financial year.
- (2) There are no non-current assets held for sale.

### **Financial Assets**

- (1) There are no grounds to provide for any impairment loss for loans to community groups or other organisations apart from the provision reported in the 2022-23 statements of \$517,780.
- (2) Other financial assets refer to Alwyndor interest rate and equity securities.

### **Investments Accounted using the Equity Method**

- (1) Council has complied with all applicable Australian Accounting Standards with regard to Council's equity in subsidiaries, regional subsidiaries and other interests, as applicable.

### **Infrastructure, Property, Plant & Equipment and Depreciation**

- (1) Infrastructure, property, plant and equipment at the 2023 balance date was represented by the following fair values, cost, accumulated depreciation and carrying amounts for each class of asset, in accordance with all prescribed requirements and standards, as follows:

	At Fair Value \$'000	At Cost \$'000	Accumulated Depreciation \$'000	Carrying Amount \$'000
Land	504,222	230	-	504,452
Buildings & Other Structures	177,080	890	(68,088)	109,882
Infrastructure	413,001	19,672	(158,012)	274,661
Right-of-Use Assets		35	(12)	23
Plant & Equipment	-	12,524	(6,011)	6,513
Furniture & Office Equipment	-	8,190	(4,280)	3,910
Total Infrastructure, Property, Plant & Equipment	1,094,303	41,541	(236,403)	899,441

- (2) The additions during the 2023 financial year to Infrastructure, property, plant and equipment general ledger control accounts and asset registers represents the cost of additions and or improvements to existing facilities or replacements thereof. All units of property which have been replaced, sold, dismantled or otherwise disposed of, or which are permanently unusable, have been removed from general ledger and applicable asset register. Adequate provision, determined in a manner consistent with that of the preceding financial year, has been made to write-off depreciable assets over their useful economic working lives.
- No circumstances have arisen which render adherence to the existing basis of depreciation misleading or inappropriate and that depreciation expense for the financial year ended 30 June 2023 is reliable.
- (3) All additions to depreciable assets represent actual additions or improvements of a capital nature, based on capitalisation thresholds consistently applied for the 2023 financial year in accordance with Council's Asset Accounting Policy.
- (4) Where the recorded carrying amount of any depreciable assets exceeds its recoverable amount as at 30 June 2023, that asset's recorded carrying amount has been written down to its recoverable amount.
- (5) Contractual commitments for capital expenditure(s) included in the Financial Report payable not later than one year are as described in the notes accompanying the Financial Report.
- (6) There are no deficiencies or encumbrances attaching to the title of the assets of the Council at 30 June 2023 other than those reflected in the financial report and those are not greater than the value of the asset.
- (7) No Operating or Finance Lease commitments exist that have not been disclosed in the Financial Report. All Operating Lease expenses have been fully disclosed in the notes to the 2023 Statement of Comprehensive Income. Finance Leasing commitments have been fully disclosed in the notes to the 2023 Balance Sheet.
- (8) The asset revaluation of all Open Space and Coastal assets owned by Council was undertaken by independent valuers Public Private Property as at 30 June 2023 based on the principle of written down replacement value. Accordingly, total replacement value, total economic working life, residual economic working life were reliably established for each asset and the financial records of Council



were restated in accordance with all applicable Australian Accounting Standards, and the Financial Report reflects all such accounting entries.

- (9) The asset revaluations of all land and buildings owned by Council were undertaken by independent valuers Public Private Property as at 30 June 2022. Valuations were formally accepted by Council and recognised in the 2022 Financial Report.
- (10) Valuations of all land, buildings and infrastructure assets are reflected in the 2023 Financial Report and will be considered by Audit and Risk Committee and Council as part of the adoption of the Financial Statements.
- (11) The resultant increment to the asset revaluation reserve during the year represents the difference between the prior written down value of the assets being valued and the valuations as at 30 June 2023.
- (12) Depreciation expense reported in the 2023 Statement of Comprehensive Income is reliable, being based on reliable 'whole of life' asset management information for each class of depreciable non-current asset.

#### **LIABILITIES – Current and Non-Current**

- (1) All liabilities which have arisen or which will arise out of the activities of the Council to the end of the 2023 financial year have been included in the 2023 Financial Report.
- (2) All outstanding trade payables at balance date have been taken up as at the 2023 balance date.
- (3) All applicable accrued wages and salaries and accrued employee entitlements at the 2023 balance date have been taken up.
- (4) All accrued interest at the 2023 balance date have been taken up.
- (5) All revenue received in advance as at the 2023 balance date have been taken up.
- (6) Provisions for employee benefits, inclusive of on-costs, all discounted as at the 2023 balance date representing long service leave benefits calculated for all valid employees (as at balance date) have been taken up.
- (7) Accrued employee benefits represent annual leave accrued for all valid employees as at the 2023 balance date.
- (8) Borrowings as at the 2023 balance date represented amounts owed to the Local Government Finance Authority. Loans with the LGFA have varying maturity dates and interest rates with details fully provided in the notes to the 2023 Financial Report.
- (9) There were no contingent liabilities including for:
  - a) guarantees;
  - b) bills and accounts receivable discounted, assigned or sold and which are subject to recourse;
  - c) endorsements;
  - d) pending law suits - noting (as separately advised) that a pre-action notice has been served on 61 SA Councils in relation to fees associated with negotiating public lighting tariffs. The LGA are facilitating the response and coordinated defence with advice that the claim does not have merit;
  - e) unsatisfied judgements or claims;
  - f) repurchase agreements; or

- g) contractual disputes between the Council and any contractor / service provider that may result in an increased liability as at 30 June 2023; which are not fully disclosed in the notes to the 2023 Financial Report.

## **EQUITY**

- (1) There have been no adjustments to the Accumulated Surplus other than those allowable under the Australian Accounting Standards.
- (2) There have been no adjustments to the Asset Revaluation Reserve other than those allowable under the Australian Accounting standards and the balance of the reserve has been reconciled to each class of asset.
- (3) All reserve funds required by legislation to be maintained have been at all times maintained in the accounting records of the Council.
- (4) All transfers to and from reserve funds (including the Accumulated Surplus) have been prior authorised by Council.
- (5) Other than for the Asset Revaluation Reserve, all other reserve accounts are those applied for 2023 Council budget purposes and have the same balances as at 30 June 2023.

## **2023 STATEMENT OF COMPREHENSIVE INCOME**

- (1) Please find attached a summary of all material variations for all income and expense amounts (variances less than \$5,000 have been deemed immaterial and not included) disclosed in the 2023 Statement of Comprehensive Income, compared to 2022.
- (2) During the year ended 30 June 2023, Council revised its Asset Accounting Policy and removed the asset class Library Lending Materials. The adoption of the change in policy has resulted in the classification of Library Lending Materials as an expense in the Statement of Comprehensive Income.  
  
The accounting policy change identified above has been applied from the earliest period presented (1 July 2021) and comparatives have been changed to reflect the accounting policy changes.
- (3) All depreciable physical resources received free of charge have been included in the appropriate asset register and depreciated from the date when Council assumed control (of the asset).
- (4) Depreciation expense for 2023 is in accordance with Council's asset registers and has been determined on the same basis as for 2022.
- (5) Salaries and Wages expense disclosed in the 2023 Statement of Comprehensive Income reconciles to the last budgeted salaries and wage amount approved by Council for 2023 annual budget funding purposes.
- (6) Capital grants have been correctly separated from operating grants, in accordance with the requirements of the Model Financial Statements.

## **KEY FINANCIAL INDICATORS**

Council has three major financial targets as follows:

- To achieve an operating ratio of 0-10 per cent over a five year period.
- To achieve a net financial liabilities ratio of less than 75 per cent.

- To improve Council's asset sustainability ratio to be within the range of 90-110 per cent over a five year period.

### **CHIEF EXECUTIVE OFFICER'S REPORT**

There are no exceptions to the standard Chief Executive Officer's Report that may be or will be expressed in the 2023 report to be included in the 2023 Financial Report.

### **OTHER REQUIRED REPRESENTATIONS**

- (1) No events have occurred (or are known to occur) subsequent to the 30 June 2023 that would require any consideration for adjustment to or additional disclosure in the 2023 Financial Report.
- (2) The Council does not have any plans or intentions that may materially affect the carrying value or classification of all assets and liabilities as at 30 June 2023.
- (3) The Council has complied with all aspects of contractual arrangements and agreements that would have a material effect on the 2023 Financial Report in the event of non-compliance.
- (4) There were no material commitments for construction or acquisition of property, plant and equipment or to acquire other non-current assets, other than those disclosed in the 2023 Financial Report.
- (5) There are no violations or possible violations of laws, compulsory standards or regulations whose effects should be considered for disclosure in the 2023 Financial Report or as a basis for recording as an expense or otherwise.
- (6) The methods, the data, and the significant assumptions used in making accounting estimates, and their related disclosures are appropriate to achieve recognition, measurement or disclosure that is reasonable in the context of the applicable financial reporting framework.
- (7) The Council has full title to all assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- (8) All details concerning related party transactions and related amounts receivable or payable (including sales, purchases, loans and guarantees) have been correctly recorded in the accounting records. All related parties have been identified and disclosed to you during your audit.
- (9) The Council reviews, at least on an annual basis, the adequacy of insurance cover on all assets and insurable risks. This review has been consistently performed, and where it is considered appropriate, assets and insurable risks of the Council are at all times adequately covered by appropriate insurance.
- (10) The minutes of all meetings of Council and its Committees were made available to you and are complete and authentic records of all such meetings held during the 2023 financial year and to the date of this letter. All other statutory records were properly kept at all times during the year and have been made available to you for audit purposes.
- (11) All audit correspondence has been formally and promptly responded.
- (12) All audit correspondence has been referred to Council and Council's Audit and Risk Committee.

- (13) Salaries and wages records together with records for the Goods and Service Tax were at all times fully maintained in accordance with the requirements of the Australian Taxation Office, as applicable.
- (14) All documentation relating to the capture of Related Party Disclosures and Transactions (AASB 124 Related Party Disclosures) including all authorised forms provided by the deemed Key Management Personnel, evidence of review of total related party transactions processed during the financial year by the Council e.g. transaction reports of payments made by Council to related parties and any working papers of calculation methodologies for the disclosures in the 30 June 2023 financial statements have been made available to the auditors.
- (15) All deemed material transactions relating to Related Party Disclosures and Transactions (AASB 124 Related Party Disclosures) have been included and adequately disclosed in the 30 June 2023 financial statements.
- (16) Council has formally in place and has at all times maintained an appropriate standard of accounting, internal control structure and framework, segregation of duties and risk management structure and framework across the entire organisation, including appropriate controls and mechanisms specifically designed to prevent and detect fraud and error. Further, we advise that there have not been any instances of fraud or error during the financial year ended 30 June 2023 or to the date of this letter. In addition, there are no matters that should be brought to your attention for the purposes of your making an assessment as to Sections 129(5) and 129(6) of the Local Government Act 1999.
- (17) The 2023 Financial Report has been adjusted for all agreed audit adjustments for the year ended 30 June 2023.
- (18) During the year ended 30 June 2023, Council revised its Asset Accounting Policy and removed the asset class Library Lending Materials. The adoption of the change in policy has resulted in the classification of Library Lending Materials as an expense in the Statement of Comprehensive Income. There were no other changes in accounting practices and accounting policies made for the financial year ended 30 June 2023 compared to the financial year ended 30 June 2022.
- (19) Council's Audit and Risk Committee has addressed all of its prescribed responsibilities and no member of the Committee has undertaken other professional services for the Council.
- (20) In our opinion, there are no grounds to believe that the Council will not be able to pay its debts as and when they fall due, that assets will be at all time maintained to the service standards currently determined by Council and accordingly, the Council is long term financially sustainable.

Yours sincerely

**Roberto Bria**  
Chief Executive Officer

**Cadel Blunt**  
Manager Finance

**Attachment**

## Attachment

### 2022-23 Statement of Comprehensive Income - Summary of material prior year variations.

*Note References refer to the General Purpose Financial Statements*

#### ***Note 2(b) - Statutory Charges \$3,245,000 (2021-22 \$2,801,000)***

Increased by \$444,000 due to an increase in: hoarding fees \$298,000, parking fines \$72,000, development assessment fees \$54,000, and dog registration fees \$20,000.

#### ***Note 2(c) - User Charges \$10,577,000 (2021-22 \$8,882,000)***

Municipal user charges increased by \$606,000 with additional Caravan Park revenue \$201,000, off-street parking ticket machine income \$206,000, ticket sales from major community event \$164,000 and an increase in cemetery fee income \$21,000.

Alwyndor user charges increased by \$1,089,000 attributed to the rise in basic daily fees to accommodate the increased cost of living for residential care and adjustment in fees and consumables for Home Care Packages.

#### ***Note 2(g) – Operating Grants, Subsidies and Contributions \$17,615,000 (2021-22 \$14,657,000)***

Municipal operating grants increased by \$320,000. Local Roads and Community Infrastructure (LRCI) funding of \$500,000 received but offset by negative variances of \$120,000 for the Roads to Recovery program, \$41,000 in the timing of the payment of the Financial Assistance Grants and reduced new grants of \$20,000.

Alwyndor grants and subsidies increased by \$2,628,000 This is mainly due to an increase in government funding for residential services. Effective 1st October 2022 residents are eligible for the newly introduced funding model, Aged Care Classification (AN-ACC).

#### ***Note 2(d) - Investment Income \$888,000 (2021-22 \$363,000)***

Municipal reserve fund investment increased by \$120,000 due to higher interest rates with all available cash invested with the Local Government Finance Authority (LGFA).

Alwyndor investment income increased by \$404,000 mainly due to dividend and distribution income from investing surplus funds through investments with external investment manager, Ord Minnett.

#### ***Note 2(e) – Reimbursements \$5,806,000 (2021-22 \$4,046,000)***

Municipal reimbursements increased by \$111,000 mainly due to additional reimbursements received for private works and apprentice training reimbursements received through the Workers Compensation scheme.

Alwyndor reimbursements increased by \$1,649,000 due to increased direct services provided to Support at Home clients resulting from their growth in numbers.

#### ***Note 2(f) – Other Income \$8,198,000 (2021-22 \$5,387,000)***

Municipal other income has increased by \$154,000 largely due to additional income raised through various events and public functions, and increased donations at the Bay Discovery Centre.

Alwyndor other income increased by \$2,657,000 due to increased direct services provided to Support at Home clients resulting from their growth in numbers.

***Note 19 - Net gain – EQUITY ACCOUNTED COUNCIL BUSINESSES \$323,000 (2021-22 \$441,000)***

This refers to Council's 15% share (\$323,000 surplus) in the Southern Region Waste Resource Authority (SRWRA). For 2022/23 SRWRA achieved a \$2,151,000 net surplus (\$2,941,000 in 2021/22). Major prior year variances included an increase in User Charges of \$4,749,000 offset by an increase in EPA levies of \$3,235,000 and a decrease of \$1,271,000 in its 50% equity share in the net surplus of its joint venture, Southern Materials Recycling Facility. The financial results, provisions and expanded notes of Councils equity share of SRWRA are included in Note 19 to the Council financial statements.

***Note 3(a) - Employee Costs \$41,708,000 (2021-22 \$35,007,000)***

Overall municipal employee costs increased by \$1,073,000 from the prior year. This is made up of an increase in direct employment costs of \$1,284,000 due to vacancies in 2021-22 being filled in 2022-23, a 1.8% wages and salaries increase, an increase in the employer superannuation contribution rate of 0.5%, and an Enterprise Agreement signing-on bonus for ASU administration staff. This is offset by a reduction of \$162,000 in the annual employee leave provision expense and an increase in capitalised employment costs of \$49,000.

Alwyndor employment costs increased by \$5,628,000. This is due to additional costs to support increased residential client needs and Support at Home and Therapy services following growth in these areas, additionally there were extra COVID wages during outbreaks, which is offset by income in Note 2f.

***Note 3(b) - Materials, Contracts and Other Expenses \$29,862,000 (2021-22 \$26,337,000)***

Municipal expenses in this grouping increased by \$1,570,000. This comprised numerous items either included in the original budget or varied throughout the year. Major prior year variances include the running of community events that had been deferred in 2021-22 due to COVID-19 \$240,000; inflationary increases in costs, including repairs and maintenance \$237,000 and electricity \$190,000; higher computer software costs \$233,000; election expenses \$187,000; and tree maintenance \$112,000.

Alwyndor expenses increased by \$1,955,000. This is due to an increase in third party costs associated with the growth of Home Care Package clients, which is offset by User Charges at Note 2(c), additional expenditure relates to agency and COVID medical costs for the residential services, as well as increased spending on gardening and maintenance for the CHSP program.

***Note 3(c) - Depreciation \$11,715,000 (2021-22 \$10,954,000)***

Overall municipal depreciation increased by \$638,000 reflecting revalued and new assets including buildings \$212,000, stormwater \$95,000, road related assets \$170,000 and plant and equipment \$107,000.

Alwyndor depreciation increased by \$123,000 consisting of increases for plant and equipment \$53,000, furniture and fittings \$49,000 and buildings \$21,000.

***Note 3(d) - Finance Costs \$2,223,000 (2021-22 \$1,758,000)***

Municipal finance charges decreased by \$59,000 as principal repayments have reduced total borrowings from \$14.4 million to \$13.6 million. There were no new borrowings in either 2021/22 or 2022/23.

Alwyndor Finance charges increased by \$524,000 due to recognition of higher rental income amount and corresponding interest expenses compared to the prior year, in accordance with the AASB 16 accounting standards.

***Note 4 - Asset Disposal and Fair Value Adjustments \$446,000 gain - (2021-22 \$2,340,000 - loss)***

Municipal assets were sold, or disposed of, throughout the year resulting in a \$99,000 gain. The assets are itemised as follows:

- \$825,000 – Loss - Capital renewal program. Refers to existing infrastructure assets removed or disposed as part of the annual capital program
- \$202,000 – profit on sale of vehicles
- 722,000 – profit on sale of land

Alwyndor's \$347,000 net gain represents mainly the unrealised gain on the capital value of the investment portfolio as at 30 June 2023.

***Note 2(g) - Amounts Received for New/Upgraded Assets \$582,000 (2021-22 \$1,544,000)***

New grants were accounted for in 2022-23 including the following major projects - Glenelg Oval Masterplan \$290,000, Stormwater upgrade \$105,000 and Dover Square Tennis Court lighting \$75,000.

***Note 9(a) - Change in Revaluation Surplus – \$3,855,000 increase (2021-22 \$157,858,000 increase)***

Open space and coastal assets were revalued by Public Private Property. The last revaluation on these assets was performed in 2018. Based on current replacement rates this resulted in a valuation increase of \$3,855,000. No other asset class revaluations were undertaken during 2022/23.

# Attachment 6





## City of Holdfast Bay Municipal Funds Statement as at June 2023

2022 - 2023 Original Budget \$'000	Year to Date				Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000		
131	131	290	(160)	Cemeteries	1
495	495	505	(10)	Commercial & Club Leases	
(1,458)	(1,458)	(1,570)	113	Council Administration	2
(917)	(907)	(887)	(19)	Development Services	
1,730	1,882	2,622	(740)	FAG/R2R Grants	3
(1,825)	(1,886)	(1,828)	(57)	Financial Services	4
(10,468)	(10,468)	(10,348)	(120)	Financial Services-Depreciation	5
(267)	(267)	(492)	225	Financial Services-Employee Leave Provisions	6
(830)	(598)	(574)	(24)	Financial Services-Interest on Borrowings	
101	202	323	(121)	Financial Services-SRWRA	7
38,455	38,569	38,596	(27)	General Rates	
(2,867)	(2,867)	(2,968)	101	Innovation & Technology	8
(614)	(641)	(648)	8	People & Culture	
(612)	(578)	(614)	35	Public Realm and Urban Design	
(819)	(878)	(859)	(19)	Strategy & Governance	
(1,204)	(1,248)	(1,115)	(133)	City Activation	9
1,266	1,435	1,586	(151)	Commercial - Brighton Caravan Park	10
44	44	48	(4)	Commercial - Partridge House	
(563)	(563)	(569)	6	Communications and Engagement	
(351)	(351)	(562)	211	Community and Business Administration	11
(888)	(956)	(920)	(36)	Community Events	
892	1,182	1,749	(567)	Community Safety	12
(574)	(578)	(576)	(2)	Community Wellbeing	
(533)	(573)	(593)	20	Customer Service	
-	(93)	22	(115)	Jetty Road Mainstreet	13
(1,518)	(1,518)	(1,559)	41	Library Services	
(302)	(302)	(410)	108	Assets & Delivery Administration	14
(1,413)	(1,518)	(1,304)	(214)	Engineering & Traffic	15
(966)	(796)	(756)	(40)	Environmental Services	
(8,137)	(8,398)	(8,409)	11	Field Services & Depot	
(2,036)	(2,095)	(2,039)	(56)	Property Management	16
(439)	(569)	(552)	(18)	Street Lighting	
(4,072)	(4,072)	(4,027)	(45)	Waste Management	
945	945	983	(38)	Less full cost attribution - % admin costs capitalised	
<b>390</b>	<b>709</b>	<b>2,546</b>	<b>(1,837)</b>	<b>=Operating Surplus/(Deficit)</b>	
10,468	10,468	10,348	120	Depreciation	
166	65	169	(104)	Other Non Cash Items	
<b>10,634</b>	<b>10,533</b>	<b>10,517</b>	<b>16</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	
<b>11,023</b>	<b>11,242</b>	<b>13,063</b>	<b>(1,821)</b>	<b>=Funds Generated from Operating Activities</b>	
1,484	4,712	582	4,130	Amounts Received for New/Upgraded Assets	17
474	1,936	1,251	685	Proceeds from Disposal of Assets	18
<b>1,958</b>	<b>6,648</b>	<b>1,833</b>	<b>4,815</b>	<b>Plus Funds Sourced from Capital Activities</b>	
(9,094)	(13,574)	(9,076)	(4,498)	Capital Expenditure on Renewal and Replacement	
(5,721)	(17,595)	(5,490)	(12,106)	Capital Expenditure on New and Upgraded Assets	
<b>(14,815)</b>	<b>(31,169)</b>	<b>(14,565)</b>	<b>(16,604)</b>	<b>Less Total Capital Expenditure</b>	19
253	253	270	(18)	Plus:Repayments of loan principal by sporting groups	
<b>253</b>	<b>253</b>	<b>270</b>	<b>(18)</b>	<b>Plus/(less) funds provided (used) by Investing Activities</b>	
<b>(1,581)</b>	<b>(13,026)</b>	<b>601</b>	<b>(13,628)</b>	<b>= FUNDING SURPLUS/(REQUIREMENT)</b>	
-	(728)	(728)	-	Increase/(Decrease) in Cash & Cash Equivalents	
-	(13,677)	774	(14,451)	Non Cash Changes in Net Current Assets	
(2,960)	-	555	(555)	Less: Proceeds from new borrowings	
1,379	1,379	-	1,379	Plus: Principal repayments of borrowings	
<b>(1,581)</b>	<b>(13,026)</b>	<b>601</b>	<b>(13,628)</b>	<b>=Funding Application/(Source)</b>	

Note 1 – Cemeteries - \$160,000 favourable

Cemetery fee (\$89,000) and memorial (\$73,000) related revenue higher than forecast.

Note 2 – Council Administration - \$113,000 unfavourable

Saving in election expenses (\$21,000) offset by additional employment costs to fund a short-term council project (\$52,000), and budgeted provision for council wide employee cost savings (\$65,000).

Note 3 – Financial Assistance Grants - \$740,000 favourable

Timing issue between financial years for the receipt of the annual Commonwealth Financial Assistance Grant. 100% of the 2023-24 allocation was received in 2022-23, 50% was budgeted to be received in 2022-23.

Note 4 – Financial Services - \$57,000 favourable

Additional interest revenue (\$27,000) and saving on insurance expenditure (\$29,000).

Note 5 – Financial Services - Depreciation - \$120,000 favourable

Saving on library materials depreciation (\$150,000) due to change in accounting treatment.

Note 6 – Financial Services – Employee Leave Provisions - \$225,000 unfavourable

Final movements in the provisions made for Annual Leave and Long Service Leave owed to employees.

Note 7 – Financial Services-SRWRA- \$121,000 favourable

Council's equity share in the Southern Region Waste Resource Authority (SRWRA) for 2022/23 was higher than budgeted for.

Note 8 – Innovation & Technology - \$101,000 unfavourable

Employment and contactor costs for delivery of the capital Business Transformation Program. This expenditure was budgeted for in the Information Technology capital budget and the saving of \$102,000 for this capital project was not carried forward to 2023/24.

Note 9 – City Activation - \$133,000 favourable

Three projects are to be continued in 2023/24: shopfront character grants (\$65,000), small business development grants (\$8,000) and the promotional wrap of the tram (\$23,000). Additionally, there was an overall saving on marketing and advertising expenditure (\$9,000) and additional donations and contributions (\$10,000).

Note 10 – Commercial - Brighton Caravan Park- \$151,000 favourable

Caravan Park revenue higher than forecast.

Note 11 - Community and Business Administration - \$211,000 unfavourable

Expenditure originally accounted for as capital transferred to operational expenses.

Note 12 – Community Safety - \$567,000 favourable

Employment cost savings due to temporary vacancies (\$34,000) along with higher than forecast revenue for car parking (\$453,000), food related permits (\$28,000) and hoarding fees (\$21,000).

Note 13 – Jetty Road Mainstreet - \$115,000 favourable

Savings on marketing (\$37,000), employment costs (\$33,000) and event management (\$29,000). Due to separate rate funding arrangements unspent budget was carried forward as in previous years.

Note 14 – Assets & Delivery Administration - \$108,000 unfavourable

Additional employment costs offset by identified savings within the Assets and Delivery department.

Note 15 – Engineering & Traffic - \$214,000 favourable

Savings on painting and line marking (\$30,000) and employment costs due to temporary vacancies (\$6,000). Three projects are to be continued in 2023/24: Integrated Transport Strategy Priorities (\$131,000), Trial Parklet Investigation (\$15,000) and Resilient Asset Management Project (RAMP) (\$29,500).

Note 16 – Property Management - \$56,000 favourable

Positive variances Kauri Parade Sports Complex (\$19,000) and Patawalonga Lock maintenance and repairs (\$28,000).

Note 17 - Amounts Received for New/Upgraded Assets - \$4,130,000 unfavourable

Grant funding received, but not yet expended for the following projects:

- Stormwater - Capital Contributions: \$2,000,000
- Seacliff Plaza: \$1,000,000
- Harrow Road GPT: \$200,000
- Kingston House Reserve Tennis Courts: \$200,000
- Buffalo site improvements: \$100,000
- Pine Gully Storm water: \$45,000

Additional budgeted funding will now be received in 2023/24 for Glenelg Oval stages 3 & 4 (\$543,000).

Note 18 - Proceeds from Disposal of Assets - \$685,000 unfavourable

Trade-in of council vehicles has been delayed (\$406,000) – budget was carried forward.  
Proceeds for the sale of council land was lower than budgeted (\$278,000).

Note 19 - Capital Expenditure - \$16,604,000 favourable

There are positive variances on a number of capital projects. Some projects have been completed with a saving while other projects were not completed at the 30 June 2023. Details of these and the amount requested to be carried forward to 2023/24 were previously itemised in report 280/23.



## City of Holdfast Bay

### Capital Expenditure Summary by Budget Item to June 2023

2022-23 Original Budget \$'000	Year to Date			
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000	
(944)	(944)	(983)	<b>39</b>	Full Cost Attribution
(806)	(892)	(791)	<b>(102)</b>	Information Technology
(989)	(2,996)	(666)	<b>(2,331)</b>	Commercial and Economic Enterprises
(85)	(85)	-	<b>(85)</b>	Brighton Library
-	(573)	(23)	<b>(550)</b>	Sport and Recreation
(13)	(13)	(12)	(0)	Depot and Stores
(1,306)	(2,700)	(1,475)	<b>(1,225)</b>	Machinery Operating
(2,322)	(2,788)	(2,280)	<b>(508)</b>	Road Construction and Re-seal Program
-	(100)	(18)	<b>(82)</b>	Car Park Construction
(453)	(453)	(425)	<b>(27)</b>	Footpath Program
(1,200)	(3,907)	(131)	<b>(3,776)</b>	Stormwater Drainage Program
-	(351)	(114)	<b>(237)</b>	Traffic Control Construction Program
(1,122)	(1,360)	(1,388)	<b>28</b>	Kerb and Water Table Construction Program
(30)	(30)	(30)	-	Other Transport - Bus Shelters etc.
(3,487)	(8,588)	(4,555)	<b>(4,033)</b>	Reserve Improvements Program
(1,302)	(3,438)	(1,301)	<b>(2,137)</b>	Land, Buildings and Infrastructure Program
(450)	(1,261)	(241)	<b>(1,021)</b>	Streetscape Program
(306)	(670)	(78)	<b>(591)</b>	Foreshore Improvements Program
-	(19)	(53)	<b>34</b>	Caravan Park - General
<b>(14,815)</b>	<b>(31,169)</b>	<b>(14,565)</b>	<b>(16,604)</b>	<b>Total</b>



## Alwyndor Aged Care Funds Statement as at 30 June 2023

2022-23 Original Budget \$'000	Year to Date				Note
	Original Budget \$'000	Actual \$'000	Variance \$'000		
5,576	6,667	6,586	81	User Charges	
13,653	14,447	14,609	(162)	Operating Grants and Subsidies	
445	663	747	(84)	Investment Income	
5,361	5,323	5,382	(59)	Reimbursements	
3,993	5,355	7,178	(1,823)	Other Income	
<b>29,027</b>	<b>32,456</b>	<b>34,502</b>	<b>(2,046)</b>	<b>Operating Revenue</b>	<b>1</b>
(20,916)	(21,827)	(22,744)	917	Employee Costs - Salaries & Wages	2
(6,966)	(9,470)	(9,603)	133	Materials, Contracts and Other Expenses	3
(68)	(123)	(1,641)	1,518	Finance Charges	4
(1,358)	(1,344)	(1,366)	22	Depreciation	
<b>(29,308)</b>	<b>(32,764)</b>	<b>(35,354)</b>	<b>2,590</b>	<b>Less Operating Expenditure</b>	
<b>(281)</b>	<b>(308)</b>	<b>(852)</b>	<b>544</b>	<b>=Operating Surplus/(Deficit)</b>	<b>5</b>
0	(16)	(71)	55	Net gain/(loss) on disposal of investments	
0	479	418	61	Net gain/(loss) on Fair Value movement on investments	
<b>(281)</b>	<b>155</b>	<b>(505)</b>	<b>659</b>	<b>=Net Surplus/(Deficit)</b>	
1,358	1,344	1,366	(22)	Depreciation	
0	16	71	(55)	Net gain/(loss) on disposal of investments	
0	(479)	(418)	(61)	Net gain/(loss) on Fair Value movement on investments	
193	354	562	(208)	Provisions	
<b>1,551</b>	<b>1,235</b>	<b>1,581</b>	<b>(345)</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	
<b>1,269</b>	<b>1,390</b>	<b>1,076</b>	<b>314</b>	<b>=Funds Generated from Operating Activities</b>	
(874)	(1,106)	(1,258)	152	Capital Expenditure on New and Upgraded Assets	
<b>(874)</b>	<b>(1,106)</b>	<b>(1,258)</b>	<b>152</b>	<b>Less Total Capital Expenditure</b>	
<b>395</b>	<b>284</b>	<b>(182)</b>	<b>466</b>	<b>= Funding SURPLUS/(REQUIREMENT)</b>	<b>5</b>
<b>Funded by</b>					
395	284	(182)	466	Increase/(Decrease) in Cash & Cash Equivalents	
<b>395</b>	<b>284</b>	<b>(182)</b>	<b>466</b>	<b>=Funding Application/(Source)</b>	

**Alwyndor - Notes**  
**June 2023**

**1**     Operating Revenue

Operating Revenue is favourable by \$2,046k and attributed to:

- Increase in Government-Mandated AN-ACC client Fees and Daily Accommodation Payments.
- Increase in government funding for residential services, effective 1st October 2022 residents are eligible for the newly introduced funding model, Aged Care Classification (AN-ACC).
- COVID-19 grant income of 257k which has been offset by higher salary and Personal Protective Equipment (PPE) costs incurred in Residential services.
- Consumer Fees are higher than forecasted due to an increase in client CHSP and mostly relate to the number and type of activities organised by Alwyndor for social and transport clients.
- Additional income recorded for Allied Therapy services for Home Care clients due to all 'Allied Therapy' visits now being included.
- Increase of \$1,541k due to recognition of rental income amount, in accordance with the AASB 16 accounting standards.

**2**     Employee Costs – Salaries & Wages

The unfavourable variance in employee costs of \$917k is comprised of:

- Additional staff in response to higher acuity residents (offset by higher AN-ACC government funding) and staff COVID-19 payments.
- Wage increases, consistent with our Enterprise Agreement, have exceeded the initial 2% assumption in our original budget. This adjustment is in line with the June 2022 national wage increase and associated workforce market forces, resulting in a higher figure of 4.6%.
- Effective December 2022 onwards, transport costs relating to staff travel reimbursements have now been moved to Employee Costs in line with the Dept of Health Quarterly Financial Report.

**3**     Materials, Contracts and other Expenses

The \$133k YTD increase is attributed to:

- Extraordinary contract labour costs incurred with the introduction and implementation of the new catering model.
- Additional brokered services in Support at Home which are recovered as part of Operating Revenue.

**4**     Finance Charges

Finance Charges is unfavourable by \$1,518k and relates to:

- Increase of \$1,518k due to recognition of interest expenses, in accordance with the AASB 16 accounting standards.

**5**     Operating Deficit

The \$852k Operating Deficit, after allowing for depreciation and capital expenditure, has led to a funding deficit of \$182k as at June YTD. This will be funded by Alwyndor's existing cash reserves.

**CITY OF HOLDFAST BAY**  
**CONSOLIDATED INCOME STATEMENT**  
**FOR THE YEAR ENDED 30TH JUNE 2023**

	<b><u>2022-23</u></b> <b><u>ORIGINAL</u></b> <b><u>BUDGET</u></b>	<b><u>2022-23</u></b> <b><u>ADOPTED</u></b> <b><u>FORECAST</u></b>	<b><u>2022-23</u></b> <b><u>ACTUAL</u></b> <b><u>ROUNDED</u></b>
	\$	\$	\$
<b>REVENUES</b>			
Rates - General	38,348,000	38,452,000	38,490,000
Rates - Jetty Road Glenelg	617,630	617,630	617,000
Rates - Patawalonga Marina	77,140	77,140	77,000
Rates - Landscape Levy	1,351,000	1,351,000	1,351,000
Statutory Charges	2,582,060	3,002,060	3,245,000
User Charges	8,766,680	10,007,680	10,577,000
Operating Grants & Subsidies	16,034,575	17,070,707	17,615,000
Investment Income	465,000	736,000	888,000
Reimbursements	6,109,708	6,136,862	5,806,000
Other	4,642,989	6,005,989	8,198,000
Share of profit - joint ventures	101,250	202,000	323,000
<b>TOTAL REVENUES</b>	<b>79,096,032</b>	<b>83,659,068</b>	<b>87,187,000</b>
<b>EXPENSES</b>			
Employee Costs	40,021,673	40,932,673	42,691,000
Materials, contracts and other expenses	27,181,411	30,732,181	29,862,000
Finance Charges	902,830	725,830	2,223,000
Depreciation	11,825,889	11,811,889	11,715,000
Less full cost attribution	(944,000)	( 944,000)	( 983,000)
<b>TOTAL EXPENSES</b>	<b>78,987,803</b>	<b>83,258,573</b>	<b>85,508,000</b>
Operating Surplus/(Deficit) - Before Capital Revenue	108,229	400,495	1,679,000
Amounts specifically for new or upgraded assets	1,483,500	4,712,246	582,000
Asset Disposals & Fair Value Adjustments	-	463,000	446,000
<b>NET SURPLUS/(DEFICIT)</b>	<b>1,591,729</b>	<b>5,575,741</b>	<b>2,707,000</b>
Changes in Revaluation Surplus - Land, Buildings, Drainage	-	-	3,855,000
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>1,591,729</b>	<b>5,575,741</b>	<b>6,562,000</b>



**CITY OF HOLDFAST BAY**  
**CONSOLIDATED BALANCE SHEET**  
**AS AT 30TH JUNE 2023**

	<b><u>2022-23</u></b> <b><u>ORIGINAL</u></b> <b><u>BUDGET</u></b>	<b><u>2022-23</u></b> <b><u>ADOPTED</u></b> <b><u>FORECAST</u></b>	<b><u>2022-23</u></b> <b><u>ACTUAL</u></b> <b><u>ROUNDED</u></b>
	\$	\$	\$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	3,643,183	4,993,474	2,715,000
Trade and Other Receivables	3,847,328	6,276,888	6,674,000
<b>TOTAL CURRENT ASSETS</b>	<b>7,490,511</b>	<b>11,270,362</b>	<b>9,389,000</b>
<b>NON-CURRENT ASSETS</b>			
Financial Assets	17,667,720	12,612,844	12,984,000
Equity accounted investments-Council businesses	3,414,876	3,927,750	4,251,000
Land, Infrastructure, Property, Plant & Equipment	754,715,062	915,499,265	902,831,000
<b>TOTAL NON-CURRENT ASSETS</b>	<b>775,797,658</b>	<b>932,039,859</b>	<b>920,066,000</b>
<b>TOTAL ASSETS</b>	<b>783,288,169</b>	<b>943,310,221</b>	<b>929,455,000</b>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	40,975,320	41,907,026	41,461,000
Borrowings	1,379,000	1,379,000	1,362,000
Short-term Provisions	5,081,324	5,359,503	5,801,000
<b>TOTAL CURRENT LIABILITIES</b>	<b>47,435,644</b>	<b>48,645,529</b>	<b>48,624,000</b>
<b>NON-CURRENT LIABILITIES</b>			
Long-term Borrowings	28,879,136	26,449,908	12,276,000
Long-term Provisions	531,740	491,023	657,000
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>29,410,876</b>	<b>26,940,931</b>	<b>12,933,000</b>
<b>TOTAL LIABILITIES</b>	<b>76,846,520</b>	<b>75,586,460</b>	<b>61,557,000</b>
<b>NET ASSETS</b>	<b>706,441,649</b>	<b>867,723,761</b>	<b>867,898,000</b>
<b>EQUITY</b>			
Accumulated Surplus	190,386,638	193,475,711	187,896,000
Asset Revaluation Reserve	509,640,657	667,833,696	673,587,000
Other Reserves	6,414,354	6,414,354	6,415,000
<b>TOTAL EQUITY</b>	<b>706,441,649</b>	<b>867,723,761</b>	<b>867,898,000</b>

**CITY OF HOLDFAST BAY**  
**CONSOLIDATED STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30TH JUNE 2023**

	<b><u>2022-23</u></b> <b><u>ORIGINAL</u></b> <b><u>BUDGET</u></b>	<b><u>2022-23</u></b> <b><u>ADOPTED</u></b> <b><u>FORECAST</u></b>	<b><u>2022-23</u></b> <b><u>ACTUAL</u></b> <b><u>ROUNDED</u></b>
	\$	\$	\$
Balance at beginning of period	188,794,909	187,899,970	185,189,000
Net Surplus/(Deficit)	1,591,729	5,575,741	2,707,000
Balance at end of period	190,386,638	193,475,711	187,896,000
<b>ASSET REVALUATION RESERVE</b>	<b>509,640,657</b>	<b>667,833,696</b>	<b>673,587,000</b>
<b>ALWYNDOR RESERVES</b>	<b>6,414,354</b>	<b>6,414,354</b>	<b>6,415,000</b>
<b>TOTAL RESERVES CLOSING BALANCE</b>	<b>516,055,011</b>	<b>674,248,050</b>	<b>680,002,000</b>
<b>TOTAL EQUITY</b>	<b>706,441,649</b>	<b>867,723,761</b>	<b>867,898,000</b>

**CITY OF HOLDFAST BAY**  
**CONSOLIDATED BUDGETED STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 30TH JUNE 2023**

	<u><b>2022-23</b></u> <u><b>ORIGINAL</b></u> <u><b>BUDGET</b></u> \$ (OUTFLOWS)	<u><b>2022-23</b></u> <u><b>ADOPTED</b></u> <u><b>FORECAST</b></u> \$ (OUTFLOWS)	<u><b>2022-23</b></u> <u><b>ACTUAL</b></u> <u><b>ROUNDED</b></u> \$ (OUTFLOWS)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<u>Receipts</u>			
Operating Receipts	79,214,082	83,686,933	87,993,000
<u>Payments</u>			
Operating payments to suppliers and employees	(66,018,516)	(70,318,286)	(74,435,000)
Finance Payments	(902,830)	(725,830)	(682,000)
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<b>12,292,736</b>	<b>12,642,817</b>	<b>12,876,000</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<u>Receipts</u>			
Grants specifically for new or upgraded assets	1,483,500	4,337,246	582,000
Sale of replaced assets	474,250	935,614	528,000
Sale of surplus assets	-	1,000,000	722,000
Net purchase of Investment Securities	(709,832)	(709,832)	(468,000)
Repayments of loans (principal) by community groups	253,000	253,000	270,000
<u>Payments</u>			
Expenditure on renewal/replacement of assets	(9,281,671)	(14,721,108)	(9,243,000)
Expenditure on new/upgraded assets	(6,057,000)	(17,553,540)	(6,416,000)
<b>NET CASH (USED IN) INVESTING ACTIVITIES</b>	<b>(13,837,753)</b>	<b>(26,458,620)</b>	<b>(14,025,000)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<u>Receipts</u>			
Proceeds from Borrowings/CAD - External	2,959,459	14,769,245	249,000
<u>Payments</u>			
Repayments of Borrowings/CAD - External	(1,379,000)	(1,379,000)	(1,322,000)
Repayments of Bonds and Deposits	-	-	(7,000)
Repayment of Lease Liabilities	-	-	(11,000)
Aged Care Facility Deposits - Net Movement	339,213	339,213	(373,000)
<b>NET CASH PROVIDED BY FINANCING ACTIVITIES</b>	<b>1,919,672</b>	<b>13,729,458</b>	<b>(1,464,000)</b>
<b>NET INCREASE (DECREASE) IN CASH HELD</b>	<b>374,655</b>	<b>(86,345)</b>	<b>(2,613,000)</b>
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF</b>			
<b>REPORTING PERIOD</b>	<b>3,268,528</b>	<b>5,079,819</b>	<b>5,079,000</b>
<b>CASH AND CASH EQUIVALENTS AT END OF</b>			
<b>REPORTING PERIOD</b>	<b>3,643,183</b>	<b>4,993,474</b>	<b>2,466,000</b>
<b>RECONCILIATION OF INCOME STATEMENT TO BUDGETED STATEMENT OF CASH FLOWS</b>			
<b>FOR THE YEAR ENDED 30TH JUNE 2023</b>			
<b>SURPLUS FROM INCOME STATEMENT</b>	<b>1,591,729</b>	<b>5,575,741</b>	<b>2,707,000</b>
<b>NON-CASH ITEMS IN INCOME STATEMENT</b>			
Depreciation	11,825,889	11,811,889	11,715,000
Other Items - provisions, equity, grants, asset disposals	358,618	(407,567)	(975,000)
<b>TOTAL NON-CASH ITEMS</b>	<b>12,184,507</b>	<b>11,404,322</b>	<b>10,740,000</b>
<b>CASH ITEMS NOT IN INCOME STATEMENT</b>			
Capital Expenditure	(15,338,671)	(32,274,648)	(15,659,000)
Loan Repayments - External	(1,379,000)	(1,379,000)	(1,322,000)
Proceeds from Borrowings - External	2,959,459	14,769,245	249,000
Repayments of loans (principal) by community groups	253,000	253,000	270,000
Repayments of Bonds and Deposits	-	-	(7,000)
Proceeds from Disposal of Assets	474,250	1,935,614	1,250,000
Net Proceeds - Aged Care Facility Deposits	339,213	339,213	(373,000)
Net Purchase on Investment Securities	(709,832)	(709,832)	(468,000)
<b>TOTAL CASH ITEMS</b>	<b>(13,401,581)</b>	<b>(17,066,408)</b>	<b>(16,060,000)</b>
<b>NET INCREASE/(DECREASE)</b>			
<b>IN CASH AND CASH EQUIVALENTS</b>	<b>374,655</b>	<b>(86,345)</b>	<b>(2,613,000)</b>

**CITY OF HOLDFAST BAY**  
**CONSOLIDATED SUMMARY OF OPERATING AND CAPITAL INVESTMENT ACTIVITIES**  
**FOR THE YEAR ENDED 30TH JUNE 2023**

	<b><u>2022-23</u></b> <b><u>ORIGINAL</u></b> <b><u>BUDGET</u></b> \$	<b><u>2022-23</u></b> <b><u>ADOPTED</u></b> <b><u>FORECAST</u></b> \$	<b><u>2022-23</u></b> <b><u>ACTUAL</u></b> <b><u>ROUNDED</u></b> \$
Operating Revenues	79,096,032	83,659,068	87,187,000
less Operating Expenses	(78,987,803)	(83,258,573)	(85,508,000)
Operating Surplus/(Deficit) before Capital Amounts	108,229	400,495	1,679,000
<b>Less net outlays on Existing Assets</b>			
Capital Expenditure on renewal & replacement of existing assets	9,281,671	14,721,108	9,243,000
Less Depreciation	(11,825,889)	(11,811,889)	(11,715,000)
	(2,544,218)	2,909,219	(2,472,000)
<b>Less outlays on New and Upgraded Assets</b>			
Capital Expenditure on new & upgraded assets	6,057,000	17,553,540	6,416,000
Less amounts received for for new & upgraded assets	(1,483,500)	(4,712,246)	(582,000)
	4,573,500	12,841,294	5,834,000
<b>Net lending/(borrowing) for financial year</b>	<b>(1,921,053)</b>	<b>(15,350,018)</b>	<b>(1,683,000)</b>

**CONSOLIDATED FINANCIAL INDICATORS**  
**FOR THE YEAR ENDED 30TH JUNE 2023**

**OPERATING SURPLUS/(DEFICIT) - BEFORE CAPITAL AMOUNTS**

108,229      400,495      1,679,000

**OPERATING SURPLUS RATIO**

(Operating surplus/(deficit) before capital amounts as % of total operating revenue)

0.1%      0.5%      1.9%

**NET FINANCIAL LIABILITIES - (Total liabilities less financial assets)**

51,688,289      51,703,254      39,184,000

**NET FINANCIAL LIABILITIES RATIO**

(Total liabilities less financial assets as % of total operating revenue)

65%      62%      45%

**INTEREST COVER RATIO**

(Net interest expense as % of total operating revenue less investment income)

0.6%      0%      1.5%

**ASSET SUSTAINABILITY RATIO**

(Capital expenditure on renewal/replacement of existing assets, excluding new capital expenditure as % of asset management plan)

106%      166%      104%

# Attachment 7





# ANNUAL REPORT

**2022 to 2023**



SRWRA is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the Local Government Act, 1999.

Under our Charter, SRWRA is responsible for providing and operating waste management services on behalf of our Constituent Councils.

Our core business activity is the management of our recycling facilities and landfill. We partner with industry experts and pride ourselves in employing innovative resource recovery approaches to support the circular economy.

We are one of the State's major landfill operations currently receiving over 150,000 tonnes of waste annually with approximately 90,000 tonnes going to landfill.

Our joint venture operation with Integrated Waste Services (IWS) has continued to develop through the jointly owned Southern Recycling Centre (SRC) which is realising a significant reduction in waste to landfill and continues to work towards the targets set out in the Australian Government National Waste Policy Action Plan.

Our joint venture operation with Re.Cycle (Adelaide), a subsidiary of Re.Group, has completed its second year of operation through the jointly owned Southern Materials Recovery Facility (SMRF). The SMRF, which is the largest in South Australia, is a state-of-the-art facility that provides processing of kerbside commingled recycling and produces the highest product purity levels in Australia.

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**SRWRA** CONSTITUENT  
COUNCILS



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**JOINT** VENTURE  
PARTNERS



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## CHAIRPERSON'S MESSAGE

We all have a role to play in the management of waste.

At SRWRA this is at the very core of our mission, and I am pleased to share with you the progress we have made and our commitment to creating a sustainable future through responsible waste management practices.

At SRWRA, we take great pride in our journey towards taking increasing responsibility for the management of the waste streams produced by our Constituent Councils and our other customers. We do this from the perspective of seeking the highest and best use of recovered materials, not only for the present but for future generations as well. This is the very foundation on which we have developed an integrated waste management precinct.

While the foundation of our precinct was a modern engineered landfill, which received 90,300 tonnes of waste in the past year, in progressing the development of an integrated waste precinct, we have strategically and consciously aligned ourselves with industry experts to harness the opportunities arising in the rapidly evolving landscape of integrated waste management.

LMS and Joule continue to capture and produce green energy from landfill gas in sufficient quantities to power the equivalent of 3,600 homes.

Through our joint venture with IWS, the Southern Recycling Centre has diverted more than 38,500 tonnes of municipal material from landfill, making a tangible contribution towards the targets set out in the Australian Government National Waste Policy Action Plan which seeks to halve the organic waste sent to landfill by 2030 and to achieve an 80% average recovery rate from all waste streams.

Our Material Recovery Facility, operated with Re.Group, which stands as one of the most advanced recycling facilities in Australia received the Outstanding Facility Award at the 2022 Waste Innovation and Recycling Awards. This facility processed 37,900 tonnes of commingled recyclables from household 'yellow bins,' diverting more than 77% from landfill and extending the life of materials by turning them into valuable products. Our ambition for this facility is to ensure that the output from this facility is of the highest quality, providing a solid platform for the future development of a circular economy industry in the southern region of Adelaide. This ambition has been challenged over the past 12 months as the price of many commodities has plummeted and we are a long way from having a viable circular economy, this needs Commonwealth and State leadership in supporting new industries to develop along with procurement policies which mandate the use of recycled materials in much greater quantities.





For us to achieve the targets set out in the Australian Government National Waste Policy Action Plan, we must all accept our roles and responsibility in the management of waste.

We are making progress towards the target of achieving an 80% average recovery rate from all waste streams, nationally, we currently sit at 63.1% and we have achieved an estimated increase of 2.2 percentage points since 2016/2017. To achieve this we need the right waste in the right bin - up to 30% of all recyclables ends up in the municipal waste bin. At SRWRA we will play our part by working with our Constituent Councils to provide a greater focus on education.

On a national scale, the average waste generated per person stands at 2.95 tonnes and, according to the most recent National Waste Report (2022), this has increased by 3% since 2016/2017 against a target of a 10% reduction. Quite simply we produce too much waste and we can all do something about that.

Despite the challenges of global commodities markets, we continue to maintain highly competitive waste disposal costs and reported an Operating Surplus of \$2.15 million for the year ending June 30, 2023. These surplus funds will support our future investment in waste management activities and our post-closure costs.

None of these accomplishments would have been possible without the dedication and expertise of our outstanding team. Under the accomplished leadership of CEO Chris Adams, they have collectively contributed to SRWRA's success. On behalf of the Board, I extend my heartfelt gratitude to them. I also want to express my thanks to the Board and the Audit & Risk Committee for their unwavering commitment to ensuring that SRWRA fulfills its mission.

In closing, I encourage you to explore our Annual Report for FY2023, which demonstrates our continued dedication to meeting the objectives outlined in our Charter. Together, we can make a meaningful impact on waste management in our region and contribute to a more sustainable future for all.

Mark Booth  
**CHAIRPERSON**



## CHIEF EXECUTIVE OFFICER'S MESSAGE

SRWRA operates a world class integrated waste and recycling facility at Seaford Heights that includes South Australia's largest and most technically advanced Materials Recovery Facility.

The Southern Materials Recovery Facility (SMRF) has been recognised in the 2022 Waste Innovation and Recycling Awards, winning the Outstanding Facility Award, and was recently showcased on the 'War on Waste' Docuseries (Season 3, Episode 1). This ongoing recognition of the facility is a reflection of the vision and commitment of our Constituent Councils, SRWRA Board and Joint Venture Partner Re.Group.

SRWRA's integrated site provides processing facilities for both the kerbside waste and recycling bins, a landfill, green energy precinct and a recycled water storage dam that supports McLaren Vale. The integration of our site is unique in Australia and ensures we are leaders in delivering innovative and sustainable waste management solutions for the benefit of our southern Adelaide communities.

The Southern Recycling Centre, a Joint Venture with Integrated Waste Services, plays a significant role in the diversion of organic waste from landfill. Organic waste placed in landfill produces methane, a powerful greenhouse gas. SRWRA's strategy for the removal of methane includes diversion of organics before they enter landfill and the capture and combustion of methane via the onsite 3MW biogas plant, feeding electricity into the grid in the process.

SRWRA's green energy precinct continues to grow with the addition of an Anaerobic Digester. The digester is owned and operated by LMS Energy and is part of their ongoing innovation program. The Southern Recycling Centre is supporting this research by providing organic feed stock for the digester trial.

The Authority has continued to provide a cost-effective waste management solution for its Constituent Councils and their communities. The Authority is in a strong financial position with net assets of \$28.3 million.



Over the last 12 months, the Authority invested in the education of school children within our communities through the Les Perry Memorial Grants Program. This year, 15 schools from two Constituent Council areas took part in the Les Perry Memorial Grants Program and received a total of \$9,918 in grant funding to support learning about environmentally responsible waste management.

The commitment and 'can do' attitude of the SRWRA staff has ensured the site continues to operate for the benefit of our Constituent Councils and their communities. I congratulate our team on their strong contribution and express my sincere appreciation of their efforts.

SRWRA is fortunate to have a highly committed and capable Board, led by a highly experienced Chairperson, Mark Booth. The time commitment required of the Board is increasing as SRWRA grows and increases in complexity. I would like to recognise the strong contribution of the Board and Audit & Risk Committee in SRWRA's ongoing success.

I look forward to the next 12 months as we continue to deliver innovative and sustainable waste management solutions for the benefit of our southern Adelaide communities and the environment.

Chris Adams  
**CHIEF EXECUTIVE OFFICER**



# BOARD OF MANAGEMENT

AS AT JUNE 30<sup>TH</sup> 2023



## MEMBERS



## DEPUTY MEMBERS





A kangaroo is sitting in a lush green field in the foreground. In the background, there is a vineyard with rows of grapevines, a communication tower, and a line of trees under a clear blue sky.

# FINANCIAL REPORT

FOR THE FINANCIAL YEAR ENDED **30 JUNE 2023**

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## General Purpose Financial Report for the financial year ended 30 June 2023

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# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Annual Financial Statements for the financial year ended 30 June 2023

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### Certification of Financial Statements

I have been authorised by Southern Region Waste Resource Authority to certify the financial statements in their final form. In our opinion:

- the accompanying financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and Australian Accounting Standards*.
- the financial statements present a true and fair view of the Authority's financial position at 30 June 2023 and the results of its operations and cash flows for the financial year.
- internal controls implemented by the Authority provide a reasonable assurance that the Authority's financial records are complete, accurate and reliable and were effective throughout the financial year.
- the financial statements accurately reflect the Authority's accounting and other records.



Chris Adams  
Chief Executive Officer



Mark Booth  
Chairperson

Date: 25/9/2023



## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Statement of Comprehensive Income for the financial year ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000
<b>Income</b>			
User charges	2	15,283	10,534
Investment income	2	891	656
Other	2	399	2,309
Net gain - equity accounted Joint Venture	13	1,717	2,988
<b>Total Income</b>		<b>18,290</b>	<b>16,487</b>
<b>Expenses</b>			
Employee costs	3	1,151	951
Finance costs	3	-	1
Materials, contracts & other expenses	3	13,591	11,671
Depreciation, amortisation & impairment	3	1,397	936
<b>Total Expenses</b>		<b>16,139</b>	<b>13,559</b>
<b>Operating Surplus</b>		<b>2,151</b>	<b>2,928</b>
Asset disposal & fair value adjustments	3	-	13
Amounts received specifically for new/upgraded assets		-	-
<b>Net Surplus</b>		<b>2,151</b>	<b>2,941</b>
<b>Other Comprehensive Income</b>			
Changes in revaluation surplus - property, plant & equipment		-	1,153
<b>Total Other Comprehensive Income</b>		<b>-</b>	<b>1,153</b>
<b>Total Comprehensive Income</b>		<b>2,151</b>	<b>4,094</b>

This Statement is to be read in conjunction with the attached Notes.



## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Statement of Financial Position as at 30 June 2023

	Notes	2023 \$'000	2022 \$'000
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	4	7,816	5,828
Trade & other receivables	4	3,759	2,501
Loan - Related Party	11,13	400	400
<b>Total Current Assets</b>		<b>11,975</b>	<b>8,729</b>
<b>Non-current Assets</b>			
Equity accounted joint venture	13	9,508	8,808
Property, plant & equipment	5	24,868	25,693
<b>Total Non-current Assets</b>		<b>34,376</b>	<b>34,501</b>
<b>Total Assets</b>		<b>46,351</b>	<b>43,230</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Trade & other payables	6	4,153	3,203
Provisions	6	137	119
<b>Total Current Liabilities</b>		<b>4,290</b>	<b>3,322</b>
<b>Non-Current Liabilities</b>			
Provisions	6	13,725	13,723
<b>Total Non-current Liabilities</b>		<b>13,725</b>	<b>13,723</b>
<b>Total Liabilities</b>		<b>18,015</b>	<b>17,045</b>
<b>Net Assets</b>		<b>28,336</b>	<b>26,185</b>
<b>Equity</b>			
Accumulated surplus		25,961	23,810
Asset revaluation reserve		2,375	2,375
<b>Total Equity</b>		<b>28,336</b>	<b>26,185</b>

This Statement is to be read in conjunction with the attached Notes.

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Statement of Changes in Equity for the financial year ended 30 June 2023

	Accumulated Surplus \$'000	Asset Revaluation Reserve \$'000	Total Equity \$'000
<b>Balance at start of period - 1 July 2021</b>	<b>20,869</b>	<b>1,222</b>	<b>22,091</b>
Net Surplus/ (Deficit) for Year	2,941	-	2,941
<b>Other Comprehensive Income</b>			
Gain on revaluation of property, plant & equipment	-	1,153	1,153
Transfers between reserves	-	-	-
Distributions to Member Councils	-	-	-
<b>Balance at end of period - 30 June 2022</b>	<b>23,810</b>	<b>2,375</b>	<b>26,185</b>
<b>Balance at start of period - 1 July 2022</b>	<b>23,810</b>	<b>2,375</b>	<b>26,185</b>
Net Surplus/ (Deficit) for Year	2,151	-	2,151
<b>Other Comprehensive Income</b>			
Gain on revaluation of property, plant & equipment	-	-	-
Transfers between reserves	-	-	-
Distributions to Member Councils	-	-	-
<b>Balance at end of period - 30 June 2023</b>	<b>25,961</b>	<b>2,375</b>	<b>28,336</b>

This Statement is to be read in conjunction with the attached Notes

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Statement of Cash Flows for the financial year ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000
<b>Cash Flows from Operating Activities</b>			
Operating receipts from customers		14,424	13,334
Investment receipts		891	656
Operating payments to suppliers & employees		(13,772)	(12,228)
Finance payments		-	(1)
<b>Net Cash provided by (or used in) Operating Activities</b>	7	<b>1,543</b>	<b>1,761</b>
<b>Cash Flows from Investing Activities</b>			
Amounts specifically for new or upgraded assets		-	-
Sale of replaced assets	3	-	57
Distributions from equity accounted Joint Ventures	13	1,750	700
Contributions to equity accounted Joint Ventures	13	(733)	(703)
Expenditure on renewal/replacement of assets	5	(310)	-
Expenditure on new/upgraded assets	5	(262)	(1,730)
<b>Net Cash provided by (or used in) Investing Activities</b>		<b>445</b>	<b>(1,676)</b>
<b>Cash Flows from Financing Activities</b>			
Repayment Related Party Loans		-	1,500
Payment of Related Party Loans		-	(400)
<b>Net Cash provided by (or used in) Financing Activities</b>		<b>-</b>	<b>1,100</b>
<b>Net Increase (Decrease) in cash held</b>		<b>1,988</b>	<b>1,185</b>
Cash & cash equivalents at beginning of period	4	5,828	4,643
<b>Cash &amp; cash equivalents at end of period</b>	4	<b>7,816</b>	<b>5,828</b>

This Statement is to be read in conjunction with the attached Notes

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements

for the year ended 30 June 2023

### Note 1 – Significant Accounting Policies

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

#### 1 Basis of Preparation

##### 1.1 Compliance with Australian equivalents to International Financial Reporting Standards

This general-purpose financial report has been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS) as they apply to not-for-profit entities, other authoritative pronouncements of the Australian Accounting Standards Board (AASB), Urgent Issues Group Interpretations (UIGs) and relevant South Australian legislation.

The Authority is a Local Government Authority Section 43 Regional Subsidiary under the control of City of Onkaparinga, City of Marion and the City of Holdfast Bay.

Each Constituent Council hold the following equitable interest in the Authority:

- City of Onkaparinga	55%
- City of Marion	30%
- City of Holdfast Bay	15%

##### 1.2 Historical Cost Convention

Except where stated below, these financial statements have been prepared in accordance with the historical cost convention.

##### 1.3 Critical Accounting Estimates

The preparation of financial statements in conformity with AIFRS requires the use of certain critical accounting estimates, and requires management to exercise its judgement in applying the Authority's accounting policies.

The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are specifically referred to in the relevant sections of this Note.

##### 1.4 Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000).

#### 2 The Local Government Reporting Entity

Southern Region Waste Resource Authority operates as a regional subsidiary pursuant to Section 43 of the SA Local Government Act 1999 and Section 25 of the Local Government Implementation Act 1999, and has its principal place of business at 112 Bakewell Dr, Seaford Heights SA 5169.

#### 3 Income recognition

Income is measured at the fair value of the consideration received or receivable. Income is recognised when the Authority obtains control over the assets comprising the income, or when the amount due constitutes an enforceable debt, whichever first occurs.

#### 4 Cash, Cash Equivalents and other Financial Instruments

Cash Assets include all amounts readily convertible to cash on hand at the Authority's option with an insignificant risk of changes in value with a maturity of three months or less from the date of acquisition.

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements

for the year ended 30 June 2023

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Receivables are generally unsecured and do not bear interest. All receivables are reviewed as at the reporting date and adequate allowance made for amounts the receipt of which is considered doubtful.

All financial instruments are recognised at fair value at the date of recognition. A detailed statement of the accounting policies applied to financial instruments forms part of Note 8.

### 5 Infrastructure, Property, Plant & Equipment

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use".

#### 5.1 Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other costs incurred. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Authority includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

Capital works still in progress at balance date are recognised as other non-current assets and transferred to infrastructure, property, plant & equipment when completed ready for use.

#### 5.2 Materiality

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by Authority for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life. No capitalisation threshold is applied to the acquisition of land or interests in land.

Capitalisation threshold applied of \$1,000 for all asset classes. Any purchases greater than this amount are capitalised and depreciated on the Authority's asset register.

#### 5.3 Depreciation of Non-Current Assets

Other than land, all infrastructure, property, plant and equipment assets recognised are systematically depreciated over their useful lives in a manner which reflects the consumption of the service potential embodied in those assets.

Depreciation is recognised on a straight-line basis. Major depreciation periods for each class are shown below. Depreciation of Landfill Construction and Future Capping, Rehabilitation and Restoration costs are amortised proportionately to the rate of filling based upon the projected remaining airspace of landfill cells as at the beginning of the reporting period. The Authority annually assesses the remaining airspace of landfill cells and accordingly, depreciation and amortisation rates are adjusted to reflect these estimates. Depreciation periods for infrastructure assets have been estimated based on the best information available to the Authority, but appropriate records covering the entire life cycle of these assets are not available, and extreme care should be used in interpreting financial information based on these estimated.

Plant, Furniture & Equipment	3 - 10 years
Buildings	30 - 50 years
Waste Facility	10 - 15 years
Landfill construction	Amortised proportionately to rate of filling
Future capping costs	Amortised proportionately to rate of filling
Future rehabilitation and restoration costs	Amortised proportionately to rate of filling

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements

for the year ended 30 June 2023

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### 6 Payables

#### 6.1 Goods & Services

Creditors are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

### 7 Employee Benefits

#### 7.1 Salaries, Wages & Compensated Absences

Liabilities for employees' entitlements to salaries, wages and compensated absences expected to be paid or settled within 12 months of reporting date are accrued at nominal amounts (including payroll based oncosts) measured in accordance with AASB 119.

Liabilities for employee benefits not expected to be paid or settled within 12 months are measured as the present value of the estimated future cash outflows (including payroll-based oncosts) to be made in respect of services provided by employees up to the reporting date. Present values are calculated using government guaranteed securities rates with similar maturity terms.

The Authority recognises all presently entitled liabilities as current liabilities regardless of whether it is expected to be paid within the preceding 12 months of reporting date.

#### 7.2 Superannuation

The Authority makes employer superannuation contributions in respect of its employees to Hostplus (formerly Statewide Super). The Scheme has two types of membership, each of which is funded differently.

##### Accumulation Fund Members

*Accumulation fund members receive both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings in accordance with Superannuation Guarantee Legislation 10.5% in 2022/23 (10.0% in 2021/22).*

*No further liability accrues to the employer as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.*

##### Salarylink (Defined Benefit Fund) Members

*Defined benefit scheme is where the benefit payable is based on a formula determined by the member's contribution rate, number of years and level of contribution and final average salary. The Authority makes employer contributions as determined by the scheme's Trustee based on advice from the Scheme's Actuarial. The most recent actuarial investigation was conducted by the Fund's actuary, Louise Campbell, FIAA, of Willis Towers Watson as at 30 June 2021.*

*The Trustee has determined that the current funding arrangements are adequate for the expected Salarylink liabilities. However, future financial and economic circumstances may require changes to the Authority's contribution rates at some future time.*

The Authority also makes contributions to other superannuation schemes selected by employees under the 'choice of fund' legislation.

All such schemes are of the accumulation type, where the superannuation benefits accruing to the employee are represented by their share of the new assets of the scheme, and no further liability attaches to the Authority.



# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements

for the year ended 30 June 2023

### 8 Provisions for Landfill Capping, Rehabilitation and Restoration Costs

The Authority's provision for landfill capping, post closure rehabilitation costs and restoration costs are calculated based on the net present value of the future cash outflows expected to be incurred to remediate the landfill which will include the costs of capping, rehabilitating and restoring the landfill site.

The measurement of the provisions requires significant estimates and assumptions such as discount rate, inflation rate, assessment of the requirements of the Environment Protection Authority (EPA) or other government authorities, the timing, extent and costs of activities required and the area of the landfill to be remediated, which is determined by volumetric aerial surveys.

These uncertainties may result in future actual expenditure differing from the amounts currently provided. Expenditure relating to ongoing rehabilitation and restoration will reduce any provision previously established.

The Authority monitors the remaining airspace, the airspace consumption efficiency (compaction) ratio, the discount rate and the inflation rate used to calculate the net present value of the future landfill capping, rehabilitation and restoration costs on an annual basis and makes adjustments to the liability as required to ensure an accurate projected cost of the liability is showing in the balance sheet.

A complete review of all future capping, rehabilitation and restoration costs including a review of all the key assumptions and estimates in relation to the measurement of these costs is performed on a regular basis with the assistance of external consultants to ensure all projected costs have been independently verified. However - strategic decisions potentially impacting the expected remaining life and future management strategies for the landfill are currently under consideration by the Board, and as such revaluation of the provision has been intentionally delayed causing the value of the provision to be overdue for reassessment. The next scheduled review of all capping and closure liability estimates is expected to occur in FY24, by which time it is expected that decisions regarding the future management of the landfill will have been finalised. As a result, readers of these financial statements should be aware that the value of the provisions, and related impact on the statement of comprehensive income, may change materially in the FY24 financial statements, and these financial statements should be read in this context.

The dates of the last review of the key assumptions and estimates in relation to the measurement of the future capping, rehabilitation and restoration costs are shown below:

Costs	Effective Date	Independent Assessor
Capping costs	30 June 2019	Golder Associates
Restoration Costs	30 June 2018	Golder Associates
Post Closure Rehabilitation costs	30 June 2016	Katalyse Pty Ltd

### 9 Inventory

Inventory held by the Authority reflect materials stored on site which have either been purchased or gifted which will be used for future Cell and Capping construction works to be undertaken in future years.

### 10 GST Implications

In accordance with UIG Abstract 1031 "Accounting for the Goods & Services Tax". Receivables and Creditors include GST receivable and payable. Except in relation to input taxed activities, revenues and operating expenditures exclude GST receivable and payable. Non-current assets and capital expenditures include GST net of any recoupment. Amounts included in the Statement of Cash Flows are disclosed on a gross basis.

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements

for the year ended 30 June 2023

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### 11 Comparative Information

Comparative information has been reclassified to be consistent with the current year disclosure of equivalent information in accordance with AIFRS.

### 12 New Accounting Standards

No new accounting standards were applied by the Authority during the financial year. The Authority has not elected to early adopt any new accounting standards, interpretations or amendments which are not yet effective.

### 13 Valuation of Land and Building Assets

Building assets held by the Authority were valued by Opteon (South Australia) Pty Ltd with an effective valuation date of 30 June 2014 applied for financial reporting purposes. Assets were valued to their market value based on highest and best use. All purchases made post 30 June 2014 have been recorded at cost. Since 1 July 2019, the Authority has undertaken significant building construction works which represent 65% of the recorded "At Cost" balance of assets recorded in Note 5 as at 30 June 2023.

Land assets held by the Authority were valued by AssetVal with an effective valuation date of 30 June 2022 applied for financial reporting purposes. Where there is an active and liquid market as evidenced by sales transactions of similar property types, a Market approach by way of Direct Comparison or Income methods were utilised.

Some parcels of land are subject to restrictions as to use and sale and the value of these land assets has been determined after considering suitable market evidence and making necessary adjustment to account for these restrictions.

### 14 Valuation of Landfill Assets

Landfill assets comprise the acquisition of landfills, cell development costs, landfill improvements costs and the assets related to future landfill capping, rehabilitation and restoration costs.

Assets related to future landfill capping, rehabilitation and restoration costs are valued based on the net present value of the future cash outflows expected to remediate the landfill which will include the costs of capping, rehabilitating and restoring the landfill asset. The assumptions used to estimate these costs and details of their regular review are described in item 8 – Provision for Landfill Capping, Rehabilitation and Restoration Costs.

All landfill assets are amortised proportionately to the rate of filling as described in Note 1.5.3 Depreciation of Non-Current Assets.

### 15 Equity Accounted Joint Ventures

The Authority accounts for its interest in Joint Ventures applying the equity method per AASB 128. The value of investments held in Joint Venture entities are held at cost.



## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

	2023 \$'000	2022 \$'000
<b>Note 2 - Income</b>		
<b>User Charges</b>		
Landfill Operations	15,283	10,534
	<b>15,283</b>	<b>10,534</b>
<b>Investment Income</b>		
Interest on investments	148	34
Rental income	743	622
	<b>891</b>	<b>656</b>
<b>Other Income</b>		
Other income	399	353
Joint Venture cost reimbursement	-	1,956
	<b>399</b>	<b>2,309</b>
<b>Note 3 - Expenses</b>		
<b>Employee Costs</b>		
Salaries and Wages	981	829
Employee leave expense	3	(13)
Superannuation	120	99
Workers' Compensation Insurance	47	36
Less: Capitalised and distributed costs	-	-
	<b>1,151</b>	<b>951</b>
<b>Materials, Contracts &amp; Other Expenses</b>		
Auditor's Remuneration	19	39
Board Expenses	46	52
Contractors	584	403
Fuels & oils	272	199
Equipment hire	130	28
Maintenance	588	292
Legal	21	52
Levies - EPA	11,372	8,137
Professional services	177	166
Joint Venture costs*	-	1,956
Sundry	382	347
	<b>13,591</b>	<b>11,671</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 3 - Expenses (cont)

	2023 \$'000	2022 \$'000
<b>Depreciation, Amortisation &amp; Impairment</b>		
Buildings & Structures	357	314
Plant & Equipment	292	310
Office Equipment	15	6
Super Cell	375	156
Super Cell Capping	316	132
Post Closure Rehabilitation	36	15
Future Restoration Costs	6	3
	<b>1,397</b>	<b>936</b>
<b>Asset Disposals</b>		
Proceeds from disposal	-	57
Less: Carrying amount of assets sold	-	(44)
<b>Gain (Loss) on disposal</b>	<b>-</b>	<b>13</b>

#### Note 4 - Current Assets

##### Cash & Cash Equivalents

Cash on Hand and at Bank	2,181	2,575
Short-term deposits	5,635	3,253
	<b>7,816</b>	<b>5,828</b>

##### Trade & Other Receivables

Debtors - general	3,575	2,394
Accrued Revenues	107	13
Prepayments	32	49
Sundry Debtors	45	45
	<b>3,759</b>	<b>2,501</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

Notes to the Financial Statements  
for the financial year ended 30 June 2023

### Note 5 - Property, Plant & Equipment

	2022 \$'000				2023 \$'000			
	At Fair Value	At Cost	Accumulated Depreciation	Carrying Amount	At Fair Value	At Cost	Accumulated Depreciation	Carrying Amount
Land	6,335	-	-	6,335	6,335	-	-	6,335
Buildings & Structures	560	11,637	(1,265)	10,932	560	11,875	(1,622)	10,813
Plant & Equipment	-	4,994	(2,950)	2,044	-	5,138	(3,242)	1,896
Office Equipment	-	122	(118)	4	-	143	(132)	11
Super Cell	-	8,988	(5,756)	3,232	-	8,988	(6,131)	2,857
Super Cell Capping	5,426	-	(2,702)	2,724	5,426	-	(3,021)	2,405
Post Closure Rehabilitation	6,143	-	(5,833)	310	6,143	-	(5,869)	274
Future Restoration Costs	4,228	-	(4,172)	56	4,228	-	(4,173)	55
Work in Progress	-	56	-	56	-	222	-	222
	<b>22,692</b>	<b>25,797</b>	<b>(22,796)</b>	<b>25,693</b>	<b>22,692</b>	<b>26,366</b>	<b>(24,190)</b>	<b>24,868</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS  
for the financial year ended 30 June 2023

## Note 5 - Property, Plant &amp; Equipment

	2022 \$'000	Movement in Property, Plant & Equipment during the Financial Year						2023 \$'000
	Carrying Value	Renewal / Replacement	Additions New/Upgrade	Disposals	Revaluation	Adjustment / Transfer	Depreciation	Carrying Value
Land	6,335	-	-	-	-	-	-	6,335
Buildings & Structures	10,932	-	238	-	-	-	(357)	10,813
Plant & Equipment	2,044	144	-	-	-	-	(292)	1,896
Office Equipment	4	-	22	-	-	-	(15)	11
Super Cell	3,232	-	-	-	-	-	(375)	2,857
Super Cell Capping	2,724	-	-	-	-	(3)	(316)	2,405
Post Closure Rehabilitation	310	-	-	-	-	-	(36)	274
Future Restoration Costs	56	-	-	-	-	5	(6)	55
Work in Progress	56	166	-	-	-	-	-	222
	25,693	310	260	-	-	2	(1,397)	24,868
2022 \$'000	25,745	-	1,730	(44)	1,153	(1,955)	(936)	25,693

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 6 - Liabilities

	2023 \$'000		2022 \$'000	
	Current	Non-current	Current	Non-current
<b>Trade &amp; Other Payables</b>				
Goods & services	4,137	-	3,186	-
Payments received in advance	16	-	17	-
	<b>4,153</b>	<b>-</b>	<b>3,203</b>	<b>-</b>

#### Provisions

Annual Leave	76	-	58	-
Long Service Leave	61	7	61	5
Super Cell Capping	-	7,980	-	7,980
Post Closure Rehabilitation	-	4,064	-	4,064
Future Restoration Costs	-	1,674	-	1,674
	<b>137</b>	<b>13,725</b>	<b>119</b>	<b>13,723</b>

#### Reconciliation of Movement in Landfill & Restoration Provisions

	Super Cell Capping	Post Closure Rehabilitation	Future Restoration Costs	Total
<b>Opening Balance</b>	<b>7,980</b>	<b>4,064</b>	<b>1,674</b>	<b>13,718</b>
Additional Amounts Recognised/ (Derecognised)	-	-	-	-
Payments	-	-	-	-
Unwinding of Present Value Discounts	-	-	-	-
<b>Closing Balance</b>	<b>7,980</b>	<b>4,064</b>	<b>1,674</b>	<b>13,718</b>

Please refer to Note 1 part 8 for details regarding the valuation of landfill capping, post closure rehabilitation cost and restoration cost provisions. This information is important for the interpretation of these financial statements.

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 7 - Cash Flow Reconciliation

##### (a) Reconciliation of Cash

Cash Assets comprise highly liquid investments with short periods to maturity subject to insignificant risk of changes of value. Cash at the end of the reporting period as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2023 \$'000	2022 \$'000
Total cash & equivalent assets	7,816	5,828
Less: Short-term borrowings	-	-
Balances per Cash Flow Statement	<u>7,816</u>	<u>5,828</u>

##### (b) Reconciliation of Change in Net Assets to Cash from Operating Activities

Net Surplus (Deficit)	2,151	2,941
Non-cash items in Income Statement		
Depreciation, amortisation & impairment	1,397	936
Transfer of Work in Progress	-	1,955
Equity adjustment - Joint Venture	-	(16)
Net (Gain) Loss on equity accounted joint ventures	(1,717)	(2,988)
Net (Gain) Loss on disposal of assets	-	(13)
	<u>1,831</u>	<u>2,815</u>
Add (Less): Changes in Net Current Assets		
Net (increase) decrease in receivables	(1,258)	507
Net increase (decrease) in trade & other payables	950	(1,549)
Net increase (decrease) in other provisions	20	(12)
<b>Net Cash provided by (or used in) operations</b>	<u><b>1,543</b></u>	<u><b>1,761</b></u>

##### (c) Financing Arrangements

Corporate Credit Cards	20	20
Cash Advance Debenture (CAD) Facility*	500	500

\*The CAD facility is held with the Local Government Finance Authority (LGFA) and the Authority has no drawdown of funds from the facility as at reporting date.

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## Notes to the Financial Statements for the financial year ended 30 June 2023

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### Note 8 - Financial Instruments

#### Recognised Financial Instruments

**Bank, Deposits at Accounting Policy:** Carried at lower of cost and net realisable value; Interest is Call, Short Term recognised when earned.

**Deposits** **Terms & conditions:** Deposits on Call do not have a maturity period and have an average interest rates of 4% (2022: 0.5%).

**Carrying amount:** approximates fair value due to the short term to maturity.

**Receivables - Gate Accounting Policy:** Carried at nominal values less any allowance for doubtful Fees & Associated debts. An allowance for doubtful debts is recognised (and re-assessed annually) Charges when collection in full is no longer probable.

**Carrying amount:** approximates fair value (after deduction of any allowance).

**Liabilities - Creditors Accounting Policy:** Liabilities are recognised for amounts to be paid in the future and Accruals for goods and services received, whether or not billed to the Authority.

**Terms & conditions:** Liabilities are normally settled on 30 day terms.

**Carrying amount:** approximates fair value.

#### Net Fair Value

All carrying values approximate fair value for all recognised financial instruments. There is no recognised market for the financial assets of the Authority.

#### Risk Exposure

Credit Risk represents the loss that would be recognised if counterparties fail to perform as contracted. The maximum credit risk on financial assets of the Authority is the carrying amount, net of any provision for doubtful debts. All investments are made with the SA Local Government Finance Authority and Bank SA. There is no material exposure to any individual debtor.

Market Risk is the risk that fair values of financial assets will fluctuate as a result of changes in market prices. All of the Authority's financial assets are denominated in Australian dollars and are not traded on any market, and hence neither market risk nor currency risk apply.

Liquidity Risk is the risk that the Authority will encounter difficulty in meeting obligations with financial liabilities. In accordance with the model Treasury Policy (LGA Information Paper 15), liabilities have a range of maturity dates based on cash inflows. The Authority also has available a range of bank overdraft and short-term draw down facilities that it can access.

Interest Rate Risk is the risk that future cash flows will fluctuate because of changes in market interest rates. Most of the Authority's financial instruments are at fixed rates. Any such variations in future cash flows will not be material in effect on either the Authority's incomes or expenditures.

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 8 - Financial Instruments

##### Liquidity Analysis

2023	≤ 1 year	Maturity		Non-interest bearing	Total
		> 1 year ≤ 5 years	> 5 years		
Financial Assets	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Amortised Cost</b>					
Cash Assets	7,816	-	-	-	7,816
Receivables	-	-	-	3,759	3,759
<b>Total</b>	<b>7,816</b>	<b>-</b>	<b>-</b>	<b>3,759</b>	<b>11,575</b>
<b>Financial Liabilities</b>					
Payables	-	-	-	4,153	4,153
Borrowings	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,153</b>	<b>4,153</b>

2022	≤ 1 year	Maturity		Non-interest bearing	Total
		> 1 year ≤ 5 years	> 5 years		
Financial Assets	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Amortised Cost</b>					
Cash Assets	5,828	-	-	-	5,828
Receivables	-	-	-	2,501	2,501
<b>Total</b>	<b>5,828</b>	<b>-</b>	<b>-</b>	<b>2,501</b>	<b>8,329</b>
<b>Financial Liabilities</b>					
Payables	-	-	-	3,203	3,203
Borrowings	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,203</b>	<b>3,203</b>



## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 9 - Commitments for Expenditure

	2023 \$'000	2022 \$'000
<b>Capital Commitments</b>		
Capital expenditure committed at reporting date but which is not recognised in the financial statements as liabilities are as follows:		
Committed Projects	-	79
	<u>-</u>	<u>79</u>

#### Note 10 - Events Occurring After Reporting Date

There were no events that occurred after reporting date that requires to be disclosed.

#### Note 11 - Disclosure of Related Party Transactions

The Key Management Personnel include the Chair of the Board, Chief Executive and other officers prescribed under Section 112 of the *Local Government Act 1999*. In all, 6 persons were paid the following total compensation:

Salaries, allowances & other short term benefits	499	402
<b>Total</b>	<b>499</b>	<b>402</b>

#### Transactions with Related Parties:

The following transactions occurred with Related Parties:

Related Party Entity	Sale of Goods and Services (\$'000)	Amounts Outstanding from Related Parties (\$'000)	Description of Services Provided to Related Parties
City of Onkaparinga (Member Council)	8,077	363	Provision of waste disposal services
City of Holdfast Bay (Member Council)	1,289	101	Provision of waste disposal services
City of Marion (Member Council)	3,576	311	Provision of waste disposal services
Southern Materials Recycling Facility (Joint Venture)	2,747	751	Provision of waste disposal services
Southern Recycling Centre (Joint venture)	7,425	893	Provision of waste disposal services

Amounts recorded as outstanding from Related Parties are recorded in Trade and other receivables in Note 4. Member Councils have equal representation on the Board of the Authority and accordingly have significant influence on the financial and operating decisions of the Authority. No one Member Council individually has control of those policies.

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 12 - Uniform Presentation of Finances

	2023 \$'000	2022 \$'000
<b>Income</b>		
<i>User charges</i>	15,283	10,534
<i>Investment income</i>	891	656
<i>Other</i>	399	2,309
<i>Net gain - equity accounted Joint Venture</i>	1,717	2,988
	<b>18,290</b>	<b>16,487</b>
<b>Expenses</b>		
<i>Employee costs</i>	1,151	951
<i>Finance costs</i>	-	1
<i>Materials, contracts &amp; other expenses</i>	13,591	11,671
<i>Depreciation, amortisation &amp; impairment</i>	1,397	936
	<b>(16,139)</b>	<b>(13,559)</b>
 Operating Surplus / (Deficit)	 <b>2,151</b>	 <b>2,928</b>
<b>Net Outlays on Existing Assets</b>		
<i>Capital Expenditure on renewal and replacement of Existing Assets</i>	(310)	-
<i>Depreciation, Amortisation, Impairment and Movement in Landfill Provisions</i>	1,397	936
<i>Proceeds from Sale of Replaced Assets</i>	-	57
	<b>1,087</b>	<b>993</b>
<b>Net Outlays on New and Upgraded Assets</b>		
<i>Capital Expenditure on New and Upgraded Assets</i>	(262)	(1,730)
<i>Amounts received specifically for New and Upgraded Assets</i>	-	-
<i>Proceeds from Sale of Surplus Assets</i>	-	-
	<b>(262)</b>	<b>(1,730)</b>
 Net Lending / (Borrowing) for Financial Year	 <b>2,976</b>	 <b>2,191</b>

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the Financial Statements for the financial year ended 30 June 2023

#### Note 13 - Equity Accounting Joint Ventures

##### Southern Recycling Centre (SRC)

The Authority has entered into a joint venture arrangement with Integrated Waste Services to operate the Southern Recycling Centre located on the Authority's landfill site.

	2023 \$'000	2022 \$'000
<b>The Authority's respective interests are:</b>		
- interest in operating result:	50.00%	50.00%
- ownership of equity	49.99%	49.99%
- the proportion of voting power	50.00%	50.00%
<u>Movement in Investment in Joint Operation:</u>		
Opening Balance	1,620	1,164
New Capital Contributions	-	-
Share in Operating Result	1,540	1,140
Equity Adjustment	-	16
Distributions Received	(1,750)	(700)
<b>Share in Equity of Joint Operation</b>	<b>1,410</b>	<b>1,620</b>

##### Expenditure Commitments

There were no expenditure commitments at reporting date that required to be recognised in the financial statements.

##### Contingent Liabilities

There were no contingent liabilities at reporting date that required to be recognised in the financial statements.

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### Notes to the financial statements for the financial year ended 30 June 2023

#### Note 13 (cont.) - Equity Accounting Joint Ventures

##### Southern Materials Recycling Facility (SMRF)

The Authority has entered into a joint venture arrangement with Re.Cycle (Adelaide) Pty Ltd to operate the Southern Material Recovery Facility located on the Authority's landfill site.

	2023 \$'000	2022 \$'000
<b>The Authority's respective interests are:</b>		
- interest in operating result:	50.00%	50.00%
- ownership of equity	50.00%	50.00%
- the proportion of voting power	50.00%	50.00%
<b><u>Movement in Investment in Joint Operation:</u></b>		
Opening Balance	7,188	4,637
Capital Contributions (cash contribution)	733	703
Capital Contributions (transfer of plant assets)	-	-
Capital Contribution (conversion to loan)	-	-
Share in Operating Result	177	1,848
<b>Share in Equity of Joint Operation</b>	<b>8,098</b>	<b>7,188</b>

The Authority applies AASB 1058 when recognising income from Grants in line with the applicable treatment applied by not-for-profit entities. The Joint Venture recognises grant income on a different basis which has resulted in an inconsistent application of accounting policy between the entities on the timing of recognising income from grant revenues. As a result of this different application in accounting standards and policy on grant revenue recognition, this has resulted in an adjustment to the Share in Operating Result of \$0.495 million (increase) (FY22: \$2.327 million increase) in the current financial year.

The Authority has an outstanding receivable loan with the Southern Materials Recovery Facility totalling \$0.4 million (FY22: \$0.4 million) as at the reporting date.

##### Expenditure Commitments

There are no capital construction commitments as at reporting date to disclose.

##### Contingent Liabilities

There were no contingent liabilities at reporting date that required to be recognised in the financial statements.

# SOUTHERN REGION WASTE RESOURCE AUTHORITY

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### for the year ended 30 June 2023

#### Note 14 - Fair Value Measurements

The Authority measures and recognises the following assets at fair value on a recurring basis after initial recognition:

- Land assets.

The Authority does not subsequently measure any liabilities at fair value on a recurring basis, or any assets or liabilities at fair value on a non-recurring basis.

#### (a) Fair value hierarchy

AASB 13: *Fair Value Measurement* requires the disclosure of fair value information according to the relevant level in the fair value hierarchy. This hierarchy categorises fair value measurements into one of three possible levels based on the lowest level that a significant input can be categorised into. The levels are outlined below:

Level 1	Level 2	Level 3
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.	Measurements based on unobservable inputs for the asset or liability.

The fair value of assets and liabilities that are not traded in an active market is determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

#### Valuation techniques

The Authority selects valuation techniques that are appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the association are consistent with one or more of the following valuation approaches:

- *Market approach*: uses prices and other relevant information generated by market transactions involving identical or similar assets or liabilities.
- *Income approach*: converts estimated future cash flows or income and expenses into a single current (i.e. discounted) value.
- *Cost approach*: reflects the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Authority gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data are not available and therefore are developed using the best information available about such assumptions are considered unobservable.

**SOUTHERN REGION WASTE RESOURCE AUTHORITY**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
for the year ended 30 June 2023

	Note	Level 1 \$	Level 2 \$	Level 3 \$	Total \$
<b>2023</b>					
Recurring fair value measurements					
<b>Property, Plant &amp; Equipment and Landfill Assets</b>					
- Land	5	-	6,335	-	6,335
- Buildings	5	-	560	-	560
- Super Cell Capping	5	-	-	5,426	5,426
- Post Closure Rehabilitation	5	-	-	6,143	6,143
- Future Restoration Costs	5	-	-	4,228	4,228
<b>Total financial assets recognised at fair value</b>		-	<b>6,895</b>	<b>15,797</b>	<b>22,692</b>

<b>2022</b>					
Recurring fair value measurements					
<b>Property, Plant &amp; Equipment and Landfill Assets</b>					
- Land	5	-	6,335	-	6,335
- Buildings	5	-	560	-	560
- Super Cell Capping	5	-	-	5,426	5,426
- Post Closure Rehabilitation	5	-	-	6,143	6,143
- Future Restoration Costs	5	-	-	4,228	4,228
<b>Total financial assets recognised at fair value</b>		-	<b>6,895</b>	<b>15,797</b>	<b>22,692</b>

**(b) Disclosed fair value measurements**

The following tables provide the level of the fair value hierarchy within which the disclosed fair value measurements are categorised in their entirety and a description of the valuation technique(s) and inputs used.

	Fair Value Hierarchy Level	Valuation Technique	Inputs Used
There has been no change in the valuation technique(s) used to calculate the fair values disclosed in the financial statements.	2	Market Value	Observable sales of similar properties – both vacant land and land with improvements

## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2023

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There has been no change in the valuation technique(s) used to calculate the fair values disclosed in the financial statements.	3	Cost Approach	Landfill assets unobservable inputs. The measure of these costs requires significant estimates and assumptions such as: discount rate, inflation rate, assessment of EPA requirements, the timing, extent and costs of the required activities and the estimated remaining airspace of the landfill.
There has been no change in the valuation technique(s) used to determine the value of parcels of land where there are restrictions as to use and sale of these assets.	3	Market Value	Land assets unobservable inputs. Some parcels of land are subject to restrictions as to use and sale and the value of these land assets has been determined after considering suitable market evidence and making necessary adjustments to account for these restrictions. These adjustments are usually unobservable inputs that are likely to have a significant effect on valuation.



## Southern Region Waste Resource Authority

### Audit & Risk Committee – Auditor Independence

#### Presiding Member Certification

I, Greg Connor, the person occupying the position of Presiding Member of the Southern Region Waste Resource Authority Audit & Risk Committee, for the financial year ending, 30 June 2023, do hereby certify, for the purposes of Regulation 22 (3) of the Local Government (Financial Management) Regulations 2011, that the auditor of the Southern Region Waste Resource Authority, Galpins, has not been engaged by the Southern Region Waste Resource Authority to provide services to the Southern Region Waste Resource Authority outside the scope of the audit functions under the Local Government Act 1999.

A handwritten signature in black ink, appearing to read 'Greg Connor', is positioned above a horizontal line.

22 August 2023

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Greg Connor  
Presiding Member  
Southern Region Waste Resource Authority  
Audit & Risk Committee

Dated





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## SOUTHERN REGION WASTE RESOURCE AUTHORITY

### GENERAL PURPOSE FINANCIAL STATEMENTS

For the year ended 30 June 2023

#### Statement by Auditor

I confirm that, for the audit of the financial statements of the Southern Region Waste Resource Authority for the year ended 30 June 2023, I have maintained my independence in accordance with the requirements of APES 110 – *Code of Ethics for Professional Accountants (including Independence Standards)*, Part 4A, published by the Accounting Professional and Ethical Standards Board, in accordance with the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011 made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22 (5) *Local Government (Financial Management) Regulation 2011*.

#### GALPINS ACCOUNTANTS, AUDITORS & BUSINESS CONSULTANTS

**Tim Muhlhausler** CA, Registered Company Auditor

Director

26 September 2023

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## INDEPENDENT AUDITOR'S REPORT

### To the members of the Southern Region Waste Resource Authority

### Report on the Audit of the Financial Report

#### Opinion

We have audited the accompanying financial report of SRWRA (the Authority), which comprises the statements of financial position as at 30 June 2023, the statement of comprehensive income, statement of changes in equity and cash flow statement for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the statement by the Executive Officer and the Chairman.

In our opinion, the accompanying financial report presents fairly, in all material aspects, the financial position of the Authority as at 30 June 2023, and its financial performance and its cash flow for the year then ended in accordance with the Australia Accounting Standards, *Local Government Act 1999* and *Local Government (Financial Management) Regulations 2011*.

#### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Authority in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Emphasis of Matter – Postponed revaluation of landfill capping and post closure liabilities

Without modifying our opinion, we draw attention to Note 1 part 8 of the financial report, which describes the postponed revaluation of landfill capping and post closure liabilities. The postponement is to allow greater clarity over the strategic direction of the landfill, which will inform the appropriate assumptions to be used for the revaluation. These circumstances impact the reliability of the reported provision balances and related amounts in the statement of comprehensive income. Our opinion is not modified in respect of this matter.

#### Responsibility for the Financial Report

The Authority is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* and for such internal control as Authority determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Authority is responsible for assessing the authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Authority either intends to liquidate the Authority or to cease operations, or has no realistic alternative but to do so. Those charged with governance are responsible for overseeing the Authority's financial reporting process.

## Auditor's Responsibility for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatements, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decision of users taken on the basis of this financial report.

As part of an audit of the financial report in accordance with Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit of the financial report in order to design procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

## GALPINS ACCOUNTANTS, AUDITORS & BUSINESS CONSULTANTS



**Tim Muhlhausler** CA, Registered Company Auditor

Director

26 September 2023



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## INDEPENDENT ASSURANCE REPORT ON THE INTERNAL CONTROLS OF THE SOUTHERN REGION WASTE RESOURCE AUTHORITY

### To the members of the Southern Region Waste Resource Authority

#### Opinion

We have audited the compliance of SRWRA (the Authority) with the requirements of Section 125 of the *Local Government Act 1999* in relation only to the internal controls established by the Authority to ensure that financial transactions relating to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities for the period 1 July 2022 to 30 June 2023 have been conducted properly and in accordance with the law.

In our opinion, SRWRA has complied, in all material respects, with Section 125 of the *Local Government Act 1999* in relation to internal controls established by the Authority in relation to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities so as to provide reasonable assurance that the financial transactions of the Authority have been conducted properly and in accordance with law for the period 1 July 2022 to 30 June 2023.

#### Basis for Opinion

We conducted our engagement in accordance with applicable Australian Standards on Assurance Engagement ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* and ASAE 3150 *Assurance Engagement on Controls*, issued by the Australian Auditing and Assurance Standards Board, in order to state whether, in all material respects, the Authority has complied with Section 125 of the *Local Government Act 1999* in relation only to the internal controls specified above for the period 1 July 2022 to 30 June 2023. ASAE 3000 also requires us to comply with the relevant ethical requirements of the Australian professional accounting bodies.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### The Authority's Responsibility for Internal Control

The Authority is responsible for implementing and maintaining an adequate system of internal controls, in accordance with Section 125 of the *Local Government Act 1999* to ensure that the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities have been conducted properly and in accordance with law.

#### Our Independence and Quality Control

We have complied with the independence and other relevant ethical requirements relating to assurance engagements, and applied Auditing Standard ASQC 1 *Quality Control for Firms that Performs Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements* in undertaking this assurance engagement.

### **Auditor's responsibility**

Our responsibility is to express an opinion on the Authority's compliance with Section 125 of the *Local Government Act 1999* in relation only to the internal controls established by the Authority to ensure that financial transactions relating to receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities, based on our procedures. Our engagement has been conducted in accordance with applicable Australian Standards on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Information* and ASAE 3150 *Assurance Engagements on Controls*, issued by the Australian Auditing and Assurance Standards Board, in order to state whether, in all material respects, the Authority has complied with Section 125 of the *Local Government Act 1999* in relation only to the internal controls specified above for the period 1 July 2022 to 30 June 2023. ASAE 3000 also requires us to comply with the relevant ethical requirements for the Australian professional accounting bodies.

### **Limitations of Controls**

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and operating effectively, the control objectives may not be achieved so that fraud, error, or non-compliance with laws and regulations may occur and not be detected.

An assurance engagement on controls is not designed to detect all instances of controls operating ineffectively as it is not performed continuously throughout the period and the tests performed are on a sample basis. Any projection of the outcome of the evaluation of controls to future periods is subject to the risk that the controls may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

### **Limitations of Use**

This report has been prepared for the members of the Authority in accordance with section 129 of the *Local Government Act 1999* in relation to the internal controls specified above. We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than the members of the Authority, or for any purpose other than that for which it was prepared.

### **GALPINS ACCOUNTANTS, AUDITORS & BUSINESS CONSULTANTS**



**Tim Muhlhausler** CA, Registered Company Auditor

Director

26 September 2023





## Southern Region Waste Resource Authority

### Board Chairperson – Auditor Independence

I, Mark Booth, the person occupying the position of Chairperson of the Southern Region Waste Resource Authority Board, for the financial year ending, 30 June 2023, do hereby certify, for the purposes of Regulation 22 (3) of the Local Government (Financial Management) Regulations 2011, that the auditor of the Southern Region Waste Resource Authority, Galpins, has not been engaged by the Southern Region Waste Resource Authority to provide services to the Southern Region Waste Resource Authority outside the scope of the audit functions under the Local Government Act 1999.

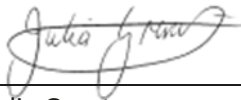
Mark Booth  
Chairperson  
Southern Region Waste Resource Authority

23.8.23

Dated

**Chief Executive Officer's Certificate of Compliance****Auditor Independence****Southern Region Waste Resource Authority**

I, Julia Grant, the person occupying the position of Acting Chief Executive Officer of the City of Onkaparinga, for the financial year ending, 30 June 2023, being a Constituent Council of the Southern Region Waste Resource Authority, do hereby certify, for the purposes of Regulation 22 (3) of the Local Government (Financial Management) Regulations 2011, that the auditor of the subsidiary, Galpins, has not been engaged by the subsidiary to provide services to the subsidiary outside the scope of the audit functions under the Local Government Act 1999.



Julia Grant

Acting Chief Executive Officer for the 22/23 financial year  
City of Onkaparinga

25/08/2023

Dated

PO Box 21, Oaklands Park  
South Australia 5046

245 Sturt Road, Sturt  
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

**Chief Executive Officer's Certificate of Compliance  
Auditor Independence  
Southern Region Waste Resource Authority**

I, Tony Harrison, the person occupying the position of Chief Executive Officer of the City of Marion, for the financial year ending, 30 June 2023, being a Constituent Council of the Southern Region Waste Resource Authority, do hereby certify, for the purposes of Regulation 22 (3) of the Local Government (Financial Management) Regulations 2011, that the auditor of the subsidiary, Galpins, has not been engaged by the subsidiary to provide services to the subsidiary outside the scope of the audit functions under the Local Government Act 1999.



Tony Harrison  
Chief Executive Officer  
City of Marion

23/08/2023

Dated

The City of Marion acknowledges it is part of Kaurna land and recognises the Kaurna people as the traditional and continuing custodians of the land.



23 August 2023

**Chief Executive Officer's Certificate of Compliance  
Auditor Independence  
Southern Region Waste Resource Authority**

I, Roberto Bria, the person occupying the position of Chief Executive Officer of the City of Holdfast Bay, for the financial year ending, 30 June 2023, being a Constituent Council of the Southern Region Waste Resource Authority, do hereby certify, for the purposes of Regulation 22 (3) of the Local Government (Financial Management) Regulations 2011, that the auditor of the subsidiary, Galpins, has not been engaged by the subsidiary to provide services to the subsidiary outside the scope of the audit functions under the Local Government Act 1999.



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Roberto Bria  
Chief Executive Officer  
City of Holdfast Bay

23/8/23  
Dated

# ATTENDANCE AT BOARD MEETINGS

BOARD MEMBERS	MEETINGS HELD WHILST MEMBER	MEETINGS ATTENDED
<b>CHAIRPERSON</b> Mark Booth	6	5
<b>CITY OF ONKAPARINGA</b> Kirk Richardson	6	5
<b>CITY OF ONKAPARINGA</b> Richard Peat <i>Term Completed November 2022</i>	3	0
<b>CITY OF ONKAPARINGA</b> Jordan Pritchard <i>Appointed January 2023</i>	3	2
<b>CITY OF MARION</b> Sorana Dinmore <i>Term completed August 2022</i>		
<b>CITY OF MARION</b> Angela Allison <i>Appointed December 2022</i>	3	3
<b>CITY OF MARION</b> Ray Barnwell	6	6
<b>CITY OF HOLDFAST BAY</b> Roberto Bria	6	5
<b>CITY OF HOLDFAST BAY</b> John Smedley	6	6
<b>DEPUTY BOARD MEMBERS</b>		
Please Note: Deputy Members are only required to attend a Meeting when the Member is an apology		
<b>CITY OF ONKAPARINGA</b> Heidi Greaves	6	3
<b>CITY OF ONKAPARINGA</b> Jessica Tucker	6	6
<b>CITY OF MARION</b> Bruce Hull <i>Term Completed November 2022</i>	3	0
<b>CITY OF MARION</b> Ian Crossland	6	1
<b>CITY OF HOLDFAST BAY</b> Clare Lindop <i>Term Completed November 2022</i>	3	2
<b>CITY OF HOLDFAST BAY</b> Monique O'Donohue <i>Appointed December 2022</i>	3	2
<b>CITY OF HOLDFAST BAY</b> Michael De Heus <i>Term completed June 2023</i>	2	1

# ATTENDANCE AT AUDIT & RISK COMMITTEE MEETINGS

	MEETINGS HELD WHILST MEMBER	MEETINGS ATTENDED
Please Note: Deputy Members are only required to attend a Meeting when the Member is an apology		
<b>GREG CONNOR</b> Presiding Member	4	4
<b>SAM SPADAVECCHIA</b>	4	4
<b>EMMA HINCHEY</b> <i>Term completed December 2022</i>	2	2
<b>MARK BOOTH</b>	4	4
<b>JOHN SMEDLEY</b> Deputy SRWRA Representative	4	1

# PERFORMANCE AGAINST BUSINESS PLAN

Each year SRWRA prepares an Annual Business Plan, detailing its actions and measures, that is submitted to the Constituent Councils.

## AIMS, OBJECTIVES AND KEY MEASURES

RESOURCE RECOVERY ACTIONS	STATUS
Investigate markets and develop pathways for the receipt and processing of commercial and industrial products and associated reuse and commercial opportunities.	Ongoing
Investigate options and pathways for the receipt and processing of organic waste and associated reuse and commercial opportunities.	Ongoing
Investigate options to establish a Bio Pad to process green waste.	Complete
Grow the customer base for SRWRA and its Joint Venture partners	Complete
Develop business case for the construction and operation of an education facility at SRWRA.	Ongoing



## AIMS, OBJECTIVES AND KEY MEASURES

OPERATIONAL EXCELLENCE ACTIONS	STATUS
Continuously review and improve workplace safety systems.	Ongoing
Maximise remaining landfill airspace.	Ongoing
Develop project scope and business case for the installation of rooftop solar power on the SMRF roof.	In progress
Maximise the compatible use of buffer land.	Ongoing
Continuous improvement of litter capture on site.	Ongoing
Governance & Risk Actions	Status
Maintain a contemporary suite of policies.	Ongoing
Work in accordance with the Risk Management Policy and Framework.	Ongoing
Review and update the Business Continuity Plan.	In progress
Review and update the Work Emergency & Evacuation Plan.	In progress
Develop a Technology Disaster Recovery Plan.	In progress
Board and Committee meetings are delivered as per the agreed timing and schedule.	Completed
The Annual Business Plan and Budget is prepared, reviewed, and reported and adopted in accordance with statutory timelines.	Completed

# WORK HEALTH AND SAFETY

## LOST TIME INJURIES

At SRWRA safety is part of our culture, a value considered with each decision made by management and staff. SRWRA is committed to providing a healthy and safe work environment that minimises the risk of injury or illness arising from work activities.

SRWRA recorded zero lost time injury (LTI) in 2022-2023 which presents a 100% reduction over the previous twelve months.

Annual lost time injuries:

### ANNUAL LOST TIME INJURIES

(Lost time injuries represent one complete shift or more of lost time)

2020 – 2021	2021 – 2022	2022 – 2023
1	1	0

(Lost time injuries represent one complete shift or more of lost time)

## INJURY MANAGEMENT

SRWRA received no worker compensation claims during 2022-2023. This is consistent with the previous twelve months, which had zero compensation claims lodged.





# PROCUREMENT

SRWRA is committed to a fair, transparent and accountable process when acquiring goods and services, consistent with Section 49 of the Local Government Act 1999.

Each year goods and services are procured to support the delivery of the Annual Business Plan and Budget. The SRWRA Board has adopted the Procurement Policy to govern all procurement activities, excluding the purchase and disposal of land and other assets owned by the Authority.

In certain circumstances, the Authority may, after approval from its Board, waive application of this Policy and pursue a method which will bring the best outcome for the SRWRA. The Authority must record its reasons in writing for waiving application of this Policy.

Annual procurement performance:

## ANNUAL PROCUREMENT PERFORMANCE

NUMBER OF PROCUREMENT EVENTS	NUMBER OF PROCUREMENT POLICY WAIVERS
538	2

Key reasons for the granting of Procurement Policy waivers in the last 12 months include:

- the best value for money outcome for SRWRA
- the limited size of the market and the number of credible suppliers



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#### **SRWRA** CONSTITUENT COUNCILS



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#### **SRWRA**

112 Bakewell Drive  
Seaford Heights SA 5169

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**T** 08 8327 0304

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**E** [info@srwra.com.au](mailto:info@srwra.com.au)

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**W** [srwra.com.au/contact](http://srwra.com.au/contact)



**Item No:** 15.6

**Subject:** **BUDGET AND ANNUAL BUSINESS PLAN UPDATE – AS AT  
30 SEPTEMBER 2023**

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## Summary

This report covers the first update of Council's 2023/24 budget conducted as at 30 September 2023.

A comprehensive review of Municipal budgets has increased the forecast operating surplus by \$503,534 to a forecast surplus of \$456,473. Major favourable variances accounted for include additional revenue received through both the Supplementary Local Road Funding program and the Local Roads and Community Infrastructure (LRCI) program.

Capital expenditure has increased by \$1,000,665 as a result of a number of grant-funded projects including Phase 4 of the LRCI program and additional project funding already approved by Council. This has been offset by an increase in capital revenue of \$605,834.

There are currently no changes to the revised budget forecast for Alwyndor.

Attached are financial reports for Municipal and Alwyndor operations, commercial activities, and progress summaries and analysis of Annual Business Plan projects.

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## Recommendation

**That Council:**

- 1. notes the first 2023-24 budget update for Council's municipal operations including:**
    - (a) an increase in the forecast operating result for 2023/24 of \$503,534 from a deficit of \$47,061 to surplus of \$456,473;**
    - (b) an increase in forecast capital expenditure of \$1,000,665 from \$32.149 million to \$33,149 million;**
    - (c) an increase in forecast capital revenue of \$605,834 from \$4.979 million to \$5.584 million;**
    - (d) a decrease in forecast net financial liabilities of \$18,703 at 30 June 2023 from \$38.339 million to \$38.321 million.**
  - 2. notes for Alwyndor operations no change to the 2023/24 revised budget forecast.**
  - 3. notes the Annual Business Plan quarterly update for September 2023.**
-

## Background

The *Local Government (Financial Management) Regulations 2011* require three specific budget performance reports to be prepared and considered by councils including:

1. Budget Update (at least twice per year);
2. Mid-year Budget Review (once per year); and
3. Report on Financial Results (after completion and audit of annual financial statement of previous financial year).

The three reports collectively are intended to provide a comprehensive reporting process that allows Council to track performance against the financial targets it established in its annual budget.

## Report

The current forecast projections comprise the original budget adopted by Council at its meeting on 27 June 2023 and items carried forward from 2022-23 adopted by Council on 22 August 2023.

Following a comprehensive review of these budgets a number of proposed variations have been identified.

Positive operational variances have been forecast with additional revenue received of \$272,969 for Phase 4 of the Local Roads and Community Infrastructure (LRCI) program, \$181,681 for the Supplementary Road Grant program and \$100,000 additional cemetery fee revenue.

The increase in capital expenditure includes grant-funded projects for Public Toilets and the Curator Facility at Glenelg Oval, Stormwater upgrade works at Harrow Road and improvements to the Sturt Creek Biodiversity Corridor- Shannon Avenue. Additional capital expenditure already approved by Council for construction of the Seacliff Plaza Upgrade and King George Avenue koala crossing has also been included.

Further details of the amounts and notes along with funding statements for both Municipal and Alwyndor operations have been prepared and are attached to this report.

*Refer Attachment 1*

The statements comprise six columns:

- The 2023-24 original full year budget.
- The current year to date revised forecast.
- Actual to 30 September 2023.
- Year to date variance to 30 September 2023.
- The current approved full year revised forecast comprising the original budget and items carried forward from 2022-23.
- Proposed budget forecasts variances arising from this budget update.

Major year-to-date variances have been accounted for as part of this budget update. The remaining year-to-date variances are the result of budget timings.

### **Commercial Activities**

Comparative reports to 30 September 2023 have been provided for council's major commercial activities including Brighton Caravan Park, Partridge House and Partridge Street carpark.

*Refer Attachment 2*

### **Financial Indicators**

Financial indicators have been prepared including an operating surplus ratio, net financial liabilities ratio and asset sustainability ratio.

The operating surplus ratio is determined by calculating the operating surplus/(deficit) before capital amounts as a percentage of total operating revenue.

The net financial liabilities ratio is determined by calculating total liabilities less financial assets as percentage of total operating revenue.

Another relevant measure of ability to service debt is the interest cover ratio. The interest cover ratio is measured by calculating net financial interest as a percentage of the total operating revenue. A ratio of 5% indicates that for every \$100 of revenue \$5 is spent in net interest payments. The current interest cover ratio indicates that council is in a strong financial position to manage debt.

The asset sustainability ratio is determined by calculating capital expenditure on the renewal or replacement of existing assets, excluding new capital works, as a percentage of planned expenditure detailed in the Asset Management Plan. This ratio measures the extent to which existing infrastructure and assets are being replaced.

The following tables provide updated forecasts for these and other major ratios for council, Alwyndor and the consolidated result for both entities at 30 September 2023.

<b>Municipal Funds</b>	<b>Target – from 2023-24 Annual Budget / LTFP</b>	<b>Original Budget Forecast</b>	<b>Revised Budget Forecast</b>
Operating Result <sup>1</sup>	≥ 0	\$385,945 Surplus	\$456,473 Surplus
Operating Ratio <sup>2</sup>	≥ 0%	0.7%	0.8%
Net Financial Liabilities ratio <sup>3</sup>	≤ 75%	74%	71%
Interest Cover Ratio <sup>4</sup>	≤ 5%	1.7%	1.7%
Asset Sustainability Ratio <sup>5</sup>	90% -110%	100%	184%

<sup>1</sup> **Operating Result** is the result from total operating income less total operating expenses before asset disposals, amounts received for assets and changes in the valuations of assets.

<sup>2</sup> **Operating Ratio** expresses the operating result as a percentage of total operating income.

<sup>3</sup> **Net Financial Liabilities Ratio** expresses total liabilities less total financial assets as a percentage of total operating income.

<sup>4</sup> **Interest Cover Ratio** expresses finance costs including interest on borrowings less interest on investments as a percentage of total operating revenue excluding interest on investments.

<sup>5</sup> **Asset Sustainability Ratio** is defined as net capital expenditure on the renewal and replacement of existing assets expressed as a percentage of the asset management plan required expenditure.

Ratio – Alwyndor Funds	Target – from 2023-24 Annual Budget / LTFP	Original Budget Forecast	Revised Budget Forecast
Operating Result	$\geq 0$	\$509,117 Surplus	\$509,117 Surplus
Net Financial Liabilities ratio	NA	39%	39%
Asset Sustainability Ratio	90% -110%	85%	85%

Ratio – Consolidated Funds*	Target – from 2023-24 Annual Budget / LTFP	Original Budget Forecast	Revised Budget Forecast
Operating Result	$\geq 0$	\$895,062 Surplus	\$965,590 Surplus
Operating Ratio	$\geq 0\%$	1.0%	1.0%
Net Financial Liabilities ratio	$\leq 75\%$	59%	58%
Interest Cover Ratio	$\leq 5\%$	0.2%	0.2%
Asset Sustainability Ratio	90% -110%	97%	164%

\*Amounts and ratios include Alwyndor operations.

Additional financial indicators have been identified for Alwyndor operations which give a better measure of financial performance. These measures and indicators have been included in the table overleaf as at 30 September 2023.

Additional Alwyndor Performance Indicators	Target	Actual to 30 September 2023
Cash to total revenue	5.0%	68.0%
Cash Liquidity Level – ability to refund bonds/refundable accommodation deposits (RAD's)	Minimum of \$2.5m	\$7.17m
Bed occupancy rate – year-to-date average	98.0%	96.6%
Average direct care funding per resident per day (Aged Care Funding Instrument)	\$250.00	\$243.97
No. of Home Support Packages	559	575
Home Support funding utilisation – the portion of revenue generated from Home Support Package funds.	78.0%	78.8%

### ***Annual Business Plan Quarterly Update***

The City of Holdfast Bay is pursuing the vision set out in the *Strategic Plan Our Holdfast 2050+* and the three focus areas that support it.

#### ***Our Holdfast 2050+ Vision***

Protecting our heritage and beautiful coast, while creating a welcoming and healthy place for all in South Australia's most sustainable city.

To achieve this vision, we have identified three focus areas:

- **WELLBEING** - Good health and economic success in an environment and a community that supports wellbeing.
- **SUSTAINABILITY** - A city, economy and community that is resilient and sustainable.
- **INNOVATION** - A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.

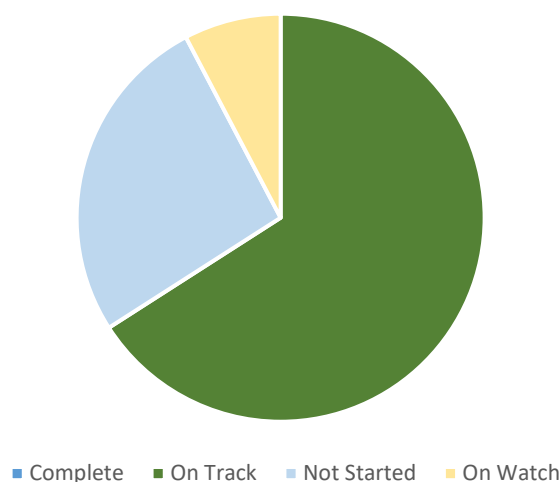
To deliver this Strategic Plan, the *Our Plan for Our Place 2023-24 Annual Business Plan* (the Business Plan) outlines specific actions for the year. These actions are aligned to one of the three focus areas.

The attached report captures progress against the Business Plan. It notes that 60 projects (66 percent) are 'on track' and another 24 (26 percent) are listed as 'not started'. There are seven projects (8 percent) that are 'on watch'. No projects are 'off track'.

*Refer Attachment 3*

The following chart gives an overview of project status in all focus areas.

2023-24 Annual Business Plan - First Quarter  
Summary of Projects and Activities



The following table provides more detail on those projects that are 'on watch' in each focus area.

## WELLBEING

Project Title	Status	Notes
Paringa Park - Tennis Court Renewal	On Watch	Tender is currently open for the court and lighting renewal.
Kingston Park Stages 4 & 6 - Detailed Design	On Watch	Project is on watch with ongoing discussions with Kaurana representatives regarding next steps.

## SUSTAINABILITY

Project Title	Status	Notes
Buffalo Site - Amenity Improvements	On Watch	Project is in detailed design phase and on track for construction tender in late 2023 and commence site works in early 2024.
Seacliff Plaza Upgrade	On Watch	Construction delayed until after summer 2023/24 peak season. Works will commence in March 2024.
Patawalonga Lock - renewal	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender

## INNOVATION

Project Title	Status	Notes
Jetty Rd Glenelg - Masterplan - Stage 2 Detailed Design	On Watch	Project is undertaking key design principles for the street and finalising funding agreements with the Federal Government.
Brighton Caravan Park - Stage 2 redevelopment	On Watch	Administration is currently updating the business plan for the Holiday Park which will provide direction on next steps.

## Budget

The content and recommendation of this report indicates the effect on the budget.

## Life Cycle Costs

Not applicable

## Strategic Plan

Statutory compliance

## Council Policy

Not applicable

## Statutory Provisions

*Local Government (Financial Management) Regulations 2011, Regulation 9.*

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**Written By:** Management Accountant Lead

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1



## City of Holdfast Bay Municipal Funds Statement as at September 2023

2023 - 2024 Original Budget \$'000	Year to Date			2023 - 2024 Adopted Forecast \$'000	Proposed Forecast Adjustment \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000			
169	49	192	(143) Cemeteries	169	100	1
535	138	111	27 Commercial & Club Leases	535	-	
(1,265)	(275)	(270)	(5) Council Administration	(1,265)	-	
(912)	(181)	(166)	(15) Development Services	(915)	-	
1,672	18	472	(455) FAG/R2R Grants	1,672	455	2
(2,087)	(715)	(749)	34 Financial Services	(2,087)	(51)	3
(10,911)	(2,728)	(2,711)	(17) Financial Services-Depreciation	(10,911)	90	4
(280)	-	-	- Financial Services-Employee Leave Provisions	(280)	-	
(985)	-	-	- Financial Services-Interest on Borrowings	(985)	-	
91	-	-	- Financial Services-SRWRA	91	-	
41,372	42,434	42,447	(12) General Rates	41,372	-	
(2,992)	(1,181)	(1,198)	17 Innovation & Technology	(2,992)	-	
(717)	(160)	(143)	(17) People & Culture	(722)	-	
(964)	(204)	(195)	(9) Strategy & Governance	(964)	-	
(1,440)	(385)	(350)	(35) City Activation	(1,537)	-	
1,502	180	186	(7) Commercial - Brighton Caravan Park	1,502	-	
35	8	10	(2) Commercial - Partridge House	35	-	
(583)	(123)	(130)	7 Communications and Engagement	(583)	-	
(369)	(88)	(85)	(2) Community and Business Administration	(369)	-	
(1,089)	(181)	(143)	(38) Community Events	(1,089)	-	
831	58	263	(206) Community Safety	821	-	
(644)	(142)	(112)	(30) Community Wellbeing	(673)	-	
(570)	(132)	(126)	(6) Customer Service	(570)	-	
-	508	515	(7) Jetty Road Mainstreet	(115)	-	
(1,565)	(389)	(430)	41 Library Services	(1,565)	(90)	5
(335)	(77)	(60)	(17) Assets & Delivery Administration	(335)	-	
(1,532)	(265)	(265)	- Engineering & Traffic	(1,682)	-	
(684)	(103)	(102)	(1) Environmental Services	(708)	-	
(8,682)	(1,770)	(1,812)	42 Field Services & Depot	(8,682)	-	
(2,388)	(459)	(414)	(45) Property Management	(2,388)	-	
(572)	(112)	(110)	(1) Public Realm and Urban Design	(572)	-	
(726)	(128)	(96)	(32) Street Lighting	(726)	-	
(4,530)	(856)	(813)	(42) Waste Management	(4,530)	-	
999	-	-	- Less full cost attribution - % admin costs capitalised	999	-	
386	32,742	33,716	(974) =Operating Surplus/(Deficit)	(47)	504	
10,911	2,728	2,711	17 Depreciation	10,911	90	4
189	-	-	- Other Non Cash Items	189	-	
11,100	2,728	2,711	17 Plus Non Cash Items in Operating Surplus/(Deficit)	11,100	(90)	
11,486	35,470	36,427	(957) =Funds Generated from Operating Activities	11,053	414	
484	3,444	3,444	- Amounts Received for New/Upgraded Assets	4,371	606	6
201	209	209	- Proceeds from Disposal of Assets	607	-	
685	3,653	3,653	- Plus Funds Sourced from Capital Activities	4,979	606	
(8,170)	(1,621)	(1,579)	(42) Capital Expenditure on Renewal and Replacement	(12,396)	(190)	
(7,560)	(1,157)	(1,106)	(51) Capital Expenditure on New and Upgraded Assets	(19,752)	(810)	
(15,730)	(2,779)	(2,685)	(93) Less Total Capital Expenditure	(32,149)	(1,001)	7
217	54	7	47 Plus:Repayments of loan principal by sporting groups	217	-	
217	54	7	47 Plus/(less) funds provided (used) by Investing Activities	217	-	
(3,342)	36,399	37,402	(1,003) = FUNDING SURPLUS/(REQUIREMENT)	(15,900)	19	
Funded by						
-	2,830	2,830	- Increase/(Decrease) in Cash & Cash Equivalents	-	-	
(4,738)	33,220	34,292	(1,072) Non Cash Changes in Net Current Assets	3,382	-	
1,396	-	280	(280) Less: Proceeds from new borrowings	(20,678)	19	
(3,342)	349	-	349 Plus: Principal repayments of borrowings	1,396	-	
(3,342)	36,399	37,402	(1,003) =Funding Application/(Source)	(15,900)	19	



Note 1 – Cemeteries - \$100,000 favourable

Year to date cemeteries revenue higher than forecast.

Note 2 – FAG/R2R Grants - \$455,000 favourable

Funding received through Supplementary Road Grant program (\$182,000) and the first instalment of Phase 4 of the Local Roads and Community Infrastructure (LRCI) program (\$273,000). The relevant capital expenditure projects have also been created – see note 7.

Note 3 – Financial Services - \$51,000 unfavourable

Higher insurance premiums for buildings and vehicles (\$36,000) and Valuer General charges for valuation services (\$15,000).

Note 4 – Financial Services-Depreciation- \$90,000 favourable

Saving on library materials depreciation (\$150,000) due to change in accounting treatment offset by budget adjustment for other asset categories (\$60,000) following completion of the 2022-23 capitalisation.

Note 5 – Library Services - \$90,000 reallocation

Reallocation of library materials budget (\$90,000) from capital budget due to change in asset accounting policy – see note 7.

Note 6 – Amounts Received for New/Upgraded Assets - \$606,000 favourable

Grant funding and contributions for:

- \$200,000 - Harrow Road stormwater Gross Pollutant Trap project contribution (Stormwater Management Authority)
- \$200,000 - Harrow Road stormwater Gross Pollutant Trap project contribution (City of Marion)
- \$71,000 - renewal of the Somerton Tennis Club fencing and lighting (Somerton Park Tennis Club and Office for Recreation, Sport and Racing)
- \$69,000 – contribution to Sturt Creek Biodiversity Corridor: Shannon Avenue project (Green Adelaide Board)
- \$35,000 – renewal of the Glenelg Oval LED scoreboard (AFL)
- \$21,000 – contribution to the Glenelg Oval / school boundary fence (Dep. Of Education)
- \$10,000 – renewal of Bowker Oval cricket pitch (SACA)

Note 7 – Capital Expenditure - \$1,091,000 unfavourable and \$90,000 reallocation

Council approved budget increases:

- \$170,000 - Seacliff Plaza Upgrade - C120923/7552
- \$60,000 - King George Avenue koala crossing - C120923/7543

Local Roads and Community Infrastructure (LRCI) Phase 4 funded project - see note 2:

- \$455,000 – Glenelg Oval Public Toilets & Curator Facility (LRCI Phase 4)

Other funded budget increases:

- \$200,000 –Harrow Road Gross Pollutant Trap funded by Stormwater Management Authority
- \$71,000 - renewal of the Somerton Tennis Club fencing and lighting funded from the Somerton Park Tennis Club and Office for Recreation, Sport and Racing
- \$69,000 - Green Adelaide funded Sturt Creek Biodiversity Corridor: Shannon Avenue project
- \$35,000 –Glenelg Oval LED scoreboard funded by the AFL
- \$21,000 –Glenelg School boundary fence funded by the Dep. of Education
- \$10,000 –SACA funded Bowker Oval Cricket pitch project

Budget reallocation

- \$90,000 – Library materials budget reallocated to the operational budget – see note 5.

**City of Holdfast Bay**  
**Capital Expenditure Summary by Budget Item to September 2023**

2023-24 Original Budget \$'000	Year to Date			Revised Forecast \$'000
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000	
(999)	-	-	- Full Cost Attribution	(999)
(923)	(127)	(99)	(28) Information Technology	(923)
(673)	(269)	(252)	(18) Commercial and Economic Enterprises	(3,004)
(90)	(23)	-	(23) Brighton Library	(90)
-	-	-	- Sport and Recreation	(539)
(60)	(4)	(4)	- Environmental Management	(60)
(14)	(1)	(1)	- Depot and Stores	(14)
(504)	(396)	(380)	(16) Machinery Operating	(1,729)
(2,091)	(467)	(457)	(10) Road Construction and Re-seal Program	(2,595)
-	(17)	(6)	(10) Car Park Construction	(82)
(319)	(150)	(134)	(16) Footpath Program	(319)
(1,112)	(40)	(21)	(19) Stormwater Drainage Program	(4,545)
(130)	(50)	(18)	(32) Traffic Control Construction Program	(367)
(1,219)	(209)	(335)	126 Kerb and Water Table Construction Program	(1,219)
(34)	-	-	- Other Transport - Bus Shelters etc.	(34)
(5,072)	(424)	(401)	(23) Reserve Improvements Program	(9,605)
(2,463)	(488)	(474)	(14) Land, Buildings and Infrastructure Program	(4,969)
-	(97)	(91)	(6) Streetscape Program	(952)
(28)	(16)	(12)	(4) Foreshore Improvements Program	(104)
(15,730)	(2,778)	(2,685)	(93) Total	(32,149)



## Alwyndor Aged Care Funds Statement as at 30 September 2023

2023-24 Original Budget \$'000	Year to Date				Note
	Adopted Original Budget \$'000	Actual YTD \$'000	Variance \$'000		
8,638	2,159	1,896	264	User Charges	
15,909	3,977	4,586	(609)	Operating Grants and Subsidies	
857	214	266	(52)	Investment Income	
8,029	2,007	1,827	180	Reimbursements	
7,361	1,840	1,938	(98)	Other Income	
<b>40,793</b>	<b>10,198</b>	<b>10,514</b>	<b>(316)</b>	<b>Operating Revenue</b>	<b>1</b>
(28,241)	(7,060)	(7,380)	320	Employee Costs - Salaries & Wages	<b>2</b>
(10,283)	(2,571)	(2,574)	4	Materials, Contracts and Other Expenses	
(143)	(36)	(10)	(25)	Finance Charges	
(1,618)	(404)	(367)	(37)	Depreciation	
<b>(40,284)</b>	<b>(10,071)</b>	<b>(10,333)</b>	<b>262</b>	<b>Less Operating Expenditure</b>	
<b>509</b>	<b>127</b>	<b>181</b>	<b>(54)</b>	<b>=Operating Surplus/(Deficit)</b>	<b>3</b>
-	-	-	-	Net gain/(loss) on disposal of investments	
-	-	36	(36)	Net gain/(loss) on Fair Value movement on investments	
<b>509</b>	<b>127</b>	<b>217</b>	<b>(90)</b>	<b>=Net Surplus/(Deficit)</b>	
1,618	404	367	37	Depreciation	
-	-	(36)	36	Net gain/(loss) on Fair Value movement on investments	
581	145	467	(322)	Provisions	
<b>2,199</b>	<b>550</b>	<b>798</b>	<b>(249)</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	
<b>2,708</b>	<b>677</b>	<b>1,016</b>	<b>(339)</b>	<b>=Funds Generated from Operating Activities</b>	
(1,902)	(476)	(326)	(150)	Capital Expenditure on New and Upgraded Assets	
<b>(1,902)</b>	<b>(476)</b>	<b>(326)</b>	<b>(150)</b>	<b>Less Total Capital Expenditure</b>	
<b>806</b>	<b>202</b>	<b>690</b>	<b>(488)</b>	<b>= Funding SURPLUS/(REQUIREMENT)</b>	<b>3</b>
<b>Funded by</b>					
806	202	690	(488)	Increase/(Decrease) in Cash & Cash Equivalents	
<b>806</b>	<b>202</b>	<b>690</b>	<b>(488)</b>	<b>=Funding Application/(Source)</b>	

**Alwyndor - Notes  
September 2023**

**1     Operating Revenue**

Operating Revenue is favourable by \$316k and attributed to:

- Increase in Government-Mandated subsidies for residential services due to higher AN-ACC prices (on average AN-ACC price increased by \$36.30 or 17.6%).
- Increase in revenue for clients in Support at Home and Commonwealth Home Support Program (CHSP). The main contributing factor is the continued growth of Home Care Packages and number and type of CHSP activities.
- Additional income recorded for Allied Therapy services for Home Care clients.

**2     Employee Costs – Salaries & Wages**

The unfavourable variance in employee costs of \$320k is comprised of:

- Additional staff have been recruited in response to the increased demand for Support at Home services and the Aged Care Reform mandated Minutes of Care in Residential.
- Wage increases, consistent with our Enterprise Agreement, have exceeded the initial 3% assumption in our original budget. This adjustment is in line with the June 2023 national wage increase and related workforce market forces, resulting in a revised figure of 5.75%.
- The adopted budget didn't include Work Value (stage 2) income or increases to award wages for direct aged care workers. This was noted as a risk in the preparation of the budget and will be addressed through a budget review and reforecast.

**3     Operating Surplus**

The \$181k Operating Surplus, after allowing for depreciation and capital expenditure, has led to a funding surplus of \$690k as at September YTD.

# Attachment 2

## BRIGHTON CARAVAN PARK

Financial Results	Actual \$ 01/07/22 to 30/09/22	Actual \$ 01/07/23 to 30/09/23
Revenue From Cabins and Sites	\$298,933	\$304,571
Occupancy Rates	Actual % 01/07/22 to 30/09/22	Actual % 01/07/23 to 30/09/23
Accommodation Type		
Cabins	82%	78%
Sites	62%	63%
<b>Average Total</b>	<b>72%</b>	<b>70%</b>

## PARTRIDGE STREET CAR PARK

Financial Results	Actual \$ 01/07/22 to 31/08/22	Actual \$ 01/07/23 to 31/08/23
Income & Expenditure		
Car Parking Revenue	\$17,169	\$16,976
Operational Costs	\$15,243	\$15,144
<b>Net Result</b>	<b>\$1,926</b>	<b>\$1,832</b>
Car Park Usage	Actual No. 01/07/22 to 31/08/22	Actual No. 01/07/23 to 31/08/23
Car Park		
Eastern Car Park - No. of Transactions	19,560	12,055
Western Car Park - No. of Transactions	20,835	22,595
<b>Total No. of Transactions</b>	<b>40,395</b>	<b>34,650</b>

## PARTRIDGE HOUSE

Financial Results	Actual \$ 01/07/22 to 30/09/22	Actual \$ 01/07/23 to 30/09/23
Income & Expenditure		
Functions and Room Hire Revenue	\$50,684	\$62,990
Operational Costs	\$41,055	\$52,967
<b>Net Result</b>	<b>\$9,629</b>	<b>\$10,023</b>
Number of Events	Actual No. 01/07/22 to 30/09/22	Actual No. 01/07/23 to 30/09/23
Event Type		
Wedding	3	3
Funeral	27	41
Community Function	79	87
Other Events	20	13
<b>Total Number of Events</b>	<b>129</b>	<b>144</b>

# Attachment 3





# Annual Business Plan 2023 – 24 Quarterly Status Report As at 30 September 2023



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OVERVIEW

The City of Holdfast Bay has begun to pursue the vision set out in the new Strategic Plan *Our Holdfast 2050+* and the three focus areas that support it:

*Our Holdfast 2050+ Vision*

*Protecting our heritage and beautiful coast, while creating  
a welcoming and healthy place for all in South Australia’s most sustainable city.*

To achieve this vision, we have identified three focus areas:

- **WELLBEING - Good health and economic success in an environment and a community that supports wellbeing.**
- **SUSTAINABILITY - A city, economy and community that is resilient and sustainable.**
- **INNOVATION - A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.**

To deliver this Strategic Plan, the *Our Plan for Our Place Annual Business Plan 2023-24* (the Business Plan) outlines specific actions for the year. This report captures progress against the Business Plan.

60 projects (66 per cent) are ‘on track’ and another 24 (26 per cent) are listed as ‘not started’. There are seven projects (eight per cent) that are ‘on watch’ No projects are ‘off track’.

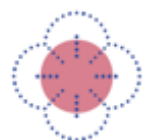
The following page provides an overview of progress in all focus areas.

## 2023-24 Annual Business Plan - Quarterly Status Report

As at 30 September 2023



Overall Summary		%
Complete	0	0%
On Track	60	66%
Not Started	24	26%
On Watch	7	8%
Total	91	100%



### WELLBEING

Wellbeing Summary	
Complete	0
On Track	15
Not Started	13
On Watch	2



### SUSTAINABILITY

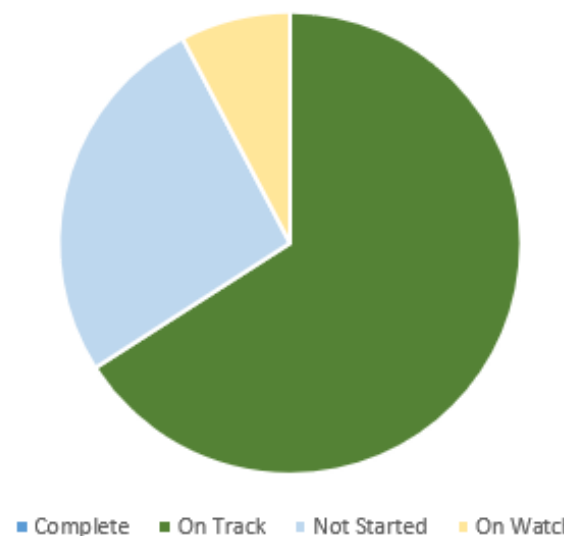
Sustainability Summary	
Complete	0
On Track	35
Not Started	7
On Watch	3



### INNOVATION

Innovation Summary	
Complete	0
On Track	10
Not Started	4
On Watch	2

2023-24 Annual Business Plan - First Quarter  
Summary of Projects and Activities



This table provides detail of those projects that are **on watch** within each of the focus areas.

## WELLBEING

Project Title	Status	Notes
Paringa Park - Tennis Court Renewal	On Watch	Tender is currently open for the court and lighting renewal.
Kingston Park Stages 4 & 6 - Detailed Design	On Watch	Project is on watch with ongoing discussions with Kaurua representatives regarding next steps.

## SUSTAINABILITY

Project Title	Status	Notes
Buffalo Site - Amenity Improvements	On Watch	Project is in detailed design phase and on track for construction tender in late 2023 and commence site works in early 2024.
Seacliff Plaza Upgrade	On Watch	Construction delayed until after summer 2023/24 peak season. Works will commence in March 2024.
Patawalonga Lock - renewal	On Watch	To be re-scoped and re-tendered following previous unsuccessful tender

## INNOVATION

Project Title	Status	Notes
Jetty Rd Glenelg - Masterplan - Stage 2 Detailed Design	On Watch	Project is undertaking key design principles for the street and finalising funding agreements with the Federal Government.
Brighton Caravan Park - Stage 2 redevelopment	On Watch	Administration is currently updating the business plan for the Holiday Park which will provide direction on next steps.

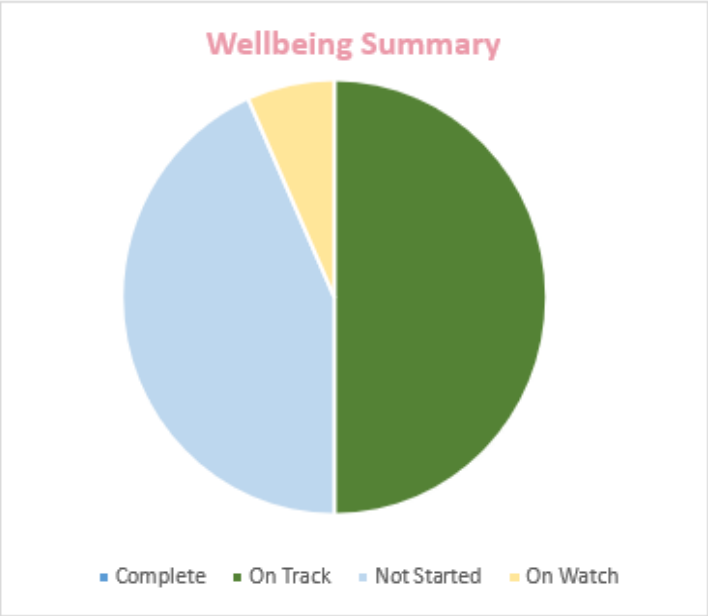
The following pages provide detail of the projects under each of the three focus areas of *Our Holdfast 2050+*.

WELLBEING





























Good health and economic success in an environment and a community that supports wellbeing





2023-24 Annual Business Plan - Quarterly Status Report  
As at 30 September 2023



Wellbeing Summary		
Complete	0	0%
On Track	15	50%
Not Started	13	43%
On Watch	2	7%
Total	30	

## Wellbeing

Title	Officer	Start Date	End Date	Project Stage	Q1 Status	Q1 Rating	Q1 Notes
Paringa Park - Playground Renewal	Matthew Rechner	01-Jul-23	30-Oct-23	3. Delivery	On Track		
Partridge House - Playground Renewal	Matthew Rechner	TBD	30-Jun-24	Not Started	Not Started		
Fordham Reserve - Playground Renewal	Matthew Rechner	TBD	30-Dec-23	Not Started	Not Started		
Holdfast Bay Bowling and Croquet Club Lighting	Matthew Rechner	TBD	30-Jun-24	Not Started	Not Started		
Playgrounds Network Upgrade/Renewal (LRCI Phase 3)	Matthew Rechner	01-Jul-23	30-Jun-24	2. Procurement	On Track		
Glenelg Oval Renewal	Mathew Walsh	01-Jul-23	30-Mar-24	3. Delivery	On Track		
Wattle Reserve- Playground Renewal	Matthew Rechner	01-Jul-23	30-Dec-23	Not Started	Not Started		
Jimmy Melrose Pk- Upgrade	Mathew Walsh	01-Sep-23	30-May-23	Not Started	Not Started		
Shade Sail - Glenelg Play Space	Bill Blyth	01-Nov-23	31-May-23	1. Planning	On Track		
BBQ Replacement Program	Bill Blyth	01-Oct-23	01-Mar-24	3. Delivery	On Track		
Drink Fountain and Dog Bowl Replacement	Bill Blyth	01-Nov-23	01-Jun-24	1. Planning	On Track		
Glenelg Oval - Edward Rix Stand	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
Somerton SLSC - Exterior/Other	Mathew Walsh	26-Feb-24	30-Jun-24	Not Started	Not Started		
Glenelg Rotunda Roof replacement	Mathew Walsh	01-Jul-23	23-Feb-24	1. Planning	On Track		
Bowker Oval Clubrooms - Kitchen Facilities	Mathew Walsh	01-Jul-23	30-Dec-23	3. Delivery	On Track		
Toilets-Somerton SLSC	Mathew Walsh	08-Jan-23	29-Feb-24	1. Planning	On Track		
Bus Shelter Renewal	James Mitchell	01-Jul-23	28-Feb-24	3. Delivery	On Track		
Brighton Jetty - Sails	Bill Blyth	01-Aug-23	30-Dec-23	1. Planning	On Track		
GNCC - Upgrade /replacement interior	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
HFB Community Centre - building renovations	Mathew Walsh	01-Aug-23	30-Jun-23	1. Planning	On Track		
Brighton Surf Club - Building repairs/rust removal	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
Toilets-Old Gum Tree Reserve	Mathew Walsh	15-Aug-23	15-Dec-23	1. Planning	On Track		
Glenelg Oval - Function Centre - toilets	Mathew Walsh	03-Oct-23	30-Jun-24	Not Started	Not Started		
Glenelg Oval - Function Centre - repairs	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
Angus Neill Reserve - Fencing	James Mitchell	TBD	30-Jun-24	Not Started	Not Started		
Paringa Park - Tennis Court Renewal	Matthew Rechner	01-Mar-24	30-Jun-24	1. Planning	On Watch		Tender is currently open for the court and lighting renewal.

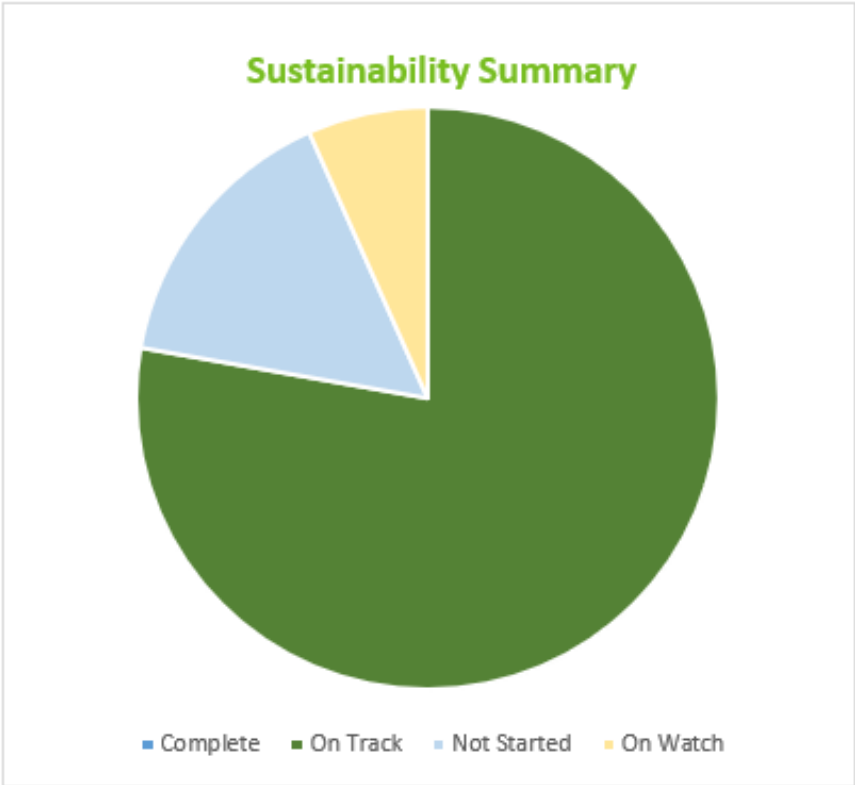
Wellbeing							
Title	Officer	Start Date	End Date	Project Stage	Q1 Status	Q1 Rating	Q1 Notes
Paringa Reserve - Fencing	Matthew Rechner	01-Mar-24	30-Jun-24	1. Planning	On Track		
Seacliff-Brighton Yach Club - Change Room Upgrade	Matthew Rechner	TBD	TBD	Not Started	Not Started		
DDA Pram Ramps Improvements	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track		
Kingston Park Stages 4 & 6 - Detailed Design	Matthew Rechner	TBD	TBD	1. Planning	On Watch		Project is on watch with ongoing discussions with Kaurua representatives regarding next steps.



SUSTAINABILITY

A city, economy and community that  
is resilient and sustainable

2023-24 Annual Business Plan - Quarterly Status Report  
As at 30 September 2023



Sustainability Summary		
Complete	0	0%
On Track	35	78%
Not Started	7	16%
On Watch	3	7%
Total	45	



## Sustainability

Title	Officer	Start Date	End Date	Project Stage	Q1 Status	Q1 Rating	Q1 Notes
Car Parking Renewals	James Mitchell	01-Jul-23	30-Jun-24	3. Delivery	On Track	●	
Road Reseal Program	James Mitchell	01-Jul-23	30-Jun-24	3. Delivery	On Track	●	
Stormwater Management Plan Implementation	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Traffic Safety Improvements	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Traffic Safety Improvements on Partridge Street, Glenelg	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Traffic Safety Improvements on King George Avenue, Hove	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Kerb & Watertables Program	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Seating - Park Bench - Various Seating	Bill Blyth	01-Aug-23	30-Jun-24	1. Planning	On Track	●	
Concrete Cricket Pitch - Bowker Oval Sporting Fitouts	Matthew Rechner	01-Dec-23	30-Jun-24	1. Planning	On Track	●	
Sporting Structures - Bike Rails - various	Bill Blyth	01-Jan-24	30-Jun-24	1. Planning	On Track	●	
Electrical and Lighting - Renewal	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started	●	
Fences - Renewal	James Mitchell	17-Aug-23	30-Jun-24	1. Planning	On Track	●	
Pathways - Renewal	James Mitchell	17-Aug-23	30-Dec-23	1. Planning	On Track	●	
Pathway - Edith Butler Pier	James Mitchell	01-Jan-24	30-Dec-23	1. Planning	On Track	●	
Walls - Renewal	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Fencing & Lighting - Somerton Tennis Club	Matthew Rechner	01-Jul-23	30-May-23	2. Procurement	On Track	●	
Bin Replacement Program	Bill Blyth	01-Aug-23	01-Mar-23	3. Delivery	On Track	●	
Buffalo Site - Amenity Improvements	Matthew Rechner	01-Mar-24	30-Jun-24	1. Planning	On Watch	●	Project is in detailed design phase and on track for construction tender in late 2023 and commence site works in early 2024.
Lookout Decking - Kingston Park Cliff Face	Mathew Walsh	01-Mar-24	30-Jun-24	2. Procurement	On Track	●	
Fencing - Wattle Reserve	Mathew Walsh	01-Jul-23	30-Dec-23	Not Started	Not Started	●	
Stone Wall Improvements - Various Reserves	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started	●	
Glenelg Oval Stage 3 and 4	Matthew Rechner	01-Sep-23	30-May-24	3. Delivery	On Track	●	

## Sustainability

Title	Officer	Start Date	End Date	Project Stage	Q1 Status	Q1 Rating	Q1 Notes
Seacliff Plaza Upgrade	Matthew Rechner	01-Jul-23	01-Aug-24	1. Planning	On Watch		Construction delayed until after summer 2023-24 peak season. Work to commence in March 2024.
Sturt Creek Linear Park Design	Matthew Rechner	TBD	30-Jun-24	1. Planning	On Track		
FOGO - Capital Implementation	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track		
Kingston House Reserve Tennis Courts	Matthew Rechner	01-Jul-23	30-Nov-23	1. Planning	On Track		
Sturt Creek Biodiversity Corridor: Shannon Avenue	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track		
Glenelg Jetty Structural Repairs	James Mitchell	01-Jul-23	30-Jun-24	1. Planning	On Track		
Kingston Park - Kiosk	Matthew Rechner	TBD	30-Jun-24	3. Delivery	On Track		
Broadway Kiosk - Int/Ext - Finishes	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
Glenelg Town Hall - Refurbishment	Mathew Walsh	01-Jul-23	30-Jun-24	1. Planning	On Track		
Glenelg Town Hall - Café - Electrical/Mechanical	Mathew Walsh	01-Jul-23	30-Jun-24	1. Planning	On Track		
Broadway Toilets Exeloo	Mathew Walsh	01-May-22	30-Dec-23	3. Delivery	On Track		
Depot Cleaning Compound	Bill Blyth	01-Jul-23	30-Jun-23	1. Planning	On Track		
Brighton Caravan Park - Renewal Program	Matthew Rechner	TBD	TBD	Not Started	Not Started		
Council Depot - building upgrades	Mathew Walsh	25-Sep-23	25-Nov-23	3. Delivery	On Track		
Patawalonga Lock - renewal	Mathew Walsh	01-Jul-23	30-Jun-24	2. Procurement	On Watch		To be re-scoped and re-tendered following previous unsuccessful tender
Glenelg Town Hall - Office Upgrade	Mathew Walsh	20-Sep-23	30-May-24	1. Planning	On Track		
Bindarra public toilet - design	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started		
Michael Herbert Bridge - lights	Mathew Walsh	16-Oct-23	28-Feb-24	Not Started	Not Started		
Public Toilets, Patawalonga Lake	Mathew Walsh	24-Jul-23	30-Jun-24	1. Planning	On Track		
Plant and Equipment - Depot/Stores	Bill Blyth	01-Aug-23	01-Mar-24	1. Planning	On Track		
Major Plant and Equipment Purchases	James Mitchell	01-Jul-23	30-Jun-24	3. Delivery	On Track		
Executive / Regulatory/Passenger Vehicles Purchases	James Mitchell	01-Jul-23	30-Jun-24	3. Delivery	On Track		
Minor Plant and Equipment Purchases	James Mitchell	01-Jul-23	30-Jun-24	3. Delivery	On Track		

## Roads Reseal Program

The Roads Reseal Program for 2023-24 includes the sections of road in the table below.

Suburb	Street	From	To
Brighton	Gardiner Avenue	Coventry Street	Council Boundary
Glenelg East	Augusta Street	Third Avenue (South)	Fourth Avenue (South)
Glenelg East	Buttrose Street	Gower Street	Maxwell Terrace
Glenelg East	Farr Terrace	Wyatt Street	Buttrose Street
Glenelg East	Third Avenue	Augusta Street	Anzac Highway
Glenelg North	Blackburn Avenue	Davey Avenue	Goldsworthy Crescent
Glenelg North	Gosse Avenue	Tapleys Hill Road	Davey Avenue
Glenelg North	Mattner Avenue	Bonython Avenue	Moten Avenue
Glenelg North	Moten Avenue	Shannon Avenue	Mattner Avenue
Glenelg North	Moten Avenue	Mattner Avenue	Leane Avenue
Glenelg North	Moten Avenue	Leane Avenue	McCann Avenue
Hove	Addison Road	Bagshaw Avenue	Grenfell Street
Hove	Addison Road	Brighton Road	Bagshaw Avenue
Hove	Addison Road	Grenfell Street	Brown Street
Hove	Railway Terrace	Illawara Avenue	Seventh Avenue
Hove	Railway Terrace	Caroona Avenue	Illawara Avenue
Hove	Caroona Avenue	Railway Terrace	Illawarra Ave
Hove	Patricia Avenue	Dunrobin Road	Illawarra Avenue
Hove	MacPherson Street	Brighton Road	Caroona Avenue
Hove	Pearce Street	Hulbert Street	Wattle Avenue
Hove	Winchester Avenue	Lascelles Avenue	Sunshine Avenue
Hove	Winchester Avenue	Stopford Road	Lascelles Avenue
North Brighton	Day Street	Somers Street	Francis Street
North Brighton	Francis Street	Day Street	Paterson Street
North Brighton	Francis Street	Paterson Street	MacArthur Avenue
North Brighton	Olive Street	Quongdong Street	Somers Street
North Brighton	Paterson Street	Somers Street	Francis Street
North Brighton	Paterson Street	Francis Street	Cecelia Street

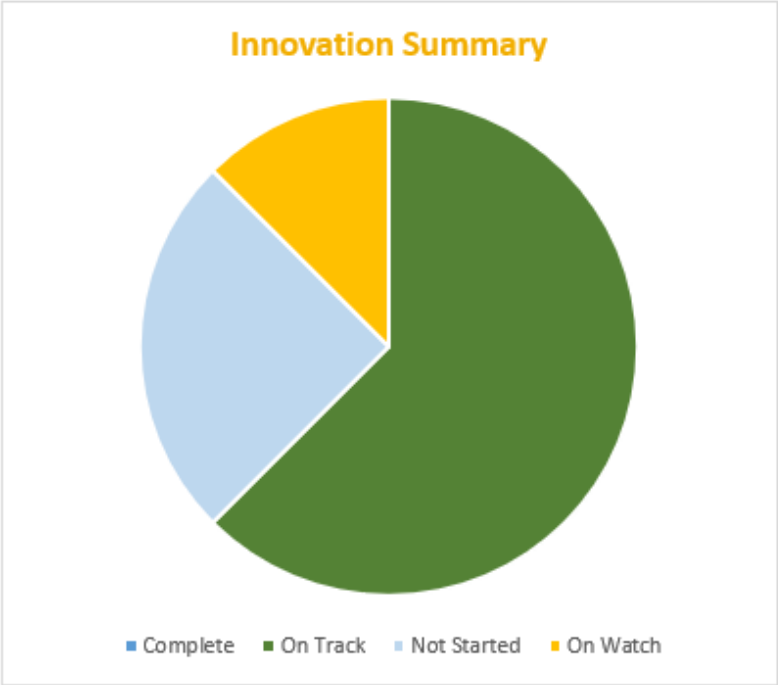
Suburb	Street	From	To
Seacliff	Young Street	Silver Avenue	Haberton Road
Seacliff	Young Street	Haberton Road	Crosby Street
Seacliff	Young Street	Crosby Street	Esplanade
Seacliff Park	Aboyne Avenue	Brighton Road	Cathcart Terrace
Seacliff Park	Aboyne Avenue	Cathcart Terrace	Lamington Avenue
Seacliff Park	Cathcart Terrace	Aboyne Avenue	Bothwell Terrace
Somerton Park	Grainger Road	Diagonal Road	Mozart Court
Somerton Park	Paringa Avenue	Brighton Road	Vincent Avenue
South Brighton	Crosby Street	Young Street	Shoreham Road



A thriving economy and community that values life-long education, research, creativity and entrepreneurialism

## 2023-24 Annual Business Plan - Quarterly Status Report

As at 30 September 2023



Innovation Summary		
Complete	0	0%
On Track	10	63%
Not Started	4	25%
On Watch	2	13%
Total	16	

Innovation							
Title	Officer	Start Date	End Date	Project Stage	Q1 Status	Q1 Rating	Q1 Notes
Sculptures - Brighton Jetty Sculpture Festival	Regan Forrest	01-Jul-23	28-Feb-24	1. Planning	On Track	●	
CCTV Installation - Various Locations	Mathew Walsh	01-Aug-23	30-Mar-24	3. Delivery	On Track	●	
Jetty Rd Glenelg - Masterplan - Stage 2 Detailed Design	Matthew Rechner	01-Jul-23	TBD	1. Planning	On Watch	●	Project is undertaking key design principles for the street and finalising funding agreements with the Federal Government.
Library Books Purchases	Tania Paull	01-Jul-23	30-Jun-24	2. Procurement	On Track	●	
Glenelg Town Hall - BDC - Structure	Mathew Walsh	01-Jul-23	30-Jun-24	3. Delivery	On Track	●	
Brighton Caravan Park - Stage 2 redevelopment	Matthew Rechner	01-Mar-24	TBD	1. Planning	On Watch	●	Administration is currently updating the business plan for the Holiday Park which will provide direction on next steps.
Brighton Caravan Park Retaining Wall (LRCI Phase 3)	Matthew Rechner	01-Nov-23	30-Jan-24	Not Started	Not Started	●	
Glenelg Library - Paint Ceiling	Mathew Walsh	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Glenelg Library Interior Upgrade	Mathew Walsh	01-Jul-23	30-Jun-24	1. Planning	On Track	●	
Ringwood Upgrades	Mathew Walsh	01-Sep-23	30-Dec-23	1. Planning	On Track	●	
Brighton Civic Centre Upgrades	Mathew Walsh	01-Mar-24	30-May-24	Not Started	Not Started	●	
HFB Civic Centre - Kingston Room Upgrade	Mathew Walsh	15-Aug-23	12-Apr-24	1. Planning	On Track	●	
Glenelg Town Hall - Ground Floor Upgrade	Mathew Walsh	TBD	30-Jun-24	Not Started	Not Started	●	
Glenelg Town Hall - BDC toilets	Mathew Walsh	01-May-23	01-Jun-24	Not Started	Not Started	●	
Business Transformation Program	Robert Zanin	01-Jul-23	30-Jun-24	3. Delivery	On Track	●	
ICT Replacement Program	Robert Zanin	01-Jul-23	30-Jun-24	3. Delivery	On Track	●	

**Item No:** 15.7

**Subject:** 2022-23 ANNUAL REPORT

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## Summary

Council's Annual Report is a legislative requirement under section 131 of the *Local Government Act 1999*. The information contained within the publication provides legislators and the community with assurance that the City of Holdfast Bay is meeting its strategic and governance requirements. The publication also provides a detailed overview of the council's services and achievements during the year.

The 2022-23 Annual Report has been prepared to meet all statutory requirements. The report shows that council has continued to deliver quality and improved services and facilities to its community.

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## Recommendation

**That Council adopts the 2022-23 Annual Report, which appears as Attachment 1 to this report, subject to design and minor alterations and the inclusion of the audited financial statements.**

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## Background

Section 131 of the *Local Government Act 1999* requires council to prepare and adopt an Annual Report each year, on or before 30 November, that reflects the progress in reaching its strategic and financial goals in an appropriately governed manner.

## Report

The 2022-23 Annual Report (which appears as Attachment 1) meets all the requirements of the *Local Government Act 1999* and provides an overview of council's substantial achievements.

*Refer Attachment 1*

The Audit and Risk Committee reviewed the Annual Report at its meeting of 18 October 2023. They recommended that there be an inclusion related to Elected Member Behaviour in line with Schedule 4, Clause 1 of the *Local Government Act*. This should explicitly report that there were no contraventions of Member integrity and behaviour in 2022-23. This will be included in a final version of the Annual Report.

This Annual Report is part of a strategic planning and reporting framework that guides council's direction and measures our performance against the goals set out in council's strategic plan titled *Our Holdfast 2050+*.

This report records our achievements in line with the ambitious program of work outlined in *Our Holdfast 2050+* and the *Annual Business Plan 2022-23*, and reports on our performance against last financial year's budget and strategic aims.

### ***Achievements***

The achievements for the year include:

- Nearly 60,000 hours contributed by City of Holdfast Bay volunteers (the equivalent of \$2.76 million).
- 7,459 community transport trips are completed to enable older residents to stay in their own homes.
- 70 per cent of waste was diverted from landfill – a first for South Australia.
- Council moved to 100 per cent renewable electricity.
- 65,196 visits to the Bay Discovery Centre – a 35 per cent increase on pre-Covid levels.
- Over half a million items were borrowed from our libraries, including 83,509 digital content items.
- 798 trees were planted.
- 6,176 linear metres of road were resealed.
- 4,461 linear metres of kerb were renewed.
- 19 bus stops were improved.

Following the severe storms in November 2022 more than 20 staff worked throughout the weekend to clean up after flooding and fallen trees. This clean up work continued for months after the storm. This created a record for the number of work requests completed by the Field Services staff.

It is also noteworthy that on a normal day in 2022-23 in the City of Holdfast Bay:

- Nearly 1,500 items were borrowed from our libraries at Glenelg and Brighton.
- 511 people visited the libraries.
- More than 300 people attended our four Community Centres.
- 170 phone calls and nearly 100 emails were responded to by our Customer Service team.
- Our two Jetty Roads at Glenelg and Brighton were serviced by street sweepers.
- 60 separate cleaning services were conducted at council buildings.
- Each of our 31 public toilet facilities were serviced and cleaned.
- 7,200 bins lifts for residential and business waste collection were completed.
- 3,242 pages were viewed on our website.
- 4 development applications were processed.
- 25 linear metres of roads were resealed.
- 24 square metres of kerb were renewed.
- 3 trees were planted.

These achievements have been accomplished within a framework of tight financial control with all financial indicators well within targets.

### ***Financial Statements***

The attached report will also be updated to include the audited financial statements of council along with those of council's regional subsidiary, the Southern Region Waste Resource Authority. Both statements are the subject of a separate item in this agenda.



They will be incorporated into the Annual Report 2022-23 once Council has resolved to approve the General Purpose Financial Reports for the year ending 30 June 2023, as required under Section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the Council as required under the *Local Government (Financial Management) Regulations 2011*.

### ***Distribution***

As in previous years, this year's Annual Report will be provided in an electronic format on the council's website with a limited number of printed copies available upon request.

A copy of this Annual Report must be submitted by council to the Presiding Members of both Houses of Parliament, the Parliamentary Library, State Library and National Library as well as the SA Local Government Grants Commission by 31 December.

### **Budget**

The cost of design, printing and publishing of the Annual Report was incorporated in the 2023-24 Budget.

### **Life Cycle Costs**

Not applicable

### **Strategic Plan**

Statutory compliance

### **Council Policy**

Not applicable

### **Statutory Provisions**

*Local Government Act 1999, section 131*

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<b>Written By:</b>	Corporate and Service Planning Lead
<b>General Manager:</b>	Strategy and Corporate, Sharon Wachtel

# Attachment 1

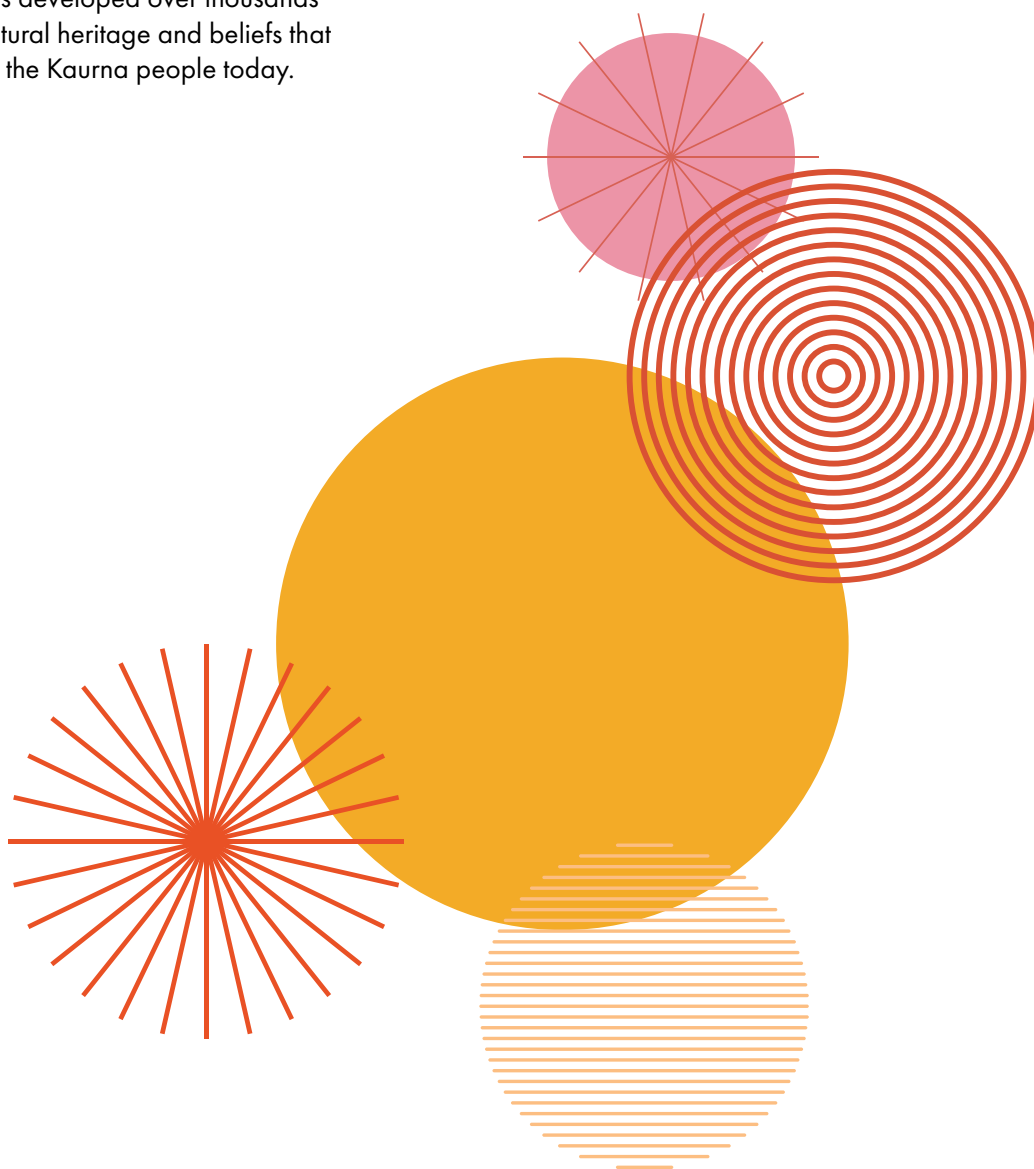
# Annual Report 2022–23



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## Traditional Custodians

The City of Holdfast Bay acknowledges the Kaurna People as the traditional owners and custodians of the 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 the Kaurna people today.



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# Welcome to Our Place

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This Annual Report is part of a strategic planning and reporting framework that guides Council's direction and measures our performance against the goals set out in the City of Holdfast Bay strategic plan—*Our Holdfast 2050+*.

This report records our achievements in line with the ambitious program of work outlined in the *Our Plan for Our Place Annual Business Plan 2022–23*.

## Our Vision

In Council's Strategic Plan *Our Holdfast 2050+* the vision is:

Protecting our heritage  
and beautiful coast, while  
creating a welcoming  
and healthy place for  
all in South Australia's  
most sustainable city.

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# Our Place

## Adelaide's Favourite Coastal Destination

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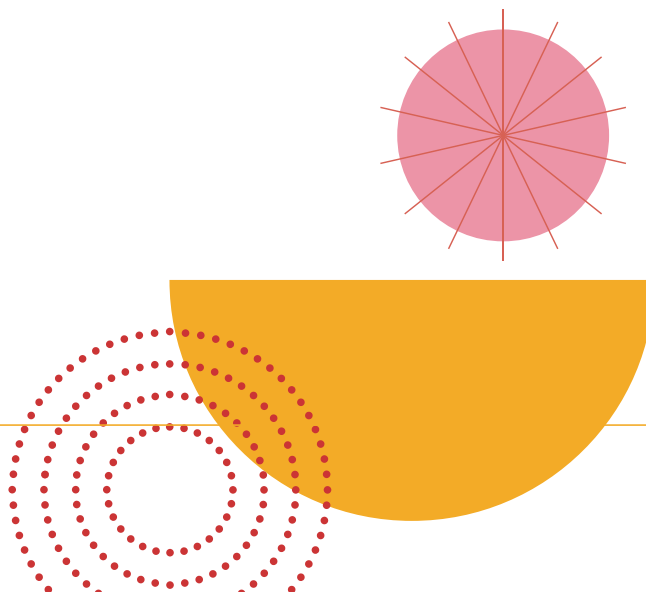
For 65,000 years, Aboriginal people have inhabited the vast lands of Australia. The coastal environment of Holdfast Bay, with its freshwater lagoons and abundant plant and animal resources, was used for millennia as a meeting place for cultural celebrations, ceremony, and trade by the local Kaurna people. It continues to be a place of significant Kaurna cultural heritage.

In 1836, Colonel William Light arrived on a ship named Rapid on a mission to survey the South Australian coast in search of a place for settlement. While the Rapid stood offshore near the mouth of the Patawalonga River, 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. Wituwartingga became the municipality of Brighton in 1858.

In 1997, the City of Holdfast Bay was formed through the amalgamation of the Glenelg and Brighton councils.

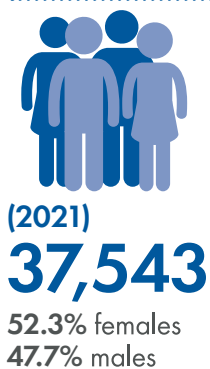
Located just eleven kilometres from Adelaide's city centre and five minutes from Adelaide Airport, our city is now home to over 37,000 people and one of the most celebrated places to live, work and visit in the Adelaide metropolitan area. It boasts a beautiful natural environment; high-quality recreation and community facilities; superior health and education options; a vibrant tourism sector; thriving retail precincts; and a small light industrial area.





# Our Community

## TOTAL POPULATION



## VEHICLE USAGE

Private car is the most common travel method for journeys to work (80%). Public transport accounts for 8.5% and active travel (walking and cycling) 5%



## SNAPSHOT



### HIGH

- Average Income
- Education
- Housing Mortgages



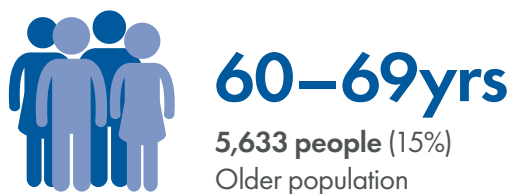
### LOW

- Unemployment for those in the workforce, but the age group with the greatest number is not in the labour force.

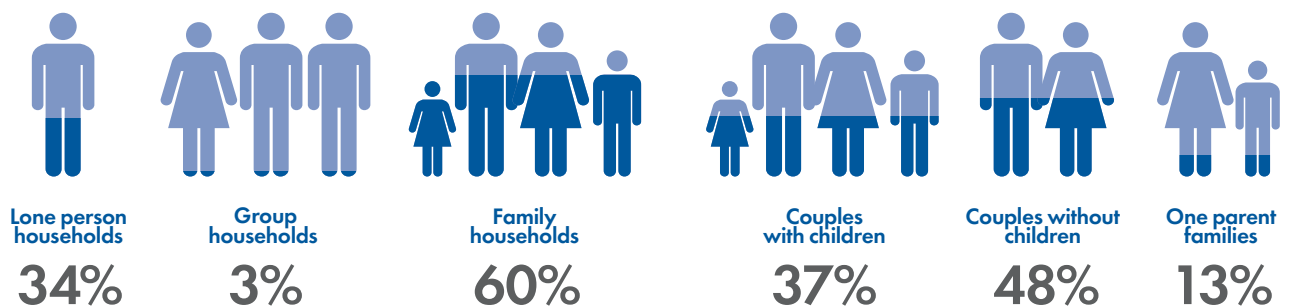
## MEDIAN AGE



## MOST COMMON AGE GROUP



## HOUSEHOLD TYPES



Source: ABS 2021

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# Message from the Mayor

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A city, economy and community that is resilient and sustainable is one of three pillars we are guided by in all that we do, in line with our Strategic Plan, *Our Holdfast 2050+*.

In addition to this, our proximity to the coastline – 9km of which is a significant portion of our council area – means that caring for our environment has been, and will continue to be, a major area of focus in all that we do.

This Annual Report demonstrates how the City of Holdfast Bay has proven its leadership in sustainable environmental practices, in particular waste management, year on year.

We have become a member of a recently formed Adelaide Coastal Councils Network, to advocate and collaborate with other Adelaide metropolitan councils and state agencies.

In line with our *Carbon Neutral Plan*, we have been on 100 per cent renewable electricity since January this year. This has been supported with the installation of additional solar systems at the Glenelg Library, Brighton Library, Brighton Tennis Club and the William Kibby VC Veterans' Shed at Glenelg North.

We have supported Green Living workshops and offered our residents financial rebates to assist them to live greener lives.

Council staff have also worked closely with our nature volunteers who contributed more than 1,152 hours (equivalent to \$74,880), over 43 volunteer sessions, looking after our natural areas, gullies and reserves.

A two-year campaign to capture the number, status and health of our public trees across streets and reserves has been completed through the Urban Forest Tree Audit.

We have approximately 21,500 trees and in the past year, planted another 798 street trees, which all contribute to our goal of increasing the city's tree canopy.

The most significant change we introduced was weekly green-lid FOGO (Food Organics Garden Organics) bin collections, which was a first for any council in South Australia.

This change was a powerful demonstration of Council's leadership in the environmental and waste management space.

After an 18-month trial, the city-wide rollout of our new default kerbside bin collection service started in July 2022 and we have now diverted 70 per cent of waste away from landfill – another South Australian first.

This change has also achieved a reduction in greenhouse gases that are produced when food and other organic items are sent to landfill.

Our focus on the environment has also extended to future-proofing our natural assets.

The Pine Gully revitalisation project transformed the Kingston Park site, with the installation of stormwater pipes, a rock-lined channel, a new trail and stairs for community access and landscaping.

We secured a Green Adelaide grant for \$150,000 to contribute to the revegetation and trail works, which has resulted in a wonderful community asset that will be enjoyed for decades to come.

Community and sporting facilities are essential services provided by councils and we have continued a significant investment to create even more assets that are so important to our community.

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The Glenelg Oval Masterplan has progressed into Stages 3 and 4, resulting in the installation of a new LED scoreboard and new behind goal netting in time for the 2023 SANFL season.

Community consultation was undertaken for the upgrades to the adjoining Margaret Messenger Reserve and detailed designs were finalised for the remaining aspects of the Masterplan including *Disability Discrimination Act* (DDA) compliant access between Glenelg Oval and the reserve and new public toilets.

At South Brighton, the Dover Square Tennis Club benefitted from court upgrades and the installation of new competition-standard lighting. This again demonstrates our commitment to supporting sports and community clubs at a grass roots level.

At our two major visitor precincts – Jetty Road, Glenelg and Jetty Road, Brighton – we've improved both our security provisions and lighting for increased safety and accessibility.

Jetty Road, Brighton has undergone a street lighting upgrade to improve the amenity and energy efficiency.

All street lighting from the Esplanade at Brighton to the train line has been replaced with energy efficient LEDs. Further to this, we installed more than 30 LED solar bollards to boost visibility and accessibility in the precinct.

The change to LED lights along the street is part of Council's overall plan, in partnership with SA Power Networks, to fit LEDs into all 2,550 streetlights across the city.

At Glenelg, we undertook a major upgrade and expansion of the CCTV network – from the Esplanade and Foreshore to the retail precinct of Jetty Road.

Almost half the existing cameras were replaced with new hardware and another 38 cameras were added to the network, taking the number to almost 80 cameras in total.

The project cost was \$630,000 and was funded by Council together with a grant from the Federal Government's Local Roads and Community Infrastructure Program.

Events have continued to play a vital role in supporting our economy, local businesses and the hospitality and tourism industries, and we welcomed more than 1,098,850 visitors to the city, with an estimated 600,000 people attending events we hosted.

A highlight was the return of the Glenelg Christmas Pageant in November 2022, after a two-year hiatus. An estimated 25,000 people lined Jetty Road to view the parade which included more than 50 floats and 1800 participants.

We also took Christmas to the suburbs by supporting 10 Christmas Street Meets, in which neighbours celebrate the spirit of Christmas together in their local street.

Of course, this is just a snapshot of the past year with many more highlighted in this document. I hope you enjoy reflecting on our achievements as I have.

I look forward to watching our community continue to prosper in the years ahead.



**Amanda Wilson**  
Mayor  
City of Holdfast Bay

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# Message from the CEO

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Reflecting on the past 12 months is an insightful and rewarding exercise to undertake.

Not only to review and celebrate our city's achievements, of which there are many, but then to look forward to what we can further achieve in the future.

Council's focus on caring and supporting our community, from our youth to our seniors, has been outstanding.

We see the value in nurturing the younger members in our community while caring for our ageing population – while also celebrating their wisdom and acknowledging their valuable contributions.

This was demonstrated through the Seniors for Seniors project in which senior members of our community shared their tips for life and success with the 2022 year 12 seniors from our two local high schools.

The moving video was initiated by Council's Community Wellbeing team, which has also been instrumental in further promoting the achievements of young people in Holdfast Bay.

The HoldUp Youth Committee is an active group which provides opportunities for consultation and collaboration regarding youth projects and events.

More than a dozen young artists transformed the Zig Zag ramp at Seacliff, bringing to life our community asset with a bright mural.

Council also supported 65 young people with Youth Achievement Sponsorship grants, totalling \$9,250 in recognition of and to encourage their sporting goals and achievements.

Maintaining and upgrading community assets for young ones to enjoy also saw the upgrade of several playspaces and reserves, including the Patawilya Reserve bike and scooter track at Glenelg North.

At South Brighton, the Dover Square Reserve playspace was renewed with new soft fall and some new play equipment, and community consultation was undertaken for the design of Paringa Reserve playspace.

Our Community Wellbeing program is also essential in helping older people engage with their local community. We provided residents with 7,459 one-way transport trips, be it to allow people to attend medical appointments, shopping or personal business.

Council staff also worked closely with Community Centre volunteers to attract more than 8,000 visitors each month. Activities included more than 80 low-cost programs with a focus on health and fitness, education, arts and crafts, social and personal development as well as luncheons, charity events and Adelaide Fringe and Adelaide Festival shows.

Through our aged care provider Alwyndor, more than 550 people were supported to live safely and healthily at home with Alwyndor's home care packages, which increased by 45 per cent on the previous year.

Offering our senior residents the chance to continue to live independently in their own homes, while receiving the assistance or care they need, is another critical service for our community.

Alwyndor is also home to the intergenerational playgroup, Tots at Dots, which returned in 2023 after being put on hold during the pandemic.

Tots at Dots offers the unique opportunity for inter-generational play and interactions that are equally beneficial for the children, parents, guardians, and Alwyndor's residents and is endorsed by Playgroup SA.

We know that without the contribution of our volunteers, we would be unable to offer so many great experiences and services to our community.

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I want to thank the 309 volunteers who worked so diligently and contributed 59,328 hours to council programs over the past year, which is equal to \$2.76 million in economic value.

We had many volunteers assist us in hosting two very successful accessible beach days at Glenelg, held in partnership with the Paraplegic and Quadriplegic Association of South Australia and with support from the Rotary Club of Holdfast Bay and Rotary Club of Glenelg.

The events were designed to give people with disabilities and others with mobility difficulties the opportunity to access the beach and go into the ocean in a safe manner.

Further to that, we identified the need to make our beaches accessible to everyone in our community and have delivered this essential service for both residents and visitors to enjoy.

A *Disability Discrimination Act* (DDA) compliant beach access ramp was constructed just north of Glenelg Jetty and now provides year-round access to the beach.

Another six access points onto Glenelg Beach were also upgraded between the jetty and Broadway Kiosk. The new stairways have greater ability to cope with fluctuating sand levels and reduce maintenance requirements for Council. There is also a ramp, located near Pier and Robert Streets, which has a non-slip surface.

Council's ongoing commitment to enhancing our city's image, safety and accessibility was undertaken by our Engineering and Field Services teams.

A total of 6,176 linear metres of road were resealed, 4,461 linear metres of kerb renewed, 102 DDA-compliant kerb ramps upgraded, with another 19 bus stops improved.

Upgrades were also undertaken at the Gordon and Augusta Streets roundabout at Glenelg and an emu crossing was installed at Margaret Avenue, North Brighton, adjacent to Paringa Park Primary School.

The volume of work undertaken by our Field Services team has also been significant in the past 12 months.

Our accelerated footpath program has seen 5849m<sup>2</sup> of footpaths repaired in addition to the regular repair program. On top of this, the team repaired 1,230m of kerbing and 366m<sup>2</sup> of bitumen (potholes).

The team maintains 56 areas – parks, reserves, sports ovals, significant verges and Partridge House - as well as daily street cleaning and routine maintenance of bins, benches, showers and drinking fountains.

The response of the team was nothing short of outstanding when, in November last year, Adelaide experienced one of the most destructive storm events seen in recent years.

More than 20 staff members gave up their weekend and worked tirelessly to help clean-up after flooding and fallen trees.

The reactive works continued for months after the storm, with a record being set for the number of work requests completed.

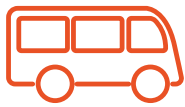
As detailed in this report, our list of achievements for the past year is impressive and it is thanks to the commitment of all council staff – who have shown themselves to be leaders in their fields – that this has been accomplished.



**Roberto Bria**  
Chief Executive Officer  
City of Holdfast Bay

# 2022–23 Highlights

In 2022–23:



**7,459**

community transport trips helped residents get out and about



**6,171**

Holdfast Hounds were registered and 57 animals were reunited with their owners



**551**

people were supported to live safely and healthily at home with Alwyndor's home care packages



**100%**

renewable electricity used by Council



**3,060**

immunisations were administered at our local clinics



**526,376**

library items were lent to 13,420 members



**309**

invaluable volunteers contributed 59,328 hours within council programs (\$2.76 million economic value)



**43,088**

phone enquiries resolved



**28**

Community Grants issued totalling \$42,171

**65**

Youth Achievement sponsorship grants totalling \$9,250



**\$64,000**

allocated to local businesses in shopfront grants

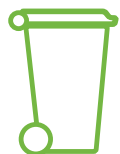


**1,098,850**

people visited Holdfast Bay

**798**

street trees were planted



**70%**

of waste was diverted from landfill



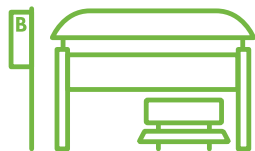
**518**

events held at Partridge House



**19**

bus stops improved



**1,000+**

local businesses can be found on the Holdfast Bay Business Directory and MyHoldfast App

**600,000+**

people attended Holdfast Bay hosted events



**6,176**

linear metres of road, 4,461 linear metres of kerb and 8,626m<sup>2</sup> of footpath were maintained or replaced



**981**

development applications were processed



**274**

new dwellings were approved (valued at \$122 million)

# A Day in the Life

Did you know that on a normal day in the City of Holdfast Bay:

Nearly

**1,508**

items are borrowed from our libraries at Glenelg and Brighton



More than

**322**

people attend our four Community Centres



**511**

people visit the libraries



**30** trips on the Community Wellbeing bus



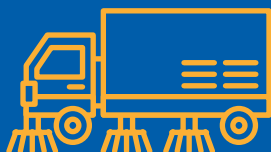
**60**

separate cleaning services are conducted at council buildings



Each of our **31** public toilet facilities are serviced and cleaned

Our two Jetty Roads at Glenelg and Brighton are serviced by street sweepers

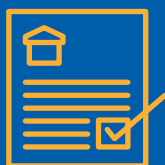


**174** phone calls and **95** emails are responded to by our Customer Service team



**3,242**

page views on our website



**4**

Development Applications processed



Maintenance and other works are carried out at Glenelg Oval by our Open Spaces team

**7,200**

bins lifts for residential and business waste collection



**25 linear metres** of roads resealed

**18 linear metres** of kerb replaced



**3** trees planted



**24sq metres** of footpaths repaired



**33** requests completed by our Field Services team

# Quality of Life Survey Results (2023)

How you rated your council out of 10:



## COMMUNITY



**8.6**

Providing library services



**8.3**

Providing sporting facilities



**7.5**

Delivering services for the elderly and people with a disability



**8.1**

Providing programs and services that encourage a healthy and active lifestyle



**7.8**

Providing arts and cultural experiences



## PLACEMAKING



**7.1**

Maintaining roads and kerbing



**7.55**

Maintaining cycle networks

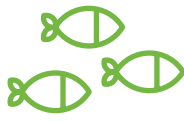


**8.7**

Access to shops, services and open space



## ENVIRONMENT



**8.1**

Maintaining beaches and coastal areas



**8.2**

Providing adequate waste management services



**Overall rating of Holdfast Bay as a place to live**

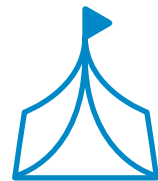


## ECONOMY



**7.8**

Encouraging a diverse range of businesses and services in the area



**7.85**

Supporting and promoting tourism and events



## CULTURE



**6.95**

Council provides good financial management and value for rates



**7.2**

Overall satisfaction with the quality of service and performance of the council



**8.3**

Maintaining well laid out parks and reserves



**7.6**

Providing programs that foster social interaction and community wellbeing



**8.0**

Providing a sense of safety in neighbourhoods





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# Our Holdfast 2050+

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In November 2021 Council adopted a new Strategic Plan titled *Our Holdfast 2050+*. This Plan came into effect on 1 January 2022. This means that 2022–23 was the first full year under this new Plan.

This Strategic Plan was in direct response to changing conditions and being set up to respond to an uncertain future. While change has occurred throughout human history, we are living in a world characterised by:

- › V = Volatility: the nature, speed and dynamics of change, forces and catalysts
- › U = Uncertainty: the lack of predictability, prospects for surprise, and awareness and understanding of issues and events
- › C = Complexity: the multiplex of forces, no cause-and-effect chain and confusion
- › A = Ambiguity: the haziness of reality, the potential for misreads, and mixed meanings of conditions.

These VUCA conditions are amplified by advancing technologies, changing needs and social values and increased expectations.

In developing *Our Holdfast 2050+*, Council considered what long-term challenges may be expected and how to best address them. These include challenges such as climate change and infill development, which could have the potential to erode the quality of life in Holdfast Bay over the medium to long term.

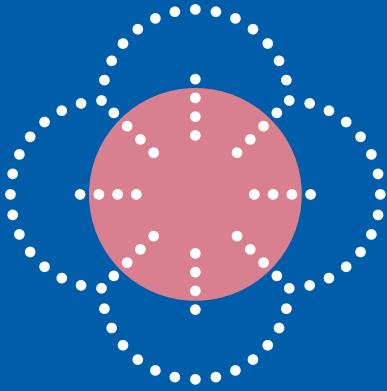
*Our Holdfast 2050+* has an increased focus on community—the people of Holdfast Bay as well as important infrastructure and assets. This recognises the need for a long-term, ambitious vision while allowing sufficient flexibility to adapt as conditions change and as our knowledge improves. *Our Holdfast 2050+* captures the spirit of these aspirations for everyone who lives, works and plays in the City of Holdfast Bay. The vision for *Our Holdfast 2050+* is:

Protecting our heritage and beautiful coast, while creating a welcoming and healthy place for all in South Australia's most sustainable city.

This is supported by three focus areas:

- › **Wellbeing**  
Good health and economic success in an environment and a community that supports wellbeing.
- › **Sustainability**  
A city, economy and community that is resilient and sustainable.
- › **Innovation**  
A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.

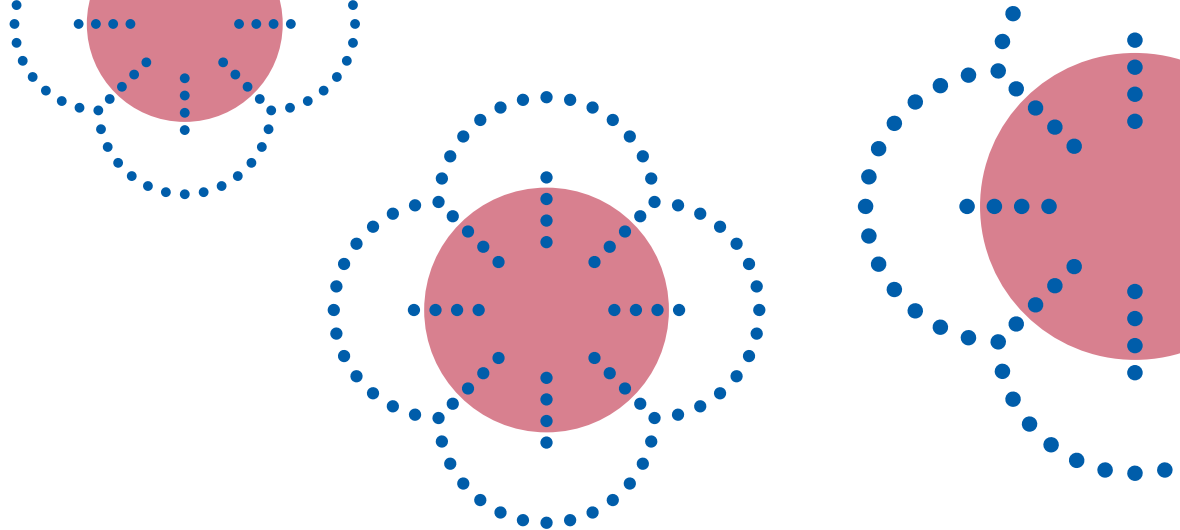
The focus of *Our Holdfast 2050+* is on the city as a whole and the communities that work, live and play within it. To deliver this Plan the operations of the Council itself requires its own focus. To create this focus, an integrated Corporate Plan will be developed in 2023–24.



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# Wellbeing

Good health and economic success in an environment and a community that supports wellbeing.



## Kaurna Heritage and Culture

The City of Holdfast Bay continues to foster and strengthen relationships with the Kaurna people to honour, promote and protect their culture, heritage and connection to the land. Some activities include:

- › Regular meetings were held with Kaurna Elders to discuss Council projects and cultural initiatives and deliver outcomes that strengthen our community's understanding of Kaurna culture, connection to place and our shared history.
- › Welcome to Country and/or Acknowledgement of Country continue to be embedded in community events and civic ceremonies.
- › Council provided a variety of workshops and training including cultural awareness, cultural heritage sessions, language workshops and arts and cultural activities. These initiatives encouraged cultural learning and sharing and provided a greater understanding and respect for Aboriginal heritage and culture and the significant sites throughout the city.
- › In celebration of National Reconciliation Week, South Australia's History Festival and NAIDOC week, cultural workshops and tours were facilitated by Kaurna Elders and Aboriginal cultural leaders. The theme for NAIDOC week 2023 being 'For our Elders', Council worked with Senior Kaurna Elder Lynette Crocker to share a short film on some of the influential Kaurna and Aboriginal women in her life.
- › Kaurna Nation led the cultural focus of the 186th Proclamation Day ceremony at the Old Gum Tree on the 28 December, building upon the collaborative approach between Council and Kaurna to share our joint histories.

## Community Sport and Recreation

### Club Development

Council provides assistance and support to local sporting clubs and recreation groups to develop positive and sustainable club management. This is achieved through workshops that support strategic planning, volunteer management, financial management and succession planning. Council also works with individual clubs to progress grant funding opportunities for facility upgrades.

### Glenelg Oval Masterplan

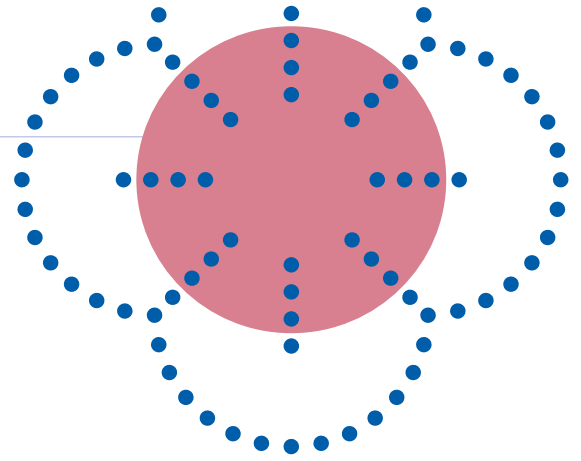
Construction of stages three and four of the Masterplan commenced with the installation of a new LED scoreboard and new behind goal netting in time for the 2023 SANFL season. Community consultation was also undertaken for the upgrades to Margaret Messenger Reserve and new playspace / fitness stations. Detailed designs were finalised for the remaining aspects of the Masterplan, including upgrades to Margaret Messenger Reserve and new public toilets which will start construction in September 2023.

### Dover Square Tennis club

The upgrades to the Dover Square Tennis Club were undertaken and included the construction of two new courts and new competition-standard lighting for all four courts. The upgrades that were completed in February 2023 will enable the Club to host night matches, training and social tennis.

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# Wellbeing



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## Kauri Community and Sports Centre

The Kauri Community and Sport Centre is home to the Holdfast Music Centre, Seacliff Uniting Church Netball Club, Seacliff Tennis Club and Seacliff Hockey Club. During the previous 12 months, the Clubs have operated under a self-management model, with the objective to maximise the use of the Centre by the rest of the community and to offer a range of social, recreational, educational and personal development programs. The next 12 months will focus on Council facilitating and consolidating the new self-managed approach with the Clubs.

## Playspace and Reserve improvements

In 2022–23, Council upgraded the following playspaces and reserves:

- › Patawilya Reserve bike / scooter track was upgraded and resurfaced.
- › Dover Square Reserve playspace was renewed with new soft fall and some new play equipment.
- › Community consultation was undertaken for the design of Paringa Reserve playspace to be upgraded with new equipment, shelters and seating in September 2023.
- › Wigley Reserve had new sports lighting installed for use by community groups and personal trainers for after-dark use of a section of the reserve.

## Glenelg Beach entry points upgrades

Seven existing beach access points between the Glenelg Jetty and Broadway kiosk have been upgraded. This includes new infrastructure such as non-slip steps, handrails, seating, shelter and a *Disability Discrimination Act* (DDA) compliant beach access ramp north of Glenelg Jetty.

## Community Wellbeing

The Community Wellbeing Program provided residents with 7,459 trips. These trips are for older people who rely on community transport to engage with their local community, attend medical appointments, shopping and personal business.

## Volunteers

Across the City of Holdfast Bay, 309 volunteers contributed 59,328 hours of support, equating to \$2.76 million in economic value. This is an increase of 31 per cent from 2021–22.

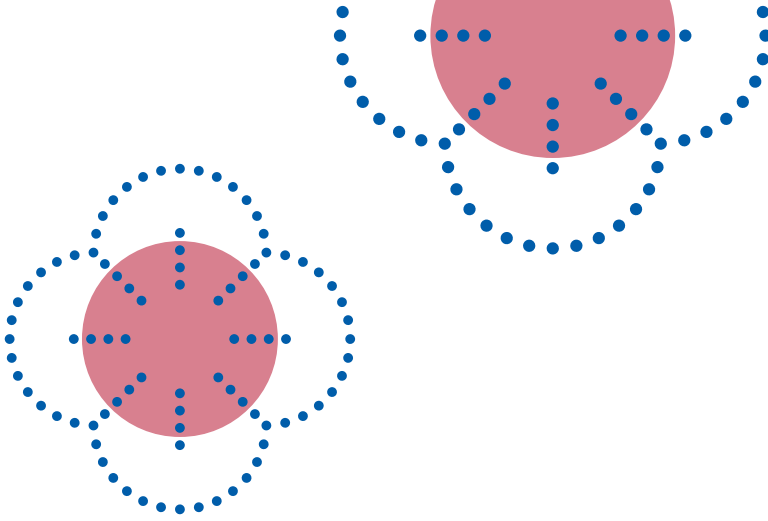
Volunteer Services have referred 35 volunteers to local service organisations and supported special interest groups. We have supported inclusion by developing programs for more members of the community with disabilities.

New volunteer programs were introduced, these include:

- › Veterans' Shed volunteering
- › Millie Dorsch Sisterhood Support Program
- › Wednesday Gardening Group
- › Hove Kitchen Program
- › Library IT Program.

We have been able to place volunteers across the organisation with new placements in:

- › Youth Programs – two people
- › Environmental programs – nine people
- › The Bay Discovery Centre – 16 people
- › Library programs – five people



- › Alwyndor programs – three people
- › Community bus – 12 people
- › Poo bag refill (PBR) – two people
- › Justice of the Peace – one person
- › Arts programs – two people
- › The History Centre – nine people
- › Social Support – two people
- › Veterans’ Shed volunteering – seven people
- › Millie Dorsch Sisterhood Support Program – five people
- › Wednesday Gardening Group – six people
- › Hove Kitchen Program – four people
- › Library IT Program – three people
- › Advanced Care Directive Program – two people.

### Community Centres

The City of Holdfast Bay offers four community centres:

- › Glenelg Community Centre
- › Glenelg North Community Centre
- › Brighton Community Centre
- › Holdfast Bay Community Centre.

Council staff work closely with Centre volunteers to attract more than 8,000 visitors each month. Activities included over 80 low-cost programs such as health and fitness, education, arts and crafts, social and personal development as well as luncheons, charity events, and Fringe and Festival shows.

The community centres support local charities by delivering social events that raise awareness of issues and by sharing information on services available within the community. The Glenelg Brass Band offers free community concerts at a range of community events while traditional social events like Easter, Christmas, seniors and seasonal luncheons attract up to 100 people each.

### Community Development Projects

There are several community partnerships with local organisations which support programs to address disadvantage, loneliness and homelessness. Others support lifelong learning, good neighbours, health and nutrition, sensory and invisible disabilities. Support for each service organisation varies dependent upon gaps. Support includes assistance in grant application and management, collection and collation of data, program planning, network and resource connections, and subject matter expertise.

### Youth program

Council’s programs and initiatives targeting children and young people included:

- › An active HoldUp Youth Committee regularly providing opportunities for consultation and collaboration regarding youth projects and events.
- › Grant recipient for DHS (Dept Human Services) Youth Week initiative, involving 15 young people in collectively designing and facilitating a public art mural.

Council was also awarded a South Australian Commissioner for Children and Young People Period Poverty Grant to address period poverty in the local area.

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# Wellbeing

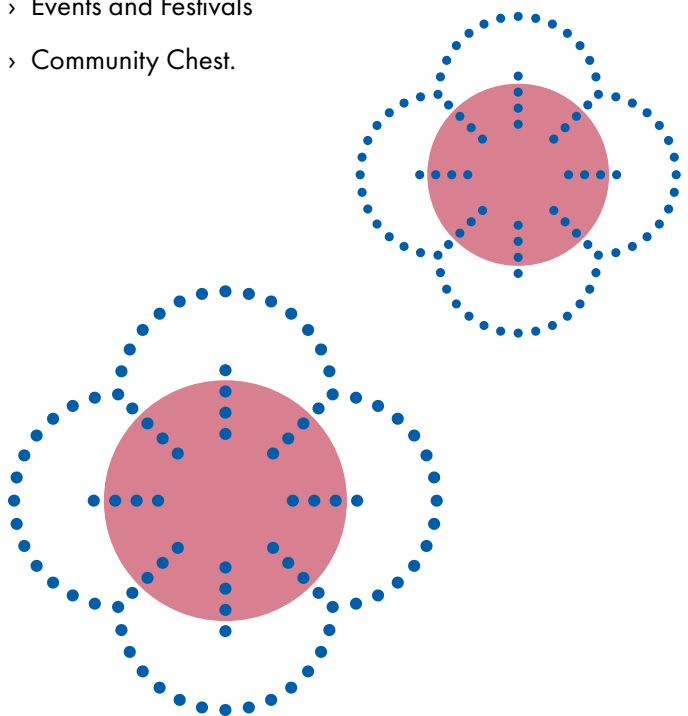
- › Supported 10 Street Meets local events, as a wider partner of Play Street Australia in their 1,000 Play Streets campaign.
- › Expanded and re-branded the quarterly Play at the Bay school holiday program, engaging over 1,500 children and young people.
- › Facilitated an innovation opportunity through the establishment of a Youth Maker Market community event, supporting 23 young makers and encouraging entrepreneurial opportunities.
- › Launched an intergenerational community project targeting young adults in partnership with local schools.
- › Worked in partnership with a local high school supporting education opportunities to connect with community learning.
- › Facilitated the co-design of a youth environmental project in partnership with local business.
- › Supported a partnership event with Carclew Youth Arts, the state's leading art and cultural organisation, raising awareness of opportunities for young artists.
- › Collaborated cross departmentally for the inclusion of designated children's activation spaces within larger community events.
- › Seasonal placemaking activation of public spaces (Brighton Library).
- › Administered 65 successful Youth Achievement Sponsorship grants, totalling \$9,250, recognising and encouraging the achievements of young people within the community.

- › Facilitated a local business partnership targeting employability skills through the provision of four youth barista workshops.
- › Active representation in various youth network committees including Local Government Youth Development Network, Western Workers with Youth Network and Southern Youth Collective Network.

## Community Grants

Council supports a range of organisations with the provision of targeted grants. In 2022–23, 28 Community Grants totalling \$42,171 were made in the following categories:

- › Arts and Culture
- › Recreation and Wellbeing
- › Events and Festivals
- › Community Chest.









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# Alwyndor

Alwyndor aims to support Adelaide's southern metropolitan community to live healthy, engaged and fulfilled lives through a range of personalised support services.





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Alwyndor offers a continuum of care, including residential living, therapy and wellness services, and support at home services—ranging from nursing care to home maintenance and gardening.

Delivery of our Strategic Plan progressed to completion this year. The plan was based on four themes:

- › Customer experience
- › Connecting communities
- › Growth
- › Sustainability.

A new Strategic Plan for the next stages of Alwyndor's business will commence in the new year.

Alwyndor's residential care includes 144 residential, respite, transitional care and care awaiting placement beds. In 2022–23 our residential care occupancy rate remained steady with an average of 96.9 per cent.

### Community Connections

Our Support at Home Service grew by 45 per cent during the year to 551 home care packages and private clients. Home care packages include a full range of services from domestic matters to complex clinical and end of life care. Home and social support services increased with the City of Holdfast Bay social support services transferring to Alwyndor, increasing our presence to the Kauri Community and Sports Centre as well as the Brighton Sports and Social Club.

Therapy and wellness programs are offered as one-on-one and group settings at Alwyndor, as well as in client homes and online. New services introduced this year include Balance and Core at the Barre and Dance Fusion. Our services and classes also include:

- › Podiatry
- › Physiotherapy
- › Occupational therapy
- › Speech therapy
- › Exercise physiology
- › Yoga
- › Fit ball drumming
- › Circuit
- › Weights
- › Tai chi.

## Day Respite

Our Day Respite Program has continued to grow in demand and offers half and full-day respite for carers by providing care and activities. Indoor and outdoor activities are tailored to individual capability and need and are provided with any required clinical care and supports.

## Project Delivery

We are committed to providing the best possible services and experiences and recognise the importance of food, nutrition and the dining experience. We have completed a review and implemented an in-house catering model, dining room and kitchen upgrades, and seasonal menus. We have also increased resident involvement in their health and nutrition as well as the broader dining experience and have increased our food expenditure.

AlyayaCare, our new online platform for managing our Support at Home and Therapy and Wellness services has been successfully implemented.

Our phone system upgrade has been completed and provides a more user-friendly experience for clients and staff.

## Tots at Dots – intergenerational playgroup

This popular activity that was put on hold during the pandemic, returned to Alwyndor in 2023. Held on Monday mornings during school terms, Tots at Dots offers the unique opportunity for intergenerational play and interactions that are equally beneficial for the children, parents, guardians and our residents. Tots at Dots participants enjoy a range of interactive activities within a relaxed, fun semi-structured environment.

## Palliative Care

Our commitment to ensuring the best possible end of life care in both community and residential settings was further enhanced this year through the Program of Experience in the Palliative Approach (PEPA), provided by Palliative Care SA. The aim of this work was to improve the knowledge, skills and confidence to offer quality palliative care for residents, clients, families and loved ones. Alwyndor supports both residents and clients to work with their medical practitioner to utilise the Voluntary Assisted Dying legislation if they wish.

## Accreditation

Alwyndor has full accreditation in all business areas.

## Customer Experience

As a part of our commitment to the very best customer experience we monitor the quality and consistency of care and service delivery in our environment of client choice and control. These include:

- › A net promoter score (NPS) which asks, 'How likely are you to recommend Alwyndor to a friend?' Data collection began in January 2021 with Alwyndor scoring a world class +81.9, well above the benchmark for aged care of +44.
- › A customer effort score assesses the ease of client entry into our services. Entry into the aged care system can be confusing and lengthy and we are proud of our score of 4.8 out of 5. This demonstrates that our systems are as simple as possible in welcoming new clients.
- › Support at Home care and Therapy and Wellness services scored an average satisfaction rating of 95 per cent. This rated performance



in 'creating a welcoming environment with caring staff who provide responsive services which promote independence'.

### Aged Care Sector Reform

Alwyndor continues to implement the aged care reforms arising from the myriad of outcomes of the Royal Commission into Aged Care Quality and Safety. This year Alwyndor complied with all requirements including the new Code of Conduct, commenced reporting on the new National Quality Indicators, implemented the revised Support at Home funding model, the mandated Serious Incident reporting in all areas, and commenced monitoring new satisfaction surveys in residential care, which was rated 4 stars on 30 June 2023.

The recent survey told us that residents feel safe and are treated with respect by staff, things are explained well, residents are encouraged to remain as independent as possible and they would be very likely to recommend Alwyndor as a place of residence to others.

Our next focus is to implement the mandated Governance reforms.



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# Wellbeing

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## Community Safety

### CCTV upgrades Glenelg

The Glenelg CCTV expansion project involved upgrading and expanding the precinct-based CCTV infrastructure in the area. This included upgrading existing cameras and network, which brought the total locations covered to 39. The project cost was \$630,000 and was funded by a Local Roads and Community Infrastructure (LRCI) grant and council. The main area of focus for the project was improving coverage of Jetty Road, Glenelg, and the Glenelg foreshore from Broadway Kiosk to the Breakwater. Upgrades included the installation of new cameras, as well as the replacement of some existing cameras to improve frame rate and low light performance. A new video management platform was also installed.

### Lighting Upgrades

Public lighting upgrades were delivered in sections of the Glenelg Foreshore along the pathways and around Brian Nadilo Reserve, at a cost of \$34,982.

### Health and Safety

The Community Safety team protects the health and safety of the local community and visitors. The team provides immunisation, environmental health, community safety and security services.

Some of highlights of the year were:

- › Providing 3,060 immunisations
- › Registering 6,171 dogs
- › Reuniting 57 animals with their owners
- › 485 investigations for litter and local nuisance issues
- › Undertaking 428 food business inspections
- › Patrolling traffic safety at schools up to twice a day during school days.

### Beach Patrols

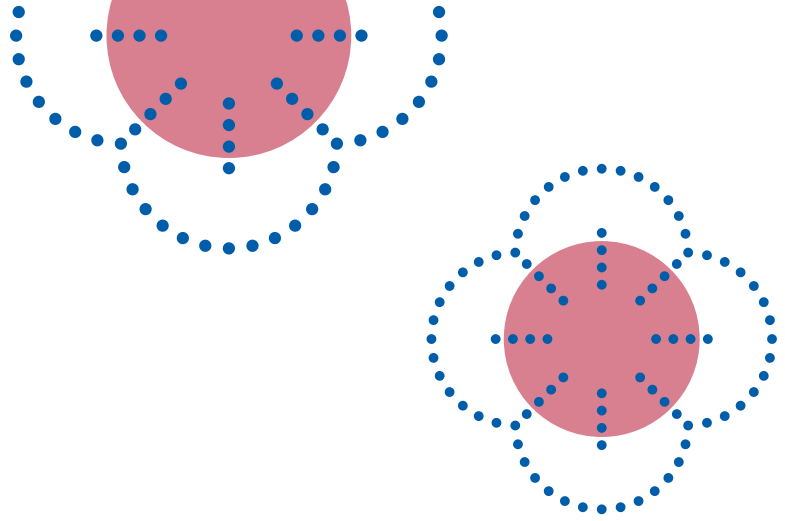
Regular beach patrols have continued this year, to protect native wildlife (especially the hooded plovers) and encourage responsible dog ownership. As a result, there was a significant improvement in compliance with local laws.

### Rough Sleepers

The Community Safety Officers have continued working closely with community and government agencies providing support for rough sleepers.

### Immunisation

The Health team have managed additional school vaccinations with the addition of year 7s in the high school program.



## Development Services

Council's development assessment, development advice and building compliance services recognise opportunities while protecting the character and amenity of our suburbs. This year, we processed 981 development applications and approved 274 new dwellings with a construction value of \$122 million.

### Cemeteries

The North Brighton and St Judes cemeteries are owned by Council with their daily operations managed by the Adelaide Cemetery Authority. Council continues to maintain the cemeteries, with grounds improvements performed in the last 12 months, including new paths, repairs to collapsed gravesites and landscaping work to soften the environment. Grounds improvements will continue into the next financial year.

### Memorial Programs

Council manages the seaside stone memorials, which are granite sculptures by the Glenelg and Brighton jetties, with names engraved. We also manage the plaques affixed on public benches. 212 benches currently have a commemorative plaque, most of them located on the beachfront. These programs have enabled the public to commemorate their loved ones.

## Buildings and Facilities

The Buildings and Facilities team provided maintenance and operational support for the City of Holdfast Bay's building assets. As part of the building portfolio, we operate 31 public toilet facilities that are available 17 hours every day of the year, with each serviced daily.

Buildings and Facilities developed and tendered a revised cleaning specification. Some of the key deliverables under this revised specification will be:

- › Over 21,400 cleaning services this year across a range of building and Council assets
- › Greater transparency around contract accountability and delivery of services
- › More efficient response times and processing of reactive services requests
- › Better management and alignment with service standards through training and auditing programs.

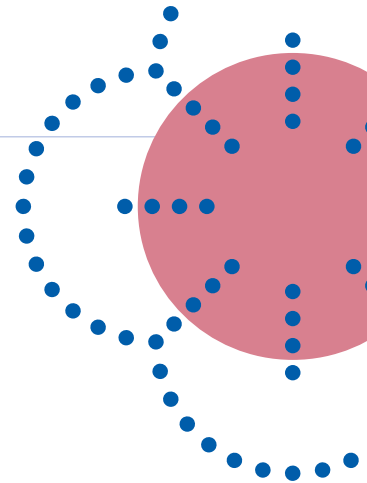
The Building and Facilities team also delivered 32 projects comprising renewal and new works on a range of assets.

These included:

- › Solar system installations at Brighton and Glenelg Libraries, Brighton Tennis Club, William Kibby VC Veterans' Shed
- › Somerton Park Yacht Club refurbishment
- › Brighton Civic Centre air conditioning renewal
- › Public lighting upgrades for Cygnet Court, Glenelg Foreshore and Nadilo Reserve
- › Brighton Oval sports field netting installation
- › Brighton Oval Rotary Club building renewal



# Wellbeing



- › Kingston House storage shed replacement
- › Works Depot fire system compliance upgrades
- › Renewal of beach access and safety signage.

## Brighton Rotary Club Shed replacement

The Brighton Rotary Club's old storage facility, located at Brighton Oval, reached the end of its useful life, and was demolished. In its place a new facility was constructed, which includes storage space for the Club's equipment, as well as a small office and kitchenette. The project cost \$132,328 and was fully funded by the City of Holdfast Bay.

## Renewal Works Program

Council invested \$201,847 in renewal works to maintain community and sporting facilities at the following locations:

- › Seacliff Youth Centre southern hall roof replacement
- › Somerton Bowls Club roof replacement
- › Holdfast Bowls Club toilet repairs
- › Holdfast Dog Training Centre exterior fencing
- › Bowker Oval Clubroom switchboard upgrades
- › Kingston House shed replacement.

## Community Amenities and Services

Council invested \$222,829 in enhancing and upgrading public amenities at the following location:

- › Glenelg Foreshore public toilets
- › Glenelg Beachouse exterior public toilets
- › Kauri Community and Sports Centre exterior public toilet
- › Partridge House toilets.

## Communications

We are committed to communicating to and with our community in a clear and open way. This includes communicating via a range of traditional and digital media.

### Our Place magazine

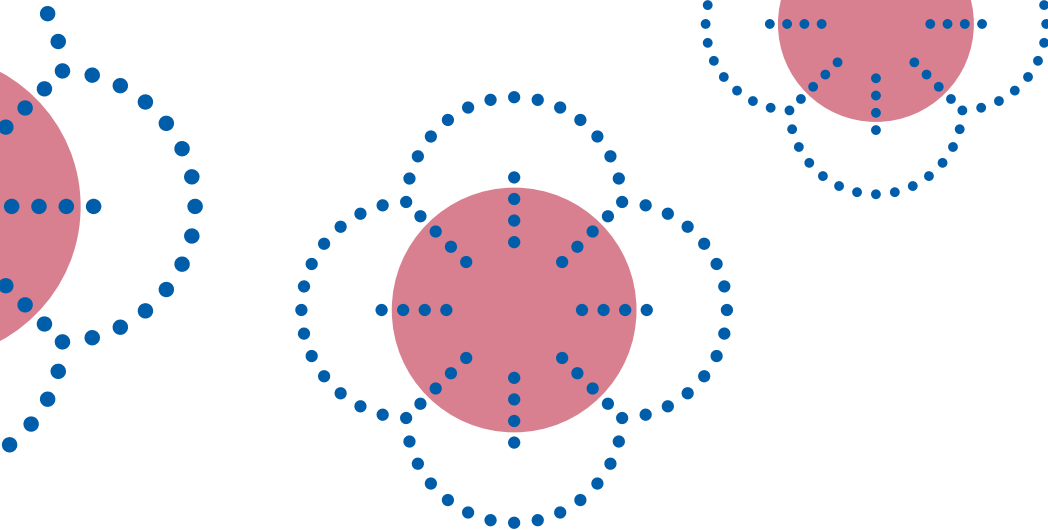
A quarterly Council magazine, *Our Place*, is distributed to all ratepayers in Holdfast Bay and made available in the wider community. The magazine provides an overview of major projects, a comprehensive what's on listing, tourism experiences, environmental initiatives and other council projects and activities.

### Newsletters

More than 5,700 people subscribe to receive our regular e-newsletters, including the fortnightly *Holdfast News* which features the latest council news, project updates and forthcoming events. There are 2,661 subscribers to *Holdfast News* which has an average open rate of 54.2 per cent. There are also newsletters for our libraries, Alwyndor and a *Creative Holdfast* newsletter that focuses on arts, culture and history information.

### Website

We have five websites to provide information on our services to the community and are a primary place for the community to access information and services from council. [Holdfast.sa.gov.au](http://Holdfast.sa.gov.au) has more than 650 pages of up-to-date information, around 300 events listed each year, and we receive more than 3,000 online requests a month via the website alone. We also collaborate with three other councils (the Western Alliance) to manage the tourism website, Adelaide Beaches.



Website	Users	Page views
City of Holdfast Bay	315,318	851,620
YourHoldfast	11,245	16,087
Jetty Road, Glenelg	20,449	94,183
Alwyndor	25,015	105,848
Partridge House	10,124	28,964
Adelaide Beaches (Western Alliance)	41,330	86,494

## Social Media

Social media and online platforms continue to be important tools to enable communication and engagement with our local community.

### Facebook

Facebook is a staple social media platform used by a large proportion of the population. In 2022–23:

- › Council Facebook followers grew to 15,963 by the end of June 2022
- › We posted 334 times on Facebook which includes photos, videos and events
- › An average 19,749 people were reached each week

- › Our Facebook posts were shared 2,055 times by our followers
- › A total of 112,746 likes or reactions, comments and shares.

The Facebook post which informed the community of the relocation of Tram 361 in April 2023 reached 216,800 accounts, which was the highest number for the year.

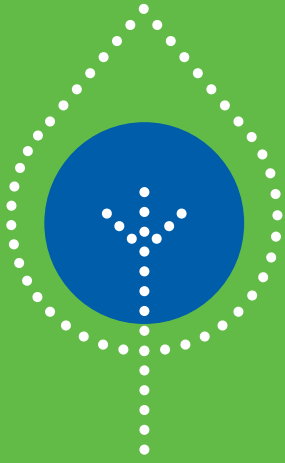
### Instagram

Instagram is a growing social media avenue for communication and engagement with our community, with a greater focus on tourism, arts, culture, history and events.

In the 2022–23 year we:

- › Gained 517 more followers in the 12-month period, with 3,666 followers on Instagram to end of June 2023
- › Posted 130 times
- › Published 332 Instagram stories
- › Published 50 Reel videos, which are short-form videos with music, which were viewed 64,006 times
- › Reached an average of 1,997 accounts a week.

Our most successful post was in November with a Reel video capturing highlights from the Glenelg Christmas Pageant. It reached 3,708 accounts.

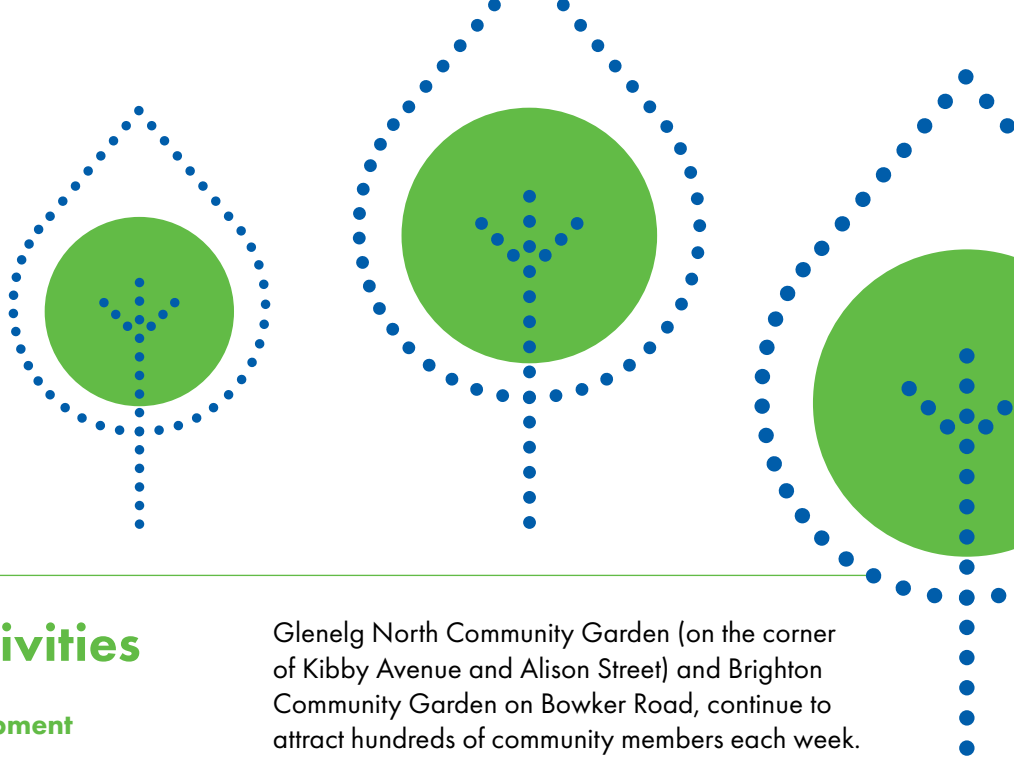


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# Sustainability

A city, economy and community  
that is resilient and sustainable.





## Projects and Activities

### Former Buffalo site redevelopment

Following further site investigations regarding constructability of the original concept designs, detailed designs commenced in mid-2023. These revised plans will be implemented with \$2.2 million allocated to construction in the 2023–24 budget. Construction is scheduled to commence in early 2024.

### Sturt River Linear Path

The detailed design process was commenced and further targeted community consultation undertaken to refine the final alignment of the path. Designs are progressing with anticipated completion in late 2023. Council will then be seeking external funding partners to assist in the path construction.

### Community Gardens

There has been a significant growth in the interest in community gardens and sustainable environmental practices within both private and public spaces. Membership within the two Holdfast Bay Community Gardens has grown. Program offerings have diversified to include composting, recycling, food systems, arts and craft, indigenous plantings, seasonal produce, food swaps, garden planning workshops, bee keeping and chickens.

Although interest is high, the number of community garden spaces has not increased in the last year as alternative gardening sites (verge gardens) and increasing home garden knowledge has shown greater demand.

Glenelg North Community Garden (on the corner of Kibby Avenue and Alison Street) and Brighton Community Garden on Bowker Road, continue to attract hundreds of community members each week.

Council also supports community gardens through funding and project development, governance direction and volunteer recruitment. The gardens deliver a large range of community led programs including:

- › individual and community plots
- › seasonal workshops and working bees
- › diversity within the gardens to include children's and sensory gardens
- › social programs including morning/afternoon teas, arts, craft and food classes.

The gardens are a vibrant and inclusive environment to share sustainable practices and learn about topics such as wicking beds, chickens, bees, tree pruning and the benefits of working in an environmentally friendly way.

### Kingston Park Kiosk

Construction of the Kingston Park Kiosk adjoining the Brighton Beachfront Holiday Park commenced in mid-2023 and is progressing on time for completion in late 2023.

### Brighton Beachfront Holiday Park upgrades

Three new ensuite site structures have been constructed at the northern end of the Holiday Park providing more accommodation options for park guests. A new maintenance shed and storage facility is also being constructed to consolidate 'back-of-house' functions and provide flexibility in the park for future cabin developments.

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# Sustainability

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## Seacliff Plaza Amenities Block

Designs were approved for the new Seacliff Plaza amenities block, and the tender for construction was issued in mid-2023 and is awaiting assessment. Construction is due to commence in late 2023.

## Shopfront Character and Heritage Grants

During 2022–23 a grant scheme was continued to support the conservation of our city’s heritage premises and the character of our retail precincts. Aimed at encouraging people who own heritage listed or retail precinct properties to invest in maintaining their buildings, the grants proved very popular and were instrumental in helping to fund many important projects that enhanced the city’s streetscape appeal. The grants supported conservation work for 26 heritage listed buildings, and shopfront enhancements to 17 business premises in 2022–23.

## Southern Material Recycling Facility (SMRF)

The \$23 million Southern Material Recycling Facility (SMRF) was launched in November 2021. This makes 2022–23 its first full financial year of operation. SMRF is a joint initiative of Southern Region Waste Recycling Authority (SRWRA) – a subsidiary of the City of Holdfast Bay, City of Marion and City of Onkaparinga – and Australian recycling and resource recovery specialist Re.Group.

Recyclables from Holdfast Bay residents’ yellow-lid kerbside bins are now being processed through the biggest and most high-tech material recycling facility in South Australia. The state-of-the-art facility sits in a 4,400 square metre, purpose-built building and has been designed to meet the highest standards of recycling purity to ensure that nothing goes to waste.

The facility boasts seven laser light optical sorting machines, which were imported from Canada earlier this year. They are programmed to identify different recyclable objects from glass bottles to tin cans.

The facility was made available thanks to \$3.1 million of funding, courtesy of the State and Federal Governments’ Recycling Modernisation Fund. This was on top of a Federal Government Community Development Grant worth \$5.35 million. This has allowed the facility to greatly increase capacity and expand beyond processing the recyclables of the three partner councils to also service other regional councils and commercial businesses.

## Environment Strategy

### Environment and Community: Thriving Together

As a part of Council’s Environment Strategy, staff worked to reduce our impact on climate change, improve and protect our nature, improve our coast, support our community to live sustainably and manage our resources sustainably. Activities included:

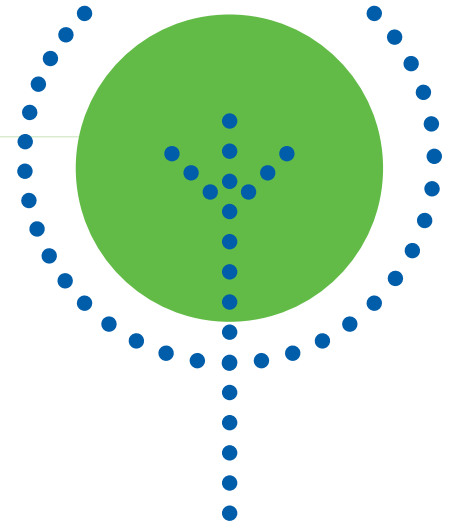
- › Maintenance and rehabilitation of natural reserves and coastal areas
- › Protection and improvement of habitats for native flora and fauna including sand dunes
- › Providing support for volunteer groups taking care of our natural reserves and dunes
- › Providing workshops and rebates for sustainable living
- › Holding Clean Up Australia Day and National Tree Day community activities
- › Managing and improving waste collection services







# Sustainability



- › Improving the diversion rate of household waste from landfill
- › Planting more than 700 street trees
- › Continuing our participation in the Resilient South Regional Climate Partnership
- › Installing new water sensitive urban design installations.

## Our Climate

### Carbon Neutral Plan

In 2019, Council recognised that the world is in a state of climate emergency. As part of its commitment to becoming a carbon neutral organisation by 2030, Council endorsed the *City of Holdfast Bay Carbon Neutral Plan*. This Plan provides a roadmap towards our target through undertaking greenhouse gas reduction activities between now and 2030. This includes changing our fleet to electric vehicles, purchasing 100 per cent renewable energy and holding carbon neutral events. Council has used 100 per cent renewable electricity since January 2023.

### Fleet Transition Plan

Development of an *Electric Vehicle Transition Plan* for council's operational fleet was completed in line with Council's *Carbon Neutral Plan 2030*.

## Our Coast

Our beaches have been managed with the Department of Environment and Water who undertake the annual sand pumping activity each winter. We have become a member of the newly formed Adelaide Coastal Councils Network to advocate and collaborate with other Adelaide metropolitan councils and state agencies.

## Our Nature

### Hooded Plovers

Holdfast Bay's hooded plover family once again returned to Seacliff this year and laid five nests, each with three eggs. Most of the eggs were taken by foxes but one clutch did hatch successfully, with one chick surviving to adulthood. The Green Adelaide conservation dog swept through the dunes three times to search for fox dens, but none were found.

### Urban Forest Tree Audit

It has taken two years to fully survey all our public trees across our streets and reserves. They have been mapped spatially so that we know exactly where they are. Each tree had a range of information collected about it including its species, size, health, age and risk status. We now have access to new information on the demographics of our urban forest, such as the most common species, an age profile for our trees and we know we have approximately 21,500 trees. All this information will feed into a new *Urban Forest Plan* to increase our tree canopy.

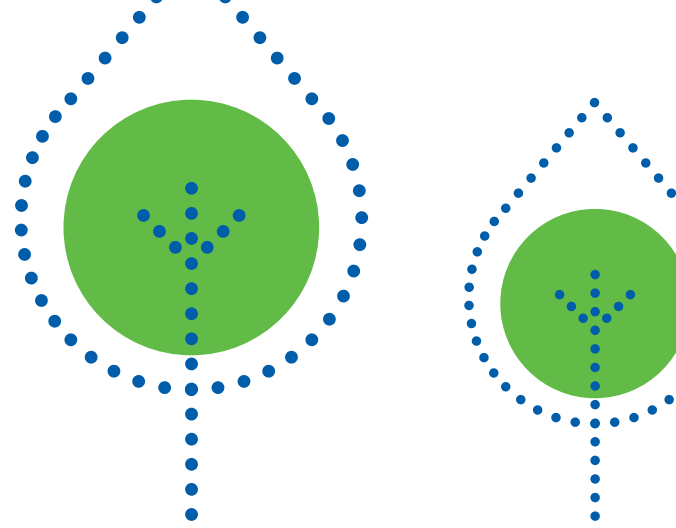
### Natural Areas Rehabilitation and Maintenance

Holdfast Bay's environment team partners with community volunteers, community groups and Green Adelaide to maintain and improve our natural areas.

Three gullies, the dunes and the Kingston Cliff Face represent most of our natural areas. They are important refuges for native animals and plants, including some regionally rare species.

This year weed control and revegetation took place with 13,097 new plantings at the following locations:

- › Barton Gully: 1,312 plants



- › Pine Gully: 2,500 plants
- › Gilbertson Gully: 805 plants
- › Dunes and coast: 2,180 plants
- › Minda Dunes: 150 plants
- › Kingston House Garden: 840 plants
- › Cedar Avenue Reserve: 145 plants
- › Gazania Free Gardens Giveaway: 800 plants
- › Native Plant Giveaway: 800 plants
- › Good Neighbour Garden: 215 plants
- › Warriparrri Reserves in-fill: 270 plants
- › Hove Greening Project (new initiative): 3,080 plants.

This year we gave away a total of 1,370 native plants to our community.

We also received \$17,000 worth of weed control funding from Green Adelaide for the Kingston Cliff Face and our dunes. Green Adelaide also provided \$10,000 for pest animal and weed control, which we used to remove the remaining high priority coastal tea trees along the Brighton to Seacliff section of the Esplanade.

### **Pine Gully Masterplan**

The Pine Gully revitalisation project provided significant stormwater, revegetation, access and amenity improvements to create an enhanced natural space for the community to enjoy. The project included stormwater pipe installation, a rock-lined channel, a new trail and stairs for community access, and landscaping. This included planting 2,500 new native plants with volunteer input. We secured a Green Adelaide grant for \$150,000 to contribute to the revegetation and trail works.

## **Sustainable Resources**

### **Weekly Food Organics Garden Organics (FOGO) Trial Phase 2**

The City of Holdfast Bay has become the first Council in South Australia to change its bin collection frequencies so that red landfill bins are only collected fortnightly and green FOGO bins are collected weekly. This has enabled our community to reach an outstanding 70 per cent diversion of waste away from landfill – a South Australian first. It has also achieved a reduction in greenhouse gases that are produced when food and other organic items are sent to landfill. Residents can now also choose from some flexible bin options if they need to choose an upsize or stay with the old service.

## **Working Together**

### **Holdfast Habitat Heroes**

We work closely with our nature volunteers who contributed more than 1,152 hours (equivalent to \$74,880), over 43 volunteer sessions, looking after our natural areas. We also provided our volunteers, residents and partner groups with four learning opportunities, including grass identification, Planting for Success, Bush For Life introductory training and Coastal Gardens.

Volunteer effort was also contributed by the Friends of Minda Dunes, the Friends of Pine Gully, and the Friends of Sturt River Landcare – all groups that are supported by and work in partnership with Council. This year we also worked with Seacliff Surf Life Saving Club (SLSC), Brighton and Seacliff Yacht Club, McAuley Community School and Sacred Heart College.

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# Sustainability

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## Seacliff and Hove Rail Care Projects

Together with the Seacliff Rail Care Group and the Department of Infrastructure and Transport, we removed several old shrubs and weeds and planted 930 local native plants. We also built a new trail next to the 'To Adelaide' platform of the Seacliff Railway Station. 36 volunteers were involved, working a total of 72 hours at this site.

Along the Hove railway section on Railway Terrace, Caroon Avenue and Addison Road, we worked with 37 local residents and Holdfast Habitat Heroes to plant 2,100 local native plants.

## Green Living

We held a range of Green Living workshops and events:

- › Six Nature Festival events
- › Two Green Living workshops
- › Three free compost giveaway events
- › Clean Up Australia Day
- › National Tree Day
- › Meet the Machines
- › OzHarvest NEST six week training course.

We also provided Green Living rebates to 70 residents.

## Solar installation and energy reduction works

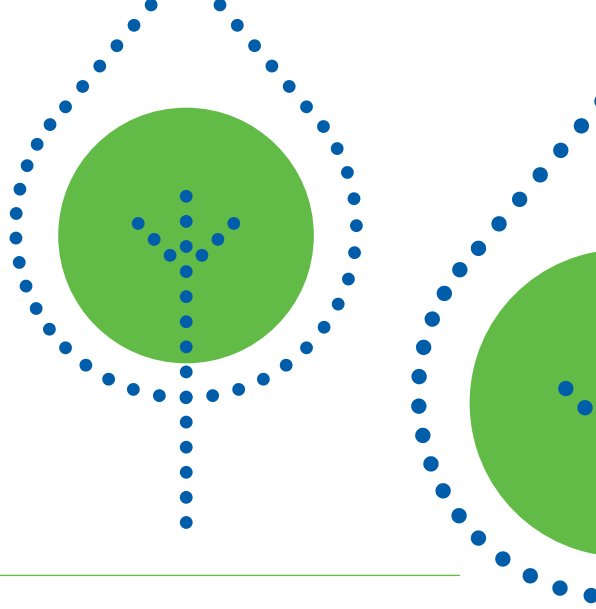
The Council will reduce energy consumption and costs through the installation of additional solar systems at the Glenelg Library, Brighton Library, Brighton Tennis Club and the William Kirby Veterans Shed. These installations cost \$62,535 and aim to provide both the Council and the users with reduced electricity costs. Additionally, the Council reviewed the lighting at the Brighton Civic Centre and replaced some of the existing lights with more energy-efficient units.

## Economic Activation Plan

The *Economic Activation Plan 2018–23* (EAP) is in its final year. It continues to focus on five key strategic areas and support prioritisation of projects and programs that enhance our competitive advantage into the future.

The EAP fosters a whole of city approach to economic development, building on the objectives under the focus areas of the *Our Holdfast 2050+*. It also has broader alignment with regional and state objectives.

The latest business count data from the ABS conducted in June 2021 estimates that there were 3,513 actively trading businesses registered in Holdfast Bay. This trends positively in comparison to previous business counts with an increase of 4.1 per cent over the previous two years. Growth over this time has proven strong in the Professional, Scientific and Technical Services industry, growing by 37 businesses (7.1 per cent) in the last two years. The Rental Hiring and Real Estate Services industry is another sector that has grown, with an additional 27 businesses (5.3 per cent).



The top six industries make up 69.2 per cent of total businesses, with the leading industries being Construction (565), Professional, Scientific and Technical Services (561) as well as Rental, Hiring and Real Estate Services (532).

Most of these businesses (98.4 per cent) are small businesses, employing fewer than 20 people, and 84.9 per cent have a turnover of less than \$200,000.

## Achievements in 2022–23

In supporting businesses some of Council's achievements were:

- › The Southern Business Mentoring program, in partnership with the cities of Marion, Onkaparinga and Yankalilla, continues to support Holdfast Bay businesses to grow and prosper. Following an over subscription in 2021–22 the program saw a drop in businesses seeking individual mentoring and many requesting that the program offer more intense lengthier sessions. Additional industry support was added to the program offering mentors specialising in sustainability and tourism. Most subscribed support has been for general business advice, social and digital marketing and retail. In June 2023 the program was successful in gaining a State Government grant to extend the offering for more intense advisory sessions.
- › The Holdfast Bay business directory hosts over 1,000 local businesses on the council website and during peak months receives over 4,500 visitors to the site.

- › The Shopfront Grant continues to assist commercial property owners and businesses across the city to enhance their exterior appearances. This adds to the character and charm of our premier seaside destination. Council provided more than \$64,000 to businesses through this scheme in 2022–23.
- › Business precinct activation continues to bring the community together with the success of the Brighton Jetty Road Street Party and Winter Solstice Festival. The street parties are a much loved and welcomed addition to the precinct with the community, businesses and visitors embracing the festivities and reporting it creates a real sense of community and vibrancy not experienced in many other event locations. Event specific data indicated that the three sectors of hospitality, retail and specialised goods experienced a significant increase in spend by visitors to the precinct.

## Glenelg Town Hall Pop Up space

The ground floor area of Glenelg Town Hall formerly occupied by Boomers Café was transformed into a commercial pop-up space in time for summer. This served as an incubator space for businesses to venture from home-based and market stall operations in a supported environment. As at the end of the 2022–23 financial year, all four stores had been let until January 2024.



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## Tourism and Marketing

Over the past financial year, the South Australian visitor economy has grown considerably, outstripping the projected targets to reach \$9.365 billion statewide (Tourism Research Australia results – year ending March 2023).

Visitation and visitor spend in Adelaide has increased during this time. Adelaide now gets 52 per cent of the overall State visitor expenditure (\$4.897 billion) and the regions now get 48 per cent (\$4.468 billion). This has changed markedly from a 45 per cent Adelaide/55 per cent regions split in the previous 12 months.

Council continued to develop an environment that supports the future viability of local businesses and creates opportunities to enhance the City's tourism offering. Our visitor and business services include:

- › Supporting a wide range of events to increase visitation, expenditure and length of stay in the Holdfast area.
- › Delivering quality tourism visitor services through the Glenelg Visitor Information Outlet (servicing 24,390 visitor information enquiries).
- › Supporting the operations of Bay Discovery Centre as a major visitor attraction for Holdfast Bay.
- › Providing targeted tourism and marketing services aligned with current strategies and plans.
- › Providing business and product development advice to local tourism businesses.
- › Working with the Western Adelaide Tourism Alliance to promote the Western Adelaide region and Adelaide Beaches, with a new *Tourism Destination Action Plan 2024* written and accepted by all four Councils (Cities of Holdfast Bay, Charles Sturt, West Torrens and Port Adelaide Enfield).

- › Latest tourism figures for Holdfast Bay show that overall visitation to the area has increased by 9 per cent to 1,098,850 visitors, our visitor economy has grown to \$171.76 million (up by 16 per cent) and overnight stays has increased slightly to 555,500 nights (up by 1 per cent).

### Visitation:

- › International – 17,290
- › Domestic – 90,160
- › Day Trips – 991,400
- › **Total Visitors – 1,098,850**  
**(up 9 per cent from 2022)**

### Nights:

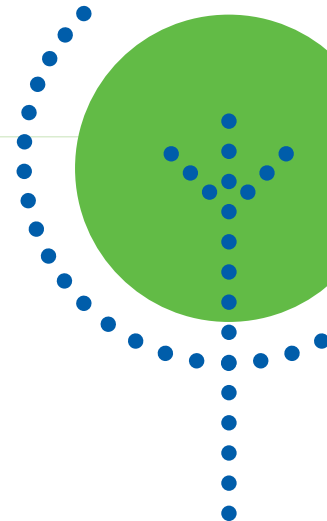
- › International – 158,400
- › Domestic – 397,100
- › **Total Nights – 555,500**  
**(up 1 per cent from 2022)**

### Visitor Expenditure:

- › International – \$16.8 million
- › Domestic – \$96.72 million
- › Day Trips – \$58.24 million
- › **Total Visitor Expenditure – \$171.76 million**  
**(up 16 per cent from 2022)**

The *Tourism Recovery Plan 2023* aims to restimulate tourism in our region and help businesses and tourism operators recover from the impact of the COVID-19 pandemic. The Plan has one more year to go and aims to build and restore the overall tourism figures for Holdfast Bay to pre COVID-19 levels.

# Sustainability



## Events

Community events remain the heartbeat of Holdfast Bay, echoing our commitment to the Tourism Plan and the Events Strategy. This year, the City of Holdfast Bay was alive with a plethora of events, fostering community connections, and attracting over 600,000 event-specific visitors. Council ensured success in many of these events, offering expert advice, meticulous event planning, sponsorship and in-kind support.

### Sea to Shore: Glenelg Seafood Festival

On 29 October 2022 the inaugural Sea to Shore event showcased some of Australia's finest seafood. This was brought fresh to visitors from top South Australian producers and chefs. The Glenelg Foreshore came alive with seafood stalls selling carefully curated dishes, accompanied by a bar selling South Australian wine, beers, spritzers and gin. Later in the afternoon restaurants and businesses took over Jetty Road Glenelg with the street closed to create a piazza-style activation running into the evening. An estimated 25,000 people experienced Sea to Shore on the Foreshore and Jetty Road.

### Glenelg Christmas Pageant

On 27 November 2022, the Christmas Pageant returned to Glenelg for the first time since 2019. An estimated 25,000 people lined Jetty Road to view the parade of 50+ floats featuring more than 1,800 participants. Floats represented a number of community groups as well as local traders. At the conclusion of the Pageant, Moseley Square came alive with the Children's Christmas village featuring a range of children's activities such as letter writing to Santa. There was also the opportunity for children and families to have their photo taken with Santa and Mrs Claus in the Glenelg Town Hall.

### Christmas Street Meets

Ten Christmas Street Meets were organised across various streets in Holdfast Bay. From Rutland Avenue, Brighton to Giles Avenue, Glenelg, these Street Meets created festive atmospheres, fostering community bonds and celebrating the spirit of Christmas.

### Proclamation Day

The City of Holdfast Bay plans its annual Proclamation commemorations in close consultation with representatives of the Kurna Nation. Formalities were led by a Welcome to Country and smoking ceremony, followed by a speech by senior Aboriginal man Michael Kumatpi O'Brien on behalf of Kurna Traditional Owners. The Proclamation of South Australia was read by Her Excellency the Honourable Francis Adamson AC, Governor of South Australia. Proclamation Day addresses were then delivered by Mayor Amanda Wilson, the Honourable Peter Malinauskas MP, Premier of South Australia, and the Governor.

### New Year's Eve Celebrations

Brighton and Glenelg both hosted grand celebrations to bid adieu to 2022 and welcome 2023. With fireworks lighting up the night sky and jubilant crowds of 100,000 across the evening, it was a night to remember.

### Glenelg Ice Cream Festival

The Glenelg Ice Cream Festival was held on 14 January 2023 on Jetty Road, Glenelg comprising a number of pop-up bars, retail activations and an ice cream zone. An extensive marketing campaign was undertaken to drive both visitation and brand awareness. The overarching strategy of this campaign was to position Glenelg top of mind as Adelaide's key summer and ice cream destination.



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### Tour Down Under

The City of Holdfast Bay hosted two race stage starts for the 2023 Santos Tour Down Under: the Ziptrak® Women's Stage 1 (Glenelg to Aldinga) on Sunday 15 January; and the Oakley Men's Stage 2 (Brighton to Victor Harbor) on Thursday 19 January. This was the first time a race stage was hosted in Brighton, and the first time Holdfast Bay hosted a women's race stage. An estimated total of 17,000 people attended (5,000 in Glenelg and 12,000 in Brighton). Brighton was awarded the Best Dressed Town for the Men's Stage 2 event.

### Australia Day

On Council's Australia Day Ceremony held on the Glenelg Foreshore Lawns, 70 new citizens from 22 countries made their citizenship pledge and Mayor Wilson announced the City of Holdfast Bay Australia Day Award winners:

- › Citizen of the Year – Cheryle Pinkess.
- › Young Citizen of the Year – Hayley Hosking.
- › Community Event of the Year – Rotary Youth Photographic Exhibition, Somerton Park Rotary Club.
- › Award for Active Citizenship – Rotary Club of Holdfast Bay.
- › Local Hero – Bronwyn Watt.

### Brighton Street Parties

The Street Party and Winter Solstice, held on 18 June 2022 and 24 June 2023 on Jetty Road, Brighton, saw the community come together to celebrate with fervour and warmth. As a testament to its growing popularity, the solstice is swiftly becoming an anticipated annual event in our Brighton calendar.

### Moseley Beach Club

The Moseley Beach Club, an iconic destination situated on the Glenelg beach in South Australia, successfully completed its sixth season from 3 December 2022 to 16 April 2023. The season saw an impressive turnout of over 65,000 attendees over 19 weeks, with a significant 21.84 per cent being international visitors from 47 nationalities. The Club also enjoyed media coverage with appearances on national television and features in renowned magazines.

### MIX 102.3 Giant Wheel

The MIX 102.3 Giant Wheel, returned for another successful year, marking its continued presence as a summer favourite in Adelaide. From 28 October 2022 to 30 April 2023, the Giant Wheel, standing 35 metres tall, attracted a total of 96,533 riders. It offered panoramic views of the beach and Adelaide cityscape, cementing its status as a staple of summer fun for families and individuals alike.

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# Sustainability

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## City Assets

Council staff manage, maintain, and develop community assets and infrastructure in an environmentally and financially sustainable way. These assets include buildings, roads, coastal assets, stormwater facilities, open space and general plant and equipment.

Ongoing services include:

- › Providing traffic management support, investigations, and installation of traffic calming devices.
- › Maintaining buildings and facilities.
- › Maintaining the Patowalonga River boat lock.
- › Inspecting and resolving damage caused by developers and utility companies.

### Traffic and Transport

In 2022–23 the Engineering team delivered these transport works across the city:

- › 6,176 linear metres of road reseal.
- › 4,461 linear metres of kerb renewal.
- › 166 linear metres of spoon drain renewal.
- › 102 DDA compliant kerb ramps upgrades.
- › Improvements to 19 bus stops.

### Gordon Street / Augusta Street Roundabout upgrade

Upgrade and landscaping improvements of the Gordon Street / Augusta Street Roundabout in Glenelg North were undertaken.

### Paringa Primary Pedestrian Crossing

An emu crossing (flagged school crossing) was constructed on Margaret Avenue adjacent the Paringa Park Primary School through a funding partnership via the Department of Infrastructure and Transport's Way2Go program.

### Jetty Road Brighton Lighting Upgrades

Jetty Road, Brighton has undergone a street lighting upgrade to improve the amenity and energy efficiency. All street lighting from the Esplanade to the train line has been replaced with energy efficient LEDs. In addition to the street lighting upgrade, solar LED lighting bollards have been installed throughout the commercial precinct to increase ambient lighting at the footpath level to improve visibility and accessibility.

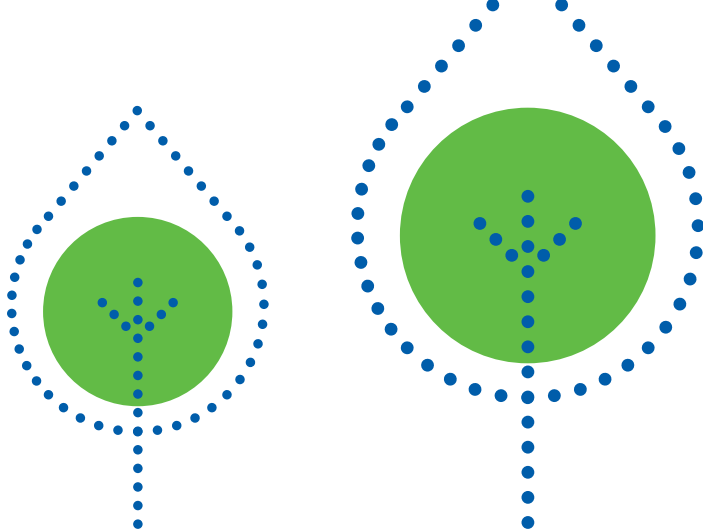
## Asset Management

### Resilient Asset Management

The City of Holdfast Bay is contributing to a multi-year collaborative project being undertaken by the four Resilient South councils (the Cities of Holdfast Bay, Marion, Mitcham and Onkaparinga). The Resilient Asset Management Project (RAMP) is piloting the integration of climate risk data into our asset management processes to improve our ability to maintain service standards in the face of increased climate risk and to identify opportunities to fund climate-resilient approaches.

### Stormwater Data Collection

Year one of three for data collection across the city's underground stormwater network was completed.



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## Open Space Audit

As part of the annual condition assessment program, the Asset Management team undertook a comprehensive condition assessment of all open space assets across the council area. This data collection is critical for asset management planning to inform our renewal and upgrade programs across our reserves, parks, playgrounds, sporting facilities and public realm to ensure we continue to provide quality places for the community to enjoy.

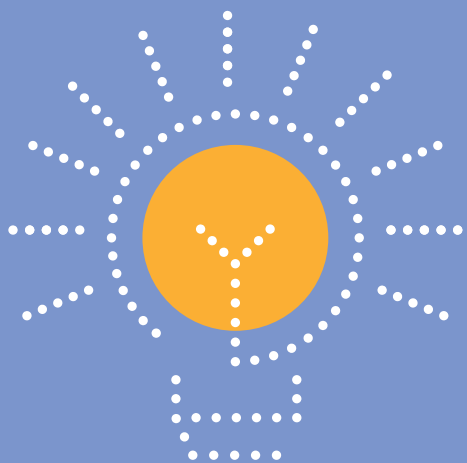
## Field Services

A vigorous maintenance program is part of our commitment to enhancing the city's image and safety. The Field Services team is comprised of Civil Construction, Open Space and City Clean and Rapid Response who are responsible for maintaining this city and its pristine coastline, shopping precincts and open spaces.

During 2022–23 our Field Services team:

- › Continued to revise and develop our routine maintenance, open space and cleansing schedules to better meet community expectations.
- › Maintained 56 areas – parks, reserves, sports ovals, significant verges (Jetty Road, Brighton – Anzac Highway), Partridge House and Lighthouse Church.
- › Maintained services and facilities along our premier coastline to improve amenity for residents and visitors.
- › Continued the development of a defect inspection program for our assets.
- › Upgraded ageing open space facilities, which included bins, benches, showers and drinking fountains throughout the city.
- › Continued the accelerated footpath program to the value of \$300,000.
- › Planted 798 new trees.
- › Completed 3,664 customer requests.
- › Completed 4,520 internal requests for work.
- › Completed 7,158 maintenance schedules.
- › Repaired 5,849 square metres of footpath.
- › Repaired 1,230 metres of kerbing.
- › Repaired 366 square metres of bitumen (potholes).
- › Swept all streets at a minimum of every four weeks.

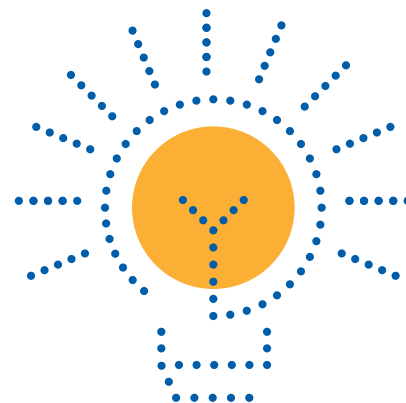
On Saturday the 12 November 2022 a storm front rolled through Adelaide and was one of the most destructive seen in years especially for Holdfast Bay's urban forest. The Field Services' response was outstanding with 20 staff members coming in on their weekend to help with the responses to flooding and clean-up of fallen trees. The team worked tirelessly on the Saturday and Sunday with urgent clean-ups. The reactive works continued for months after the actual event with a record being set for work orders completed.



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# Innovation

A thriving economy and community that values life-long education, research, creativity and entrepreneurialism.



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## Art and Activations

### Creative Holdfast Summer and Winter Programs and Monthly Newsletters

The summer and winter creative programs provided a range of arts, history and cultural events, workshops, talks, tours and exhibitions held in Holdfast Bay. The Creative Holdfast newsletter, continued to be shared monthly with its readers to promote and celebrate the creative activities and events in the community and promote upcoming art initiatives and opportunities.

### Public Art Installations

In February 2023, a mural was installed on Hove Pumping Station by Pitjantjatjara and Yankunytjatjara artist Elizabeth Close.

As part of a SA Youth Week event, 15 young artists mentored by local artist Sair Bean, painted a mural on the Seaciff Zig-zag ramp.

### Foreshore Fridays

Held every second Friday over the summer months, Foreshore Fridays are a series of free, family friendly pop-up events showcasing local live music.

### Fringe at Partridge

This was an event held at Partridge House, Glenelg in collaboration with the Youth team as part of Adelaide Fringe. This was aimed at families with young children and featured a range of Fringe performances, roving acts, creative activities, Youth Maker Markets, live music and more.

## Holdfast Bay History

### Bay Discovery Centre

The Bay Discovery Centre welcomed a total of 65,196 visitors during 2022–23 financial year, representing an increase of 24,390, or 35 per cent from 2018–19, the last year unaffected by COVID and building works.

The Centre's Gallery space featured a full and diverse calendar of exhibitions that attracted 26,389 visitors:

- › Palindrome by Adelaide visual artist John Whitney (part of SALA 2022)
- › Little Picassos, a display of spring-themed art by local children
- › Rotary Youth Photographic Prize, a collaboration between Council and the Somerton Rotary Club
- › Living Memory National Photographic Portrait Prize, on tour from the National Portrait Gallery
- › Summer Fun for Everyone: interactive artworks by David Archer.

### Volunteer Program

The Bay Discovery Centre operations for both the Visitor Information Outlet (VIO), Museum and Gallery were supported by a team of 33 volunteers contributing 3,573 hours of service (an average of 108 hours per volunteer).

### Public Programs and School Holidays

Public programs for the Bay Discovery Centre are run throughout the year and are designed to offer a range of further opportunities for temporary exhibitions. During 2022–23, public programs attracted 704 attendees. A range of school holiday programs, often free, are offered throughout the year.

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# Innovation

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The Bay Discovery Centre collaborates with artists, local businesses and multiple Council departments to deliver this program.

## School and Community Group Tours

A total of 16 school groups visited the Bay Discovery Centre throughout 2022–23. In total, 585 students visited the BDC, with 245 of these students being from local schools, including Glenelg Primary and Brighton Secondary School. The remainder visited from schools across South Australia and as far as Murray Bridge, Balaklava and Mylor.

## Holdfast Bay History Centre

The Holdfast Bay History Centre celebrates and shares Holdfast Bay's unique history. Each year the Centre works to preserve its nationally significant collection to make it accessible to our community and ensure its safe keeping. During the 2022–23 financial year volunteers dedicated over 935 hours to help deliver the Centre's extensive program.

## Enquiry Program

The History Centre received 190 enquiries from members of the public including general research enquiries, family history enquiries, donation enquiries and burial enquiries. In total, 22 House History reports were completed, raising \$660 in donations.

## History Festival

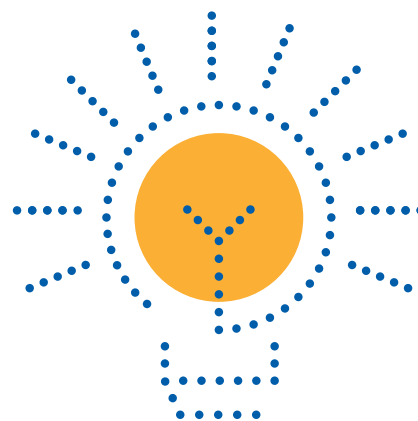
The South Australia History Festival ran from 1 to 31 May 2023, with Holdfast Bay offering nine tours and/or workshops in collaboration with Holdfast Bay Libraries, Sacred Heart College, Kurna Nation and community members who opened their private residence. 361 people attended events throughout May, with 32 per cent of attendees being local residents, 61 per cent from Metropolitan Adelaide and 7 per cent from regional South Australia.

## Collection Donation Highlights

Donations remain predominantly driven by the generosity of the South Australian community. The following donations were made via the public:

- › English Pembroke Mahogany table, donated via the Abbott family whose descendants transported the table via the Buffalo in 1836.
- › Somerton House photographic collection, Glenelg Lock Master collection.

Acquisitions are funded by revenue secured via the House History program and History Festival.





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## Libraries

Our accessible and welcoming library service contributes to community wellbeing, sustainability and innovation through reading, literacy development and supporting lifelong learning. Libraries at Brighton and Glenelg are valued and consistently rated highly by the community receiving 8.6 in the annual Quality of Life survey. The focus this year has encouraged the community to reconnect with the library achieving a 25 per cent increase in new members joining the library and borrowing 526,376 items. This included 18 per cent of loans being digital items being borrowed from Borrow Box, Libby and Hoopla, new Japanese titles and the express loan collection for popular titles.

The library was successful in obtaining two SA Libraries Board innovation grants in collaboration with neighbouring councils. The funding created Lit for Life, a literary program with the Adelaide Symphony Orchestra, Windmill and Patch Theatres and OnTrack, an interactive STEM program. A Science Week grant supported a popular astronomy session run at Kauri Community and Sports Centre. The need for larger spaces to deliver programs has encouraged use of other venues including the Brighton Sports and Social Club for events like Cycling through France and Introduction to AI author events. Over 18,392 adults and children attended library programs, an increase of 47 per cent.

Children and families welcomed the relaxing of restrictions on group numbers at regular early literacy sessions, Wriggle and Rhyme, Toddler Time and Play and Stay reaching 8,877 children. Digital hub and STEM programs, Lego Club and online story time sessions were also well used.

Being Digital programs, digital one-to-one support to use phones, laptops and other devices, digital hub sessions exploring 3D printing, circuit design and photo digitisation to preserve family collections reached 1,483 adults.

Learning programs saw 2,250 adults engage in Saturday sessions on worm farming and sustainability topics. NAIDOC Week and Reconciliation reading promotion, regular movie Mondays, book clubs, Shut Up and Write and Holdfast Crafts were all positive ways for the community to connect, learn and create.

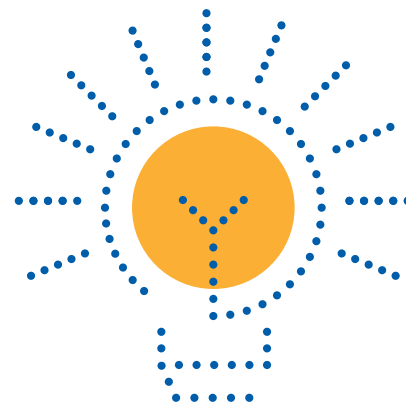
This year's highlights include:

- › 526,376 items borrowed, including 442,867 items and 83,509 digital content
- › 12,418 members, with a 25 per cent increase in new borrowers of 1,403
- › 178,381 physical visits to libraries, an 8 per cent increase
- › 18,392 total attendees to library sessions. 1,417 attended sessions for adults including author talks, book clubs, writing and poetry groups
- › 1,483 attended digital one-on-one learning sessions and digital hub STEM sessions
- › 8,877 attended Wriggle and Rhyme, Toddler Time, story time and Stay and Play sessions
- › 404 children enjoyed holiday programs Little Bang science and summer reading programs
- › 565 online story times viewed through Facebook and Story Box viewed
- › Regular kindy visits seeing 652 children









- › School visits seeing children 943 children
- › Lit for Life saw 676 attendees for Holdfast events
- › Science Week attracted over 900 participants
- › Library activation at City Activation events  
Brighton Street parties and Youth Fringe  
at Partridge with 3,940 attendees.

### Brighton Beachfront Holiday Park

With its absolute beachfront location and its stunning views over the Gulf St Vincent, the Brighton Beachfront Holiday Park continues to be a significant tourist asset for the City of Holdfast Bay. For the full year, site occupancy averaged 79.5 per cent and cabins just below 87 per cent. This is well above State averages of 54 per cent for powered sites and 64 per cent for cabins, highlighting the site's popularity.

### Partridge House

With its luscious gardens, elegant interiors and welcoming ambience, beautiful Partridge House remains a much-valued community facility. It serves to celebrate all of life's special occasions, from weddings to private functions such as parties and corporate events, as well as funerals. It is also a hub for the community with a range of social and recreational programs running throughout the year. Partridge House hosted a total of 518 events in 2022–23, including 303 community group events, 120 funerals, 22 weddings and 73 other events.

## Business Services

Council staff deliver services in an accountable, transparent way that meet legislative requirements and provide the best value for money.

The business areas providing corporate services to support Council's administration include:

- › Business planning and improvement
- › Commercial and strategic services
- › Corporate communications and media management
- › Elected member and CEO support
- › Finance
- › Governance and policy
- › Information and technology services
- › People and culture
- › Procurement
- › Property management and leases
- › Rates
- › Records management
- › Risk management
- › Work health and safety.

## Strategy and Governance

In 2022–23 Council undertook a range of strategy and governance activities to support the efficient and effective delivery of its roles and functions.

Achievements include:

- › Commencing the development of a Corporate Plan to enable the Strategic Plan to be operationalised. It will also improve mid-range forecasting and project prioritisation and pipeline management.
- › Negotiating agreements to install electric vehicle charging stations in two locations in the city.

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# Innovation

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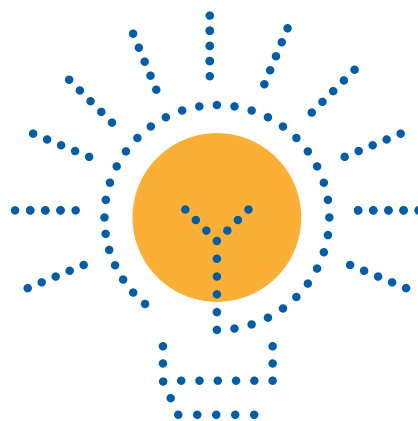
- › Developing and testing a Service Review Framework.
- › Commencing development of an Economic Strategy, to replace the *Economic Activation Plan*, which expires in 2023.
- › Continuing the development of the *Integrated Transport and Movement Strategy*. This will provide a strategic framework and high-level implementation plan for safe and efficient movement throughout the city, including a strong focus on healthy transport choices.
- › Commencing a trial of a car-sharing service in Glenelg in collaboration with the RAA and Flexicar. This will support the development of a greater range of transport options for residents and visitors.
- › Developing a Strategic Planning Framework, a Strategy Development Service Model, and commencing development of a Strategy and Policy Framework.
- › Continuing to refresh policies and procedures, including the development of a new Risk Policy and Procedure.
- › Continuing the review of delegations, including developing a new delegations framework.
- › Assuring accountability by managing the Internal Audit program, which included four internal audits across the organisation.
- › Participated in risk forums such as the National Local Government Vulnerability Program and both climate adaptation and asset risk programs with Resilient South.
- › Completed a review of Business Continuity Plans and made practical improvements through the creation of 'go boxes' for each location.

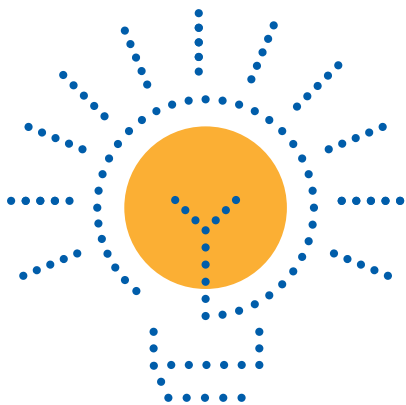
## Financial Services

The Finance team provides services including strategic long-term financial planning; annual budgeting compilation and monitoring; rates administration; year-end financial accounting and audit; financial systems and internal control; payroll; and accounts payable/receivable.

Achievements for 2022–23 include:

- › Refining and using the *Municipal Long-Term Financial Plan* for developing the 2023–24 draft budget, including presentation of funding scenarios through a series of budget workshops.
- › Budget revisions (2022–23) and budget adoption (2023–24).
- › Rate modelling, notice generation and distribution.
- › Annual financial statements, audit finalisation and adoption for 2021–22.
- › Contribution to organisational management software testing and implementation.
- › Contribution to internal audits in areas of Fraud Detection and Internal Financial Controls.





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## Innovation and Technology

The council's commitment to innovation and technology is instrumental in advancing its mission. Through strategic information technology investments, the council has achieved remarkable improvements in service delivery to the community, enabling more efficient monitoring of work processes. These investments have greatly enhanced customer support and helped better organisational decision-making.

We will continue to bolster core business systems and technology to ensure seamless service delivery, enhanced security measures, and customer interactions anytime, anywhere.

We prioritise the security and accessibility of council information systems for our staff, ratepayers, and visitors. Embracing a diverse range of initiatives, we aim to provide improved information, safety, and security and greater flexibility to align our activities and programs with the ever-evolving needs of our customers.

## Customer Experience

Council operates a face-to-face customer enquiry service between 8.30 am and 5.00 pm Monday to Friday (excluding public holidays) and a 24-hour, seven-day a week phone service. From July to September as the Food Organics Green Organics (FOGO) waste program was introduced, the customer experience team handled 6,479 green living and waste calls. This was a 50 per cent increase in calls providing waste information to residents.

In the 2022–23 year:

- › Customer experience staff answered 43,088 phone calls with an average of 3 minutes 27 seconds talk time.
- › Calls on hold were answered within 23 seconds and abandoned calls reduced by 24 per cent.
- › Phone call responses were resolved on the first call 94 per cent of the time.
- › One hundred per cent of WebChat enquiries were rated as positive.
- › 23,536 mail@holdfast.sa.gov.au requests were received and allocated for resolution.

To continuously improve customer experience, we will:

- › Design services with our customers
- › Reduce customer effort
- › Keep customers informed
- › Focus our investment on channels our customers prefer
- › Ensure accessibility and inclusion for all.

Council's new customer request management system commenced in May 2023 across all service areas. The system provides greater information on customer request tracking, timeliness and resolution of requests and greater integration of data across council. A portal is being developed for customers to add and track their requests. It will provide real time information to residents on the progress of requests and assist council teams to manage responses.

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# Innovation

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## Customer Experience Plan

Council provides a wide range of services to many different types of customers, including residents, businesses, community and sporting groups, visitors and tourists.

To provide the foundation for a world-class, customer-centred service experience, we are developing a *Customer Experience Plan*. The focus has been to develop and commence use of the request management system. The data the system is providing is guiding the development of the *Customer Experience Plan* including:

- › Seeking ways to improve our service to customers
- › Ensuring council is easy to do business with
- › Two-way engagement through listening and informing
- › Creating positive experiences for customers.

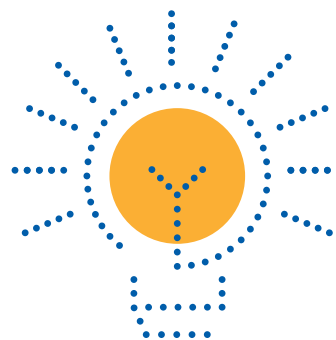
## People and Culture

The People and Culture team provide an advisory, support and education service across council. This assists teams to lead and manage their resources safely and effectively. Areas of support include:

- › Workforce planning (including recruitment and selection)
- › Workplace relations
- › Organisational development
- › Reward and recognition
- › Work health and safety (WHS)
- › Return to work/injury management.

Highlights for 2022–23 include:

- › A 100 per cent completion rate for *WHS Risk Evaluation Action Plan*.
- › The successful completion of WHS Audit with achievable actions to address non-conformances.
- › Continuation of the Early Intervention Program for Field Services.
- › The successful launch of a mental health and wellbeing program in Field Services – “Any Time Mate”.
- › Receiving a WHS Merit Award for the “Any Time Mate” Program, from the Local Government Association Workers Compensation Scheme.
- › The development and implementation of an internal training calendar (both WHS and general topics available for staff).
- › Arising Stars Program completed and participation in the Local Government Management Challenge.
- › *Disability Access and Inclusion Plan* requirements met.
- › The successful development and implementation of Leadership That Heals program.
- › Refreshing a culture video to support recruitment processes.

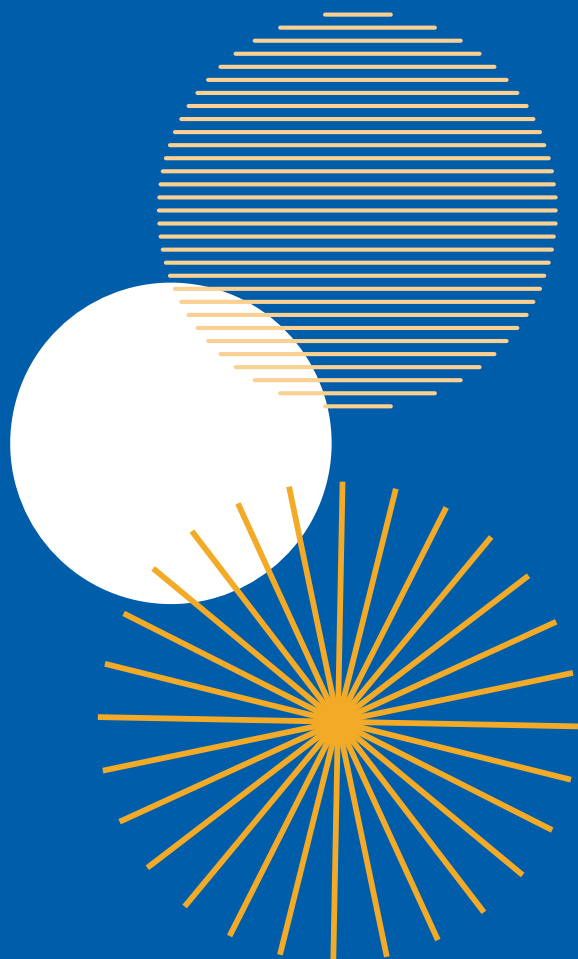






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# Strategic Management



## How We Measure Our Performance

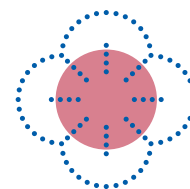
Council assesses its financial performance against measures established in its *Long-Term Financial Plan*. As required under the *Local Government Act 1999*, we prepare a range of reports each financial year, including monthly financial statements, budget updates, four comprehensive annual budget reviews and audited financial statements.

Strategic Measures are used to track our progress towards achieving community objectives and improve our internal services. Information for these reports comes from a range of sources, including a comprehensive Quality of Life Survey and Business Confidence Survey.

Council's strategic plan, *Our Holdfast 2050+* includes three focus areas. In 2022–23 progress against the objectives in each of these focus areas was gathered as shown in these tables:



# Wellbeing



## Progress towards 2050+

- › Nearly 60,000 hours contributed by City of Holdfast Bay volunteers (equivalent to \$2.76 million).
- › 7,459 one-way community transport trips to support older residents to remain in their own homes.

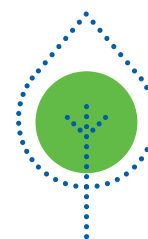
Objectives 2020–2030	Measures	Baseline / Notes
Apply the principles of universal design and social inclusion to all Council activities	All project plans and policies address universal design and social inclusion	This matches the intent of the <i>Disability Action and Inclusion Plan 2020–2024</i> , which is reported to Council annually.
Assist the city's mainstreet precincts in becoming dementia-friendly	The number of businesses recognised as dementia-friendly increases year on year	A joint Council-Alwyndor program is being developed.
Increase participation rates in community engagements across all age groups, particularly under-represented demographics such as children and young people by using methods that are appealing and appropriate	The number of participants in formal engagements increases year on year	In 2022–23 686 people provided submissions in formal community engagements (compared to 970 in 2021–22) A further 3,312 people viewed material for a total of 3,998 total people involved in community engagement.
Support businesses to operate in mixed use neighbourhoods to improve local access to goods and services and reduce supply transport distances	The proportion of mixed-use developments increases	11 new businesses have been approved to operate in mixed use neighbourhoods in 2022–23, compared to 17 for 2021–22 and nine for the 2020–21 year.
Establish community hubs that integrate community support, recreational, and commercial services in multi-purposes spaces that include frequently excluded demographics such as children and young people, people with disabilities, Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds	Utilisation of council owned buildings increases	A baseline for this measure will be gathered in 2023–24 year.

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# Strategic Management

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## Sustainability



### Progress towards 2050+

- › 70 per cent of waste diverted from landfill.
- › 100 per cent renewable electricity used by Council.

### Objectives 2020–2030

### Measures

### Baseline / Notes

Become a carbon-neutral council by 2030

Emissions from council operations decrease each year or are offset

A *Carbon Neutral Plan* was endorsed 23 August 2022, which includes a plan for council operations to be carbon neutral for Scope 1 (direct) and Scope 2 (indirect from energy use) emissions by 2030.

Council started purchasing 100 per cent renewable electricity from 1 January 2023. This completely eliminates our Scope 2 emissions.

We also developed a *Fleet Transition Plan* in 2022–23, to understand more about transitioning our fleet to electric vehicles.

Prioritise sustainable and active transport (such as walking and cycling) across the city, including by reclaiming streets for play and nature and improving walkability to support healthy ageing

Number of kilometres of street prioritised for active transport increases, measured every five years

Work is continuing on the development of an Integrated Transport Strategy. This Strategy will provide guidance for appropriate streets to target for active transport.

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### Objectives 2020–2030

### Measures

### Baseline / Notes

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Support the creation of safer places by improving the public realm and collaborating with transport providers to increase transport options

Programs supporting community safety are developed and implemented

In 2022–23, Council was active in lobbying for increased police presence in the city, particularly in Glenelg. Council staff are in very regular contact with SAPOL to resolve issues.

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Support mixed use neighbourhood development while honouring heritage values to encourage walking and cycling and support healthy ageing

Walkability score increases in all Holdfast Bay suburbs, measured using a 'citizen science' approach every three years

A citizen science program is being developed based on the Healthy Urban Neighbourhood Transition Tool.

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Encourage more community gardening, including biodiversity sensitive urban design, in public spaces, applying the long-held knowledge of Kaurua people as well as innovation

Number of community gardening spaces increases each year

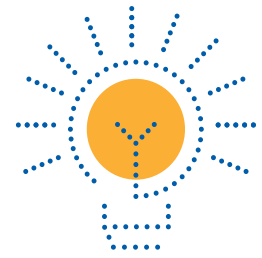
There are two formal Community Gardens in the City; North Brighton and Glenelg North. Many 'informal' garden spaces such as verges are being taken up as community garden spaces. A baseline for this measure will be established in 2022–23.

Council's Adopt a Tree program continued in 2022–23.





# Innovation



## Progress towards 2050+

- › 65,196 visitors to the Bay Discovery Centre – a 35 per cent increase on pre-COVID levels.
- › Over half a million items borrowed from our libraries including 83,509 digital content.

### Objectives 2020–2030

### Measures

### Baseline / Notes

Facilitate growth in the number of home-based businesses where practical to reduce transit distances

The number of home-based businesses increases as reported via Census data

According to Remplan data:  
In line with ABS data nationally, businesses have increased by 7 per cent eclipsing what occurred in 2020 and 2021.

Maximise the value of public buildings, including libraries, to support innovation by creating co-working spaces and technology/prototyping/maker spaces and hubs

Utilisation of council buildings increases

In 2022–23 one council facility had been identified as having capacity to provide 'maker spaces' for commercial activity. Opportunities for other council facilities for such use are always being investigated.

Partner to establish an Innovator/Entrepreneur in Residence Program that includes local schools and encourages life-long learning across the population

Program participation rates trend upwards

Program to be developed in collaboration with schools.

Partner to develop a centre of excellence in hospice care and dying well

Amount of support attracted is sufficient to establish a centre

A joint program with council, Alwyndor and other partners to be developed.

Partner to facilitate the provision of technology infrastructure to support creative and emerging industries, including mobility as a service, start-ups and other entrepreneurial activities

Number of start-ups, creative and technology-related businesses in the city increases

In line with ABS data nationally, businesses have increased by 7 per cent eclipsing what occurred in 2020 and 2021.



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# Strategic Management

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## 2023–24 Projects

In 2023–24, council will fund and undertake several major projects to support the vision and objectives outlined in its strategic plan, *Our Holdfast 2050+*. These include:

### **Stormwater upgrades – Tarlton Street \$1,000,000**

This stormwater infrastructure upgrade will decrease the likelihood of flooding in a high-risk flood zone. It was identified as priority from the *Stormwater Management Plan* and *Stormwater Implementation Plan* and is part funded by the Federal Government.

### **Glenelg Oval upgrade Stages 3 and 4 \$1,847,000**

Continuing the upgrade of this important community asset the work for 2023–24 includes upgrades to the spectator mound including playspace, elevated *Disability Discrimination Act* (DDA) viewing area and tiered seating. Other improvements will include rebuilding cricket practice pitches and netting, as well as upgrading the curator facility and adjoining public toilet block.

### **Brighton Beachfront Holiday Park \$673,000**

Works will continue with capital improvements to the Brighton Beachfront Holiday Park in line with the Masterplan for the site. This includes installation of a new maintenance and storage shed, stage 2 retaining wall construction and improvements for the guest experience including upgrades to powered sites and cabin accommodation.

### **Former Buffalo Site – Amenity Improvements \$2,200,000**

Undertake important remediation work and amenity improvements at the former Buffalo site. This includes rock revetment walls and fill to ground level. Fencing at the water's edge and improvements to walking paths and landscaping will be completed.

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### **Public Toilets, Patawalonga Lake \$220,000**

Install public toilets around the Patawalonga Lake to help attract more people to use the facilities in the area.

### **Brighton and Seacliff Yacht Club to upgrade change rooms \$500,000**

Subject to Club, grant or other partner funding. This amount would cover improvements to the showers, toilets, change rooms and *Disability Discrimination Act* (DDA) compliant toilets, enabling better quality facilities that are appropriate for mixed ages as well as the public.

### **Glenelg Library upgrade \$200,000**

Refresh the Glenelg Library ground floor as an innovative and creative community space with accessible meeting rooms, learning and maker spaces, attractive collections and updated staff workspaces.

### **Economic Development Strategy Implementation \$30,000**

The *Economic Development Strategy* (EDS) is currently under development. This is an indicative allocation to fund initiatives in this Strategy. Allocation of funding this financial year will enable prompt implementation of actions and outcomes from the *Economic Development Strategy* in an agile way.

### **Community Wellbeing Strategy \$25,000**

Development of a *Community Wellbeing Strategy* and action plans for focus areas, in partnership with the Holdfast Bay community. The *Community Wellbeing Strategy* will guide the efficient and effective development of multiple council strategies and action plans within the *Community Wellbeing* space that are due to expire in 2023 (e.g., *Volunteering Strategy 2018–2023*; *Youth Action Plan 2018–2023*).

### **Climate Change Adaptation \$60,000**

As a result of a recent Climate Change Adaption Governance Assessment, this will provide an additional position who will work across council in such areas as climate, adaption and climate neutral planning.

### **Innovation Projects \$800,000**

Delivery of request management, contractor management, corporate planning and reporting, data and information knowledge management and asset management systems.

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# Council of the City of Holdfast Bay





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## Elected Members

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July – November 2022



**Mayor**  
Amanda Wilson

### Brighton Ward



Rosemary Clancy

### Glenelg Ward



Rebecca Abley

### Seacliff Ward



Annette Bradshaw

### Somerton Ward



Janet Fletcher



Jane Fleming



Phillip Chabrel



Clare Lindop



William Miller



Robert Snewin



Bob Patton



Susan Lonie



John Smedley

# Council of the City of Holdfast Bay

## Local Government Elections 2022

The South Australian 2022 Local Government elections were held from September to November 2022. The scrutiny and count was conducted by the Electoral Commission of South Australia on 12–13 November 2022 at the Brighton Civic Centre.

Three out of the four wards within the City of Holdfast Bay were highly contested, with Brighton Wards' candidates duly elected uncontested.

- › Two candidates stood for the position of Mayor (one position available)
- › Three for Brighton Ward uncontested
- › Eight for Glenelg Ward (three positions available)
- › Five for Seacliff Ward (three positions available)
- › Six for Somerton Ward (three positions available).

City of Holdfast Bay had a very good participation rate of 32 per cent of electors returning their ballot material. In the Brighton Ward there was no need for a local Elected Member return, so all returns for that Ward were solely for the Mayoral election.

Ward	Electors On Roll	Ballots Returned	Percentage Returned
Glenelg	7,032	2,150	30.57
Somerton	7,216	2,365	32.77
Brighton	7,197	2,336	32.46
Seacliff	7,218	2,320	32.14
<b>Total</b>	<b>28,663</b>	<b>9,171</b>	<b>32.00</b>

Ten members of the former Council were re-elected, and three new members elected.

Notably, Holdfast Bay's Mayor and seven of our twelve elected members are women.

## Composition of Council

Our Council consists of the Principal Member (Mayor) and twelve councillors. Our city is made up of four wards, each electing three councillors, with the Mayor elected by the whole city. Elections are held every four years, with the next periodic election in November 2026.

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## Elected Members

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Elected in November 2022



**Mayor**  
Amanda Wilson

### Brighton Ward



Jane Fleming

### Glenelg Ward



Rebecca Abley

### Seacliff Ward



Annette Bradshaw

### Somerton Ward



William Miller



Robert Snewin



Allison Kane



Clare Lindop



Monique O'Donohue



Anthony Venning



Bob Patton



Susan Lonie



John Smedley

## Elected Member Attendance at Council Meetings

Number of General Council Meetings held:	21
Number of Special Meetings of Council held:	0
<b>Total</b>	<b>21</b>

Elected Member	Notes	Meetings Attended
<b>Mayor</b>		
Amanda Wilson		17
<b>Seacliff Ward</b>		
Annette Bradshaw		20
Clare Lindop		20
Susan Lonie		18
<b>Brighton Ward</b>		
Jane Fleming		21
Robert Snewin	Approved Leave of Absence 17 October – 31 October 2022	17
Anthony Venning <sup>2</sup>		10
Rosemary Clancy <sup>1</sup>	Approved Leave of Absence 10 August 2022 – 10 September 2022	5
<b>Somerton Ward</b>		
William Miller	Approved Leave of Absence for the 14 February 2023 and 28 February 2023 meetings	17
Monique O'Donohue <sup>2</sup>		12
John Smedley		18
Janet Fletcher <sup>1</sup>		8
<b>Glenelg Ward</b>		
Rebecca Abley		18
Allison Kane <sup>2</sup>		11
Bob Patton		21
Phillip Chabrel <sup>1</sup>		7

1. Non returning member. Role concluded 10 November 2022.

2. New member. Role commenced 29 November 2022.

# Allowances

<b>Elected Member</b>	<b>Allowances 1 July 22 – 30 June 23</b>	<b>Allowance from Council Committees</b>	<b>IT Allowance</b>	<b>Total</b>
<b>Mayor</b>				
Amanda Wilson	\$82,814.64		\$1,700.00	<b>\$88,130.17</b>
<b>Seacliff Ward</b>				
Annette Bradshaw	\$20,703.64		\$1,700.00	<b>\$22,403.64</b>
Clare Lindop <sup>1</sup>	\$24,032.71		\$1,700.00	<b>\$25,732.71</b>
Susan Lonie	\$20,703.64		\$1,700.00	<b>\$22,403.64</b>
<b>Brighton Ward</b>				
Jane Fleming	\$20,703.64	\$3,644.00	\$1,700.00	<b>\$26,047.64</b>
Robert Snewin	\$20,703.64	\$926.00	\$1,700.00	<b>\$23,329.64</b>
Anthony Venning <sup>3</sup>	\$13,316.32		\$1,700.00	<b>\$15,016.32</b>
Rosemary Clancy <sup>2</sup>	\$7,387.32			<b>\$7,387.32</b>
<b>Somerton Ward</b>				
William Miller	\$20,703.64	\$448.00	\$1,700.00	<b>\$22,851.64</b>
Monique O'Donohue <sup>3</sup>	\$13,316.32		\$1,700.00	<b>\$16,976.32</b>
John Smedley <sup>4</sup>	\$22,088.76	\$1,279.50	\$1,700.00	<b>\$25,068.26</b>
Janet Fletcher <sup>2</sup>	\$7,387.32			<b>\$7,387.32</b>
<b>Glenelg Ward</b>				
Rebecca Abley	\$20,703.64		\$1,700.00	<b>\$22,403.64</b>
Allison Kane <sup>3</sup>	\$13,316.32		\$1,700.00	<b>\$15,100.73</b>
Bob Patton	\$20,703.64		\$1,700.00	<b>\$22,403.64</b>
Philip Chabrel <sup>2</sup>	\$7,387.32			<b>\$7,387.32</b>

1. Deputy Mayor from November 2022.
2. Non returning member following November Local Government Election.
3. New member elected following November Local Government Election.
4. Deputy Mayor prior to November 2022 Local Government Election.

# Training and Development

## All Elected Members

### All of Council

Kelley Jones: Caring about Caretaker: Navigating the Caretaker period (August 2022)	\$1,200
Kelley Jones: Induction Program – Mandatory Training New Council (November 2022)	\$2,250
Kelley Jones: Mandatory Training Civic Module 2 (January 2023)	\$2,321
Jeff Tate Consulting: Mandatory Training Finance & Strategy Module 4 (January 2023)	\$2,090
Kelley Jones: Mandatory Training Legal Module 3 (March 2023)	\$2,321
Kelley Jones: Mandatory Training Behaviours Module 1 – Part 1 (April 2023)	\$1,045
Jeff Tate Consulting: Mandatory Training Behaviours Module 1 – Part 2 (April 2023)	\$1,045
Kelley Jones/Ball Public Relations: Media Interactions and Social Media Utilisation (May 2023)	\$2,200

### Workshop training only provided in house and provided by Leadership Team

Nil additional cost

**Total (All Elected Members)** **\$14,472**

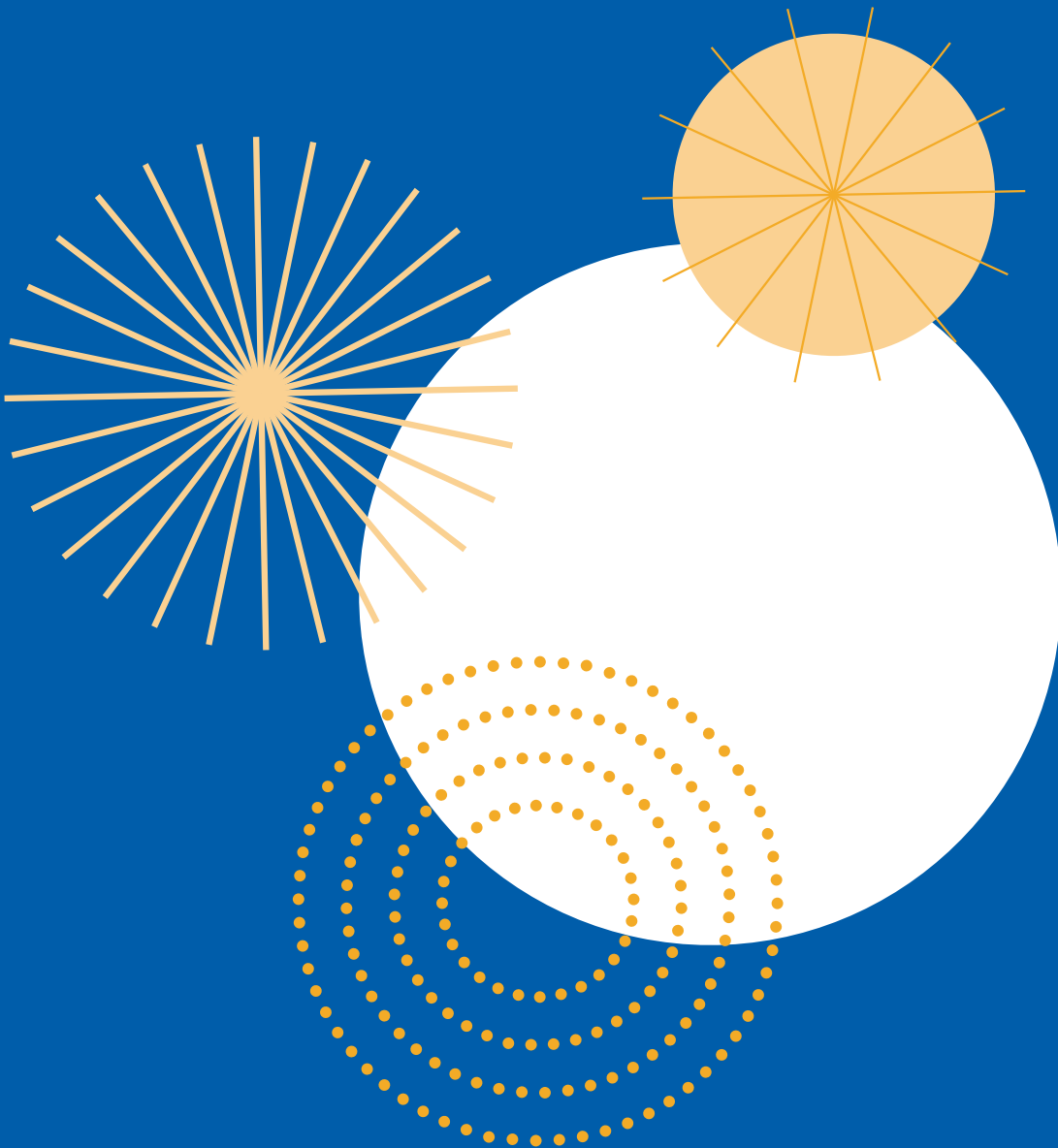
	Mayor Wilson	Deputy Mayor Lindop	Cr Miller	Cr Snewin	Cr Kane	Total
<b>Council Delegate Activities</b>						
Australian Local Government Association, National General Assembly (June 2023)	\$1,070				\$1,070	
Reimbursements from LGA Conference	\$119				\$84	
<b>Elected Member Training</b>						
National Parks and Leisure Australia Gala Dinner and Awards Ceremony (October 2022)			\$210			
Audit and Risk Committee Forum 2022 (October 2022)				\$480		
Local Government Association SA OGM (13–14 April 2023)	\$275	\$275				
Deputy Mayor Forum (14 May 2023)		\$605				
<b>Total training and development expenditure</b>	<b>\$1,464</b>	<b>\$880</b>	<b>\$210</b>	<b>\$480</b>	<b>\$1,154</b>	<b>\$18,457</b>





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# Decision Making Structure





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## Provisions for Meeting Procedures

The *Local Government Act 1999* is the primary legislation for the operation of Local Government in South Australia and its provisions are supported by *Local Government (General) Regulations 2013*.

All Council and Committee meetings are conducted in accordance with the *Local Government Act (Procedures at Meetings) Regulations 2013*. Meetings for the Council Assessment Panel are convened under the *Planning, Development and Infrastructure Act 2016*.

# Decision Making Structure

## Council Committees

Council is supported by a number of committees. These are:

### 1. One management committee:

- › Alwyndor Management Committee.

### 2. Two statutory committees:

- › Audit and Risk Committee.
- › Strategic Planning and Development Policy Committee.

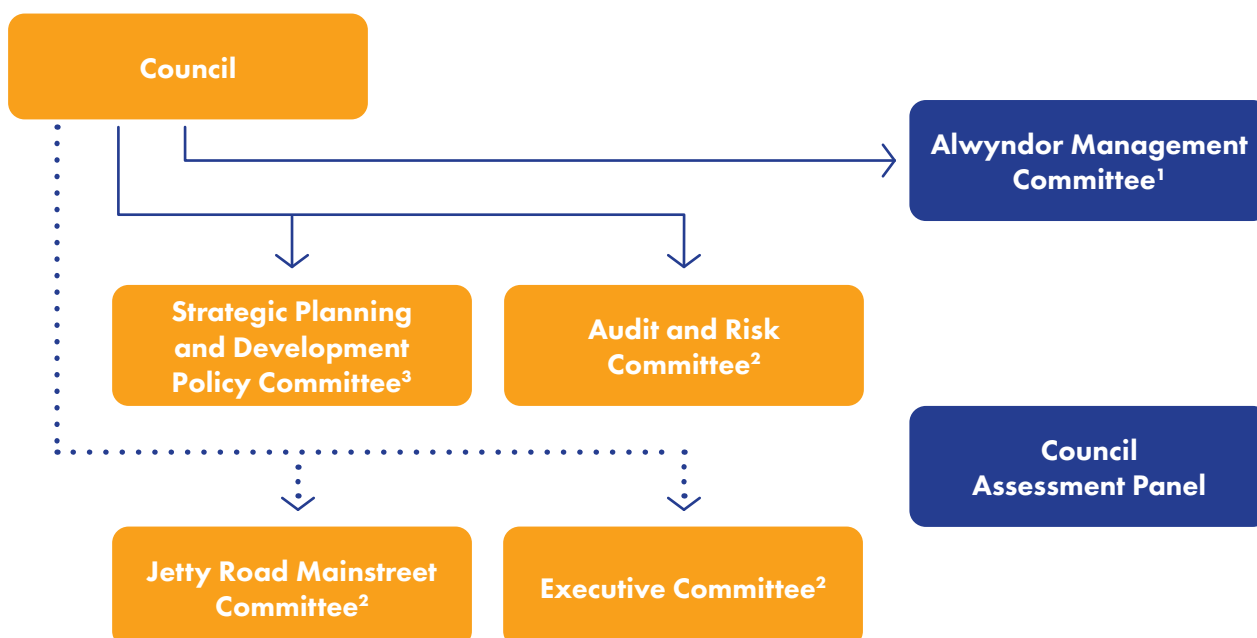
### 3. Two advisory committees:

- › Jetty Road Mainstreet Committee.
- › Executive Committee.

The Council Assessment Panel is established under section 83 of the *Planning Development and Infrastructure Act 2016* (The PDI Act).

Committee meetings are open to the public unless confidential matters are considered. Notices of meetings, agendas, reports and minutes are available [www.holdfast.sa.gov.au/council/council-committees](http://www.holdfast.sa.gov.au/council/council-committees)

Council's current committee structure is shown below:



1. Delegated authority from Council to make decisions within budget and terms of reference.

2. Advisory only, with no delegations.

3. The Strategic Planning and Development Policy Committee was dissolved in July 2022.

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## Council

Throughout 2022–23, Council met on the second and fourth Tuesdays of the month, except in December 2022 and January 2023. They also did not meet in November due to the Election. The new Council was sworn in on 29 November.

## Delegations

In accordance with sections 44 and 101 of the *Local Government Act 1999*, Council delegates relevant powers and duties to the Chief Executive Officer, who may sub-delegate to individual officers or committees. Council also delegates powers to the Alwyndor Management Committee to make decisions within the Committee's terms of reference. Delegations and individual sub-delegations are reflected in the Delegations Schedule.

## Audit and Risk Committee

The Audit and Risk Committee operates under section 126 of the *Local Government Act 1999* and oversees Council's risk management and internal control frameworks. The Committee reports to the Council on a regular basis to confirm that these frameworks are in place and operating effectively. The Committee also reviews the annual financial statements, *Annual Business Plan* and *Long-Term Financial Plan*.

The Committee comprises of two Elected Members and three independent members. The independent members each received an allowance of \$448 per meeting (July 2022 – November 2022) and then \$486 per meeting (November 2022 – June 2023).

The Committee Members from July 2022 to June 2023 were:

- › Councillor John Smedley (Presiding Member)
- › Councillor Bob Snewin
- › Mr David Powell – Independent Member
- › Ms Paula Davis – Independent Member
- › Mr Sean Tu – Independent Member (to 21 May 2023)
- › Ms Corinne Garrett – Independent Member (from 13 May 2023).

## Strategic Policy and Development Policy Committee

The Strategic Policy and Development Policy Committee was dissolved in July 2022 by a resolution of Council. It was formed under section 41 of the *Local Government Act 1999* and was a requirement of the *Development Act 1993*. The Committee provided advice to Council on strategic planning and development policy issues. The Committee comprised all members of Council and was convened as required.

## Jetty Road Mainstreet Committee

The Jetty Road Mainstreet Committee is funded through the collection of a separate rate to assist Council to enhance and promote Glenelg's Jetty Road as a vibrant shopping, leisure and recreational precinct.

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# Decision Making Structure

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The 2022–23 Committee comprised two Elected Members and nine independent members.

The independent members represent traders and property owners in the precinct, with no allowances paid. Members are appointed on a two-year term. The member term concluded on 31 March 2023 with the current term commencing 1 April 2023. Three new members joined the Committee with six returning members. With the Council elections in November 2022, there was also a change in Elected Member representation. The Committee Members for 2022–23 were:

- › Gilia Martin, Attitudes Boutique (Chair)
- › Angus Warren, Beach Burrito (Deputy Chair from April 2023)
- › Tony Beatrice, Cibo Espresso
- › Adoni Fotopoulos, Ikos Holdings Trust
- › Chris Morley, Echelon Studio – Architecture and Design
- › Damien Murphy, Glenelg Finance
- › Anthony Chhoy, Chatime (from April 2023)
- › Bayley Millard, Yo-Chi (from April 2023)
- › Shannon Smith, Royal Copenhagen Glenelg and Brighton (from April 2023)
- › Brock Meuris, Terra & Sol (until 31 March 2023)
- › Jason Rayment, Smart Hearing Solutions (until 31 March 2023)
- › Gina Britton, Daisy & Hen, (Deputy Chair) (until 31 March 2023)
- › Councillor Rebecca Abley
- › Councillor Allison Kane (from December 2022)
- › Councillor William Miller (until November 2022).

## Executive Committee

The Executive Committee is established under section 41 of the *Local Government Act 1999*. The Committee meets as required to:

- › recommend to Council the form and process of the Chief Executive Officer’s annual performance appraisal
- › undertake the annual performance appraisal
- › provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.

The Committee Members in 2022–23 were:

- › Mayor Amanda Wilson – Chair
- › Deputy Mayor Clare Lindop (Deputy Mayor from November 2022)
- › Councillor John Smedley (Deputy Mayor until November 2022)
- › Councillor Susan Lonie – Seacliff Ward
- › Councillor Robert Snewin – Brighton Ward (until November 2022)
- › Councillor Jane Fleming – Brighton Ward (from November 2022)
- › Councillor Rebecca Abley – Glenelg Ward (until November 2022)
- › Councillor Bob Patton – Glenelg Ward (from November 2022)
- › Councillor William Miller – Somerton Ward (until November 2022)
- › Councillor Monique O’Donohue – Somerton Ward (from November 2022).

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## Council Assessment Panel

The Council Assessment Panel (CAP) is an autonomous authority that considers development applications and makes development decisions. It was established in accordance with the *Planning, Development and Infrastructure Act 2016* and has delegated powers that are administered in accordance with the Act's statutory requirements. It consists of one substantive and one deputy Elected Member who is appointed by the Council and four independent members. The Council Assessment Panel met on the fourth Wednesday of the month as required. During 2022–23, the Panel met each month. The Presiding Member received \$582 per meeting from July – October 2022 and \$601 per meeting from November 2022 – June 2023. Ordinary independent Panel members (including Council member) received \$448 per meeting from July – October 2022 and \$463 per meeting from November 2022 – June 2023.

In 2022–23, the Panel comprised:

- › Councillor Jane Fleming (Substantive member)
- › Councillor William Miller (Deputy member to October 2022)
- › Councillor Robert Snewin (Deputy member from December 2022)
- › David Bailey (Presiding Member July 2022 to March 2023)
- › Yvonne Svensson (Independent Member from July 2022 to March 2023, then Presiding Member from April 2023)
- › Sarah Reachill

- › Terry Sutcliffe (from April 2023)
- › Colleen Dunn (from April 2023).

## Alwyndor Management Committee

The Alwyndor Management Committee oversees the governance of Alwyndor. In 2022–23 the Committee consisted of two Elected Members and seven independent members. Independent members received \$448 per meeting from July – October 2022, and \$486 per meeting from November 2022 – June 2023. The Chair received \$560 per meeting from July – October 2022 and \$607 per meeting from November 2022 – June 2023.

- › Mr Kim Cheater – Chair
- › Ms Julie Bonnici – Deputy Chair
- › Cr Susan Lonie – CoHB Member
- › Cr Robert Snewin – CoHB Member
- › Ms Trudy Sutton – Member
- › Prof Judy Searle – Member
- › Prof Lorraine Sheppard – Member
- › Mr Kevin Whitford – Member
- › Ms Joanne Cottle – Member.

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## Organisational Structure (as at 30 June 2023)



**Roberto Bria**  
CEO

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### Assets and Delivery



**James Mitchell**  
General Manager Assets  
and Delivery (Acting)



**Muni Krishna**  
Manager  
Engineering (Acting)



**Bill Blyth**  
Manager Field  
Services



**Mathew Walsh**  
Building and Facilities  
Manager

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### Community and Business



**Marnie Lock**  
General Manager  
Community  
and Business



**Regan  
Forrest**  
Manager City  
Activation



**Brendan Kelly**  
Manager  
Community  
Wellbeing



**Tania Paull**  
Manager Customer  
Experience and  
Library Services



**Adrian Hill**  
Manager  
Community  
Safety



**Michelle Logie**  
Manager  
Communications and  
Engagement

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### Strategy and Corporate



**Pamela Jackson**  
General Manager  
Strategy and  
Corporate



**Cadel Blunt**  
Manager  
Finance



**Sharon  
Somerville**  
Manager  
People and  
Culture



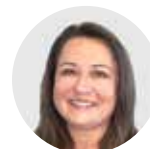
**Robert Zanin**  
Manager  
Innovation and  
Technology



**Matthew  
Rechner**  
Manager Public  
Realm and  
Urban Design



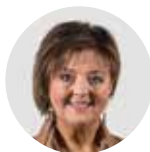
**Anthony  
Marroncelli**  
Manager  
Development  
Services



**Ania Karzek**  
Manager  
Strategy and  
Governance

---

### Alwyndor



**Beth Davidson-Park**  
General Manager  
Alwyndor



**Rafa Mirzaev**  
Chief Financial  
Officer



**Natasha Stone**  
Residential Services  
Manager



**Molly Salt**  
Manager Community  
Connections



**Lisa Hall**  
Manager People  
and Culture

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# Our Values

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Our ARISE values and behaviours are the way we achieve our vision.

## **Achievement**

Deliver agreed outcomes for our community.

## **Respect**

Act with honesty and integrity.

## **Innovation**

Seek better ways.

## **Simplicity**

Easy to do business with.

## **Engagement**

Provide opportunities for all to participate.

# Decision Making Structure

## Senior Leadership Team

Council is supported in its decision making by a Senior Leadership team, which comprises:

- › Chief Executive Officer, Roberto Bria
- › General Manager Alwyndor, Beth Davidson Park
- › General Manager Assets and Delivery, Michael de Heus (until 28 May 2023)
- › Acting General Manager Assets and Delivery, James Mitchell (from 29 May to 30 June 2023)
- › General Manager Community and Business, Marnie Lock
- › General Manager Strategy and Corporate, Pamela Jackson.

Senior executive salary packages include the following benefits:

- › A competitive salary
- › The option of a fully maintained vehicle or novated vehicle lease
- › Employer-sponsored superannuation contributions
- › Membership of professional associations.

	Female	Male	Salary Range
CEO		1	\$272,103
General Manager	3	1	\$185,091 – \$202,250

## Staff Profile

Number of Employees as at 30 June 2023	Male	Female	Total
Municipal Employees	97	108	205
Alwyndor Employees	90	327	417
<b>Total</b>	<b>187</b>	<b>435</b>	<b>622</b>



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## Work Health and Safety

In 2022–23 the following key measures were realised for work health and safety:

- › Total Hazards 46
- › Total Incidents 137
- › Total Injuries 73.

Note: This includes totals for Alwyndor.

The Local Government Association Workers Compensation Scheme (LGAWCS) provides the City of Holdfast Bay with a fully integrated Claims, Return to Work and Work Health Safety Service. Claims are determined and coordinated by LGAWCS as our Insurer.

## Workforce Planning

Work continues building skills and capability across our workforce to provide excellent customer experience and provide flexibility in times of changing service demands and technology. Recruitment focuses not only on required experience and skills, but also on behaviours in line with our organisational values and customer experience requirements. Staff benefits, including flexible working arrangements, continue to be offered to ensure the attraction of high-quality candidates and retention of staff.

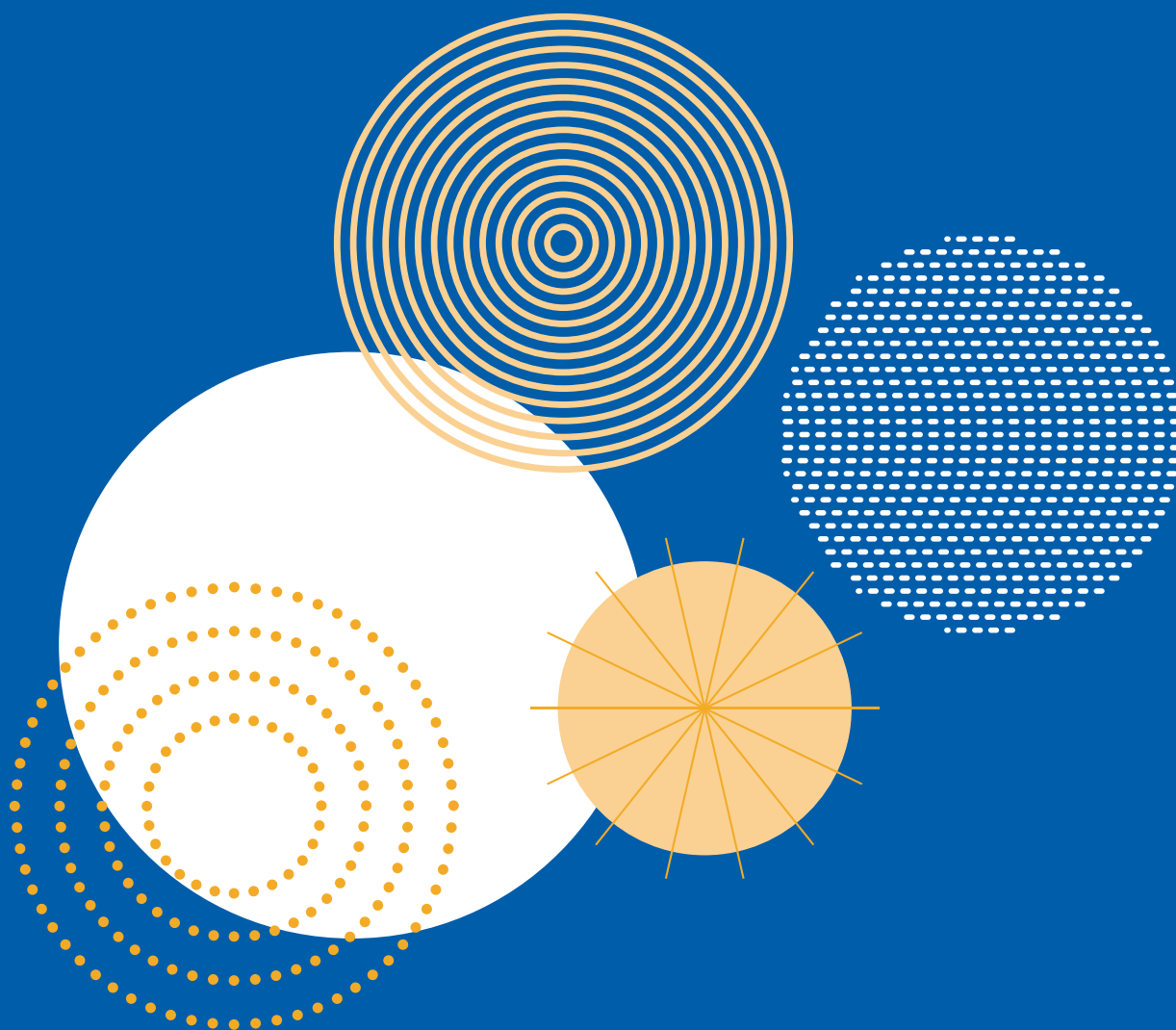
Voluntary employee turnover for Council was 17.22 per cent. Alwyndor's turnover was 33.9 per cent.

## Training and Development

\$231,063 was spent on developing workforce skills to meet current and future needs. This included mandatory training to meet legislative requirements such as work health and safety (WHS) and governance obligations. Council's training needs analysis was assessed to ensure legislative obligations were being met in line with the *WHS Training Plan*. Council also undertook a review of its cultural wellbeing and designed and implemented a comprehensive leadership training program.

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# Transparency



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## Community Engagement

We value the involvement of our community and we are committed to ensuring the community's views help inform Council's decision-making.

Community engagement is an integral part of the planning of our projects and new initiatives and plays a vital role in enabling us to achieve the community's vision for the City of Holdfast Bay.

There were four targeted community engagements held throughout the year, which was lower than the previous year as no engagements were held during the Election caretaker period. We invited people to share their views through a variety of methods, including online hubs, drop-in sessions, workshops, focus groups, and surveys.

To find out more or to follow projects of interest visit [www.yourholdfast.com](http://www.yourholdfast.com).

## Community Land Management Plans

Community land management plans identify the purpose and objectives of land held for community use and operate in accordance with section 196 of the *Local Government Act 1999*.

The terms and conditions for several licences and leases were resolved by Council in 2022–23, including those for the Glenelg District Cricket Club at Glenelg Oval, and the Tramside Kiosk at Wigley Reserve. The terms and conditions for new leases were also progressed, including those for the new Kingston Park Kiosk and Glenelg Football Club.

# Transparency

## Registers and Codes

The following documents are available to the public:

### Registers

- › Register of Interests (Elected Members)
- › Register of Gifts and Benefits (Elected Members)
- › Register of Allowances and Benefits which includes the Register of Training and Development (Elected Members)
- › Register of Conflicts of Interest (Elected Members)
- › Register of Remuneration, Salaries and Benefits (Employees)
- › Register of Gifts and Benefits (Employees)
- › Register of Community Land
- › Register of Community Leases
- › Register of Public Roads
- › Register of By-Laws and certified copies
- › Register of Fees and Charges
- › Register of Facilities
- › Record of Delegation.

### Codes

- › Behavioural Standards (Code of Conduct) (Council Members)
- › Code of Practice – Meeting Procedures
- › Code of Practice – Access to Meetings and Documents
- › Code of Conduct (Employees).

The Register of Interest for Employees (Prescribed Officers) is maintained but not made publicly available.

## Gifts Funded By Council

Schedule 4 of the *Local Government Act 1999* requires the Annual Report to provide a summary of the details (including the cost) of any gifts above the value of \$50 provided to Elected Members or employees that were funded in whole or in part by the Council. The following table provides details of such gifts:

Description of gift	Recipients of gift	Value of gift for each individual
Long service and retirement recognition glassware	13 Employees	\$76.00
Farewell Gifts	Cr Clancy	\$350.00
	Cr Chabrel	\$128.91

## Legal Fees

In the 2022–23 financial year Council incurred legal costs totalling \$227,309. This was made up of:

- › Appeals \$90,058
- › Enforcement \$7,678
- › Advice \$129,573.

In the same period, legal fees for Alwyndor were \$39,085.

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## Credit Card Use

In the 2022–23 financial year the total expenditure via credit cards was \$197,157.73. This expenditure is tightly controlled and in accordance with relevant legislation, regulation and Council policies and procedures.

## Interstate Travel

Mayor Wilson and Councillor Kane travelled interstate for the Australian Local Government Association National General Assembly along with the Chief Executive Officer. Interstate travel and accommodation costs were as follows:

- › Mayor Wilson – \$2,256.93
- › Councillor Kane – \$2,256.93
- › Chief Executive Officer Roberto Bria – \$1,424.22

Councillor Miller travelled interstate for the National Parks and Leisure Australia Gala Dinner and Awards Ceremony. Interstate travel and accommodation costs were \$725.20.

Three other staff members travelled interstate in 2022–23:

- › The Environmental Officer attended the International Conference on Assessing Waste and Recycling in Melbourne on 14 November 2022. Interstate travel and accommodation costs were \$1,510.00.
- › Two staff from the Innovation and Technology Services team attended the Technology One Showcase. The Showcase was held in Melbourne on 28 October 2022. Flights and accommodation were provided by TechnologyOne. There was a cost of \$300.00 for transport in Melbourne.

## Internal Review of Council Actions

We received no requests in 2022–23 to review Council decisions in line with section 270 of the *Local Government Act 1999* – *Internal Review of Council Decisions*.

Year	Number of Reviews
2022–23	0
2021–22	1
2020–21	1
2019–20	3
2018–19	4
2017–18	5
2016–17	1
2015–16	3
2014–15	3

# Transparency

## Freedom of Information

During 2022–23, Council processed 15 Freedom of Information (FOI) requests.

Information on the FOI process, application forms, fees and access to documents is available from council's accredited FOI officers. If required, these officers will assist anyone seeking to amend council records containing their personal affairs. More FOI information and application forms are available from council in person and on the council and State Records websites.

A member of the public wishing to amend the council's records concerning their personal affairs may email [governance@holdfast.sa.gov.au](mailto:governance@holdfast.sa.gov.au) or phone (08) 8229 9999 and speak with an accredited FOI officer.

In accordance with section 9 of the *Freedom of Information Act 1991*, council must make available for public inspection an annual 'Information Statement' that provides an overview of its structure, functions and documents.

## Independent Auditors

The *Local Government Act 1999* stipulates that auditors be appointed on the recommendation of the Audit Committee for no longer than five years.

From 1 July 2020, Dean Newbery were appointed as council's external auditors for a period of five years. For both Municipal and Alwyndor operations in 2022–23, Dean Newbery were paid \$30,500 (excluding GST) for the annual audit of council's financial statements, and \$600 (excluding GST) for additional grant acquittals audits.

## Local Nuisance and Litter Control

In 2022–23 in accordance the *Local Nuisance and Litter Control Act 2017*, 486 complaints were registered, three abatement notices were provided and seven expiation notices were issued.

	Dust	Noise	Smoke	Odour	Animals	Litter	Litter (Asbestos)	Insanitary Conditions	Unsightly	Bill Posting	Total
Complaints	6	25	8	0	22	378	0	16	30	1	486
Abatement Notices								1	2		3
Expiations						5			1	1	7

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## National Competition Policy

Competitive neutrality is one of the key principles of the National Competition Policy. The principle is based on the concept of a level playing field for people competing for business. It relates to any situation where there is, or there is the potential for, competition between the private and public sectors.

Councils are required to identify their business activities and disclose those in Category One (annual gross operating income greater than \$2 million per year) and Category Two (annual gross operating income less than \$2 million per year).

In 2022–23 council continued to maintain the following significant business activities:

- › **Category One**

- › Alwyndor

- › **Category Two**

- › Brighton Beachfront Holiday Park
- › Partridge House
- › Kauri Parade Community and Sports Centre
- › The Glenelg Visitor Information Centre
- › Partridge Street Car Parks.

## Competitive Tendering

Tenders are called for contracts above \$100,000 ex GST, provided council is of the reasonable opinion that a competitive process is practicable and will deliver greater benefit than other methods. Tenders are also used for contracts of a lesser amount where the process is most appropriate. All tendering is managed within the following procurement principles:

- › Value for money
- › Transparent, accountable, fair and ethical
- › Social responsibility
- › Environmental sustainability
- › Buy local
- › Work health and safety.

# Transparency

## Representation Quota

Our Council is divided into four Wards, with three councillors representing each ward, plus a Mayor. The details for the City of Holdfast Bay elector representation ratios are below alongside comparative data for similar councils.

Council	Members (including Mayor)	Total Electors	Representation Quota*
Norwood Payneham and St Peters	14	26,147	1:1,867
Unley	13	28,092	1:2,160
<b>Holdfast Bay</b>	<b>13</b>	<b>28,533</b>	<b>1:2,194</b>
Burnside	13	32,295	1:2,484
West Torrens	15	43,195	1:2,879
Campbelltown	11	37,038	1:3,367
Mitcham	13	49,411	1:3,800
<b>Average</b>			<b>1:2,679</b>

\*Representation quota for the purposes of Schedule 4 of the *Local Government Act 1999*. Data derived from information provided by the Electoral Commission of SA.

Council is required to conduct a review of representation at least once in every eight years or within a period specified by the Electoral Commissioner.

Council was required by the Minister for Local Government to undertake a Representation Review in October 2020 and October 2021. The review process involved two stages of public consultation as prescribed by the *Local Government Act* allowing the opportunity for public submissions.



## Number of Items Discussed in Confidence

The *Local Government Act 1999* requires that Council meetings be held in a public place. The Act provides for occasions where the need to keep information or discussion confidential outweighs the need for public access.

In 2022–23, Council was satisfied of the necessity to consider items in confidence under section 90(2) of the *Local Government Act 1999* on 41 occasions.

The grounds for these matters to be heard in confidence are detailed in the table below. There can be multiple grounds for each confidential item.

Grounds of Confidential Orders	Grounds for Confidential Orders
A Personal Affairs	5
B Commercial Advantage	14
C Trade Secret	0
D Commercial Information not a trade secret	21
E Security/safety	0
F Maintenance of Law	0
G Breach of Law	2
H Legal Advice	3
I Litigation	4
J Minister of the Crown	1
K Tenders for the supply of goods	4
M Amendment to the Development Plan	0
N <i>Freedom of Information Act 1982</i>	0
O Proposed Award Recipient before the presentation of the award	2
<b>Total</b>	<b>56</b>

# Transparency

## Confidential Orders From Previous Years Released – 2022–23

In 2022–23 some items held in confidence from previous years were publicly released. The grounds of each confidential order that was released appears in the table. This table does not include items discussed in confidence in 2022–23 and released from confidence in the same year.

44 confidential reports were released in 2022–2023, noting that there can be multiple grounds for each confidential order.

Confidential Order Categories	Number of grounds under each confidential order
A Personal affairs	7
B Commercial advantage	19
C Trade secret	0
D Commercial information not a trade secret	16
E Security – safety	2
F Maintenance of law	0
G Breach of law	0
H Legal advice	3
I Litigation	3
J Minister of the Crown	2
K Tenders for the supply of goods	0
M Amendment to the Development Plan	0
N <i>Freedom of Information Act 1982</i>	0
O Proposed award recipient before the presentation of the award	0
<b>Total</b>	<b>52</b>

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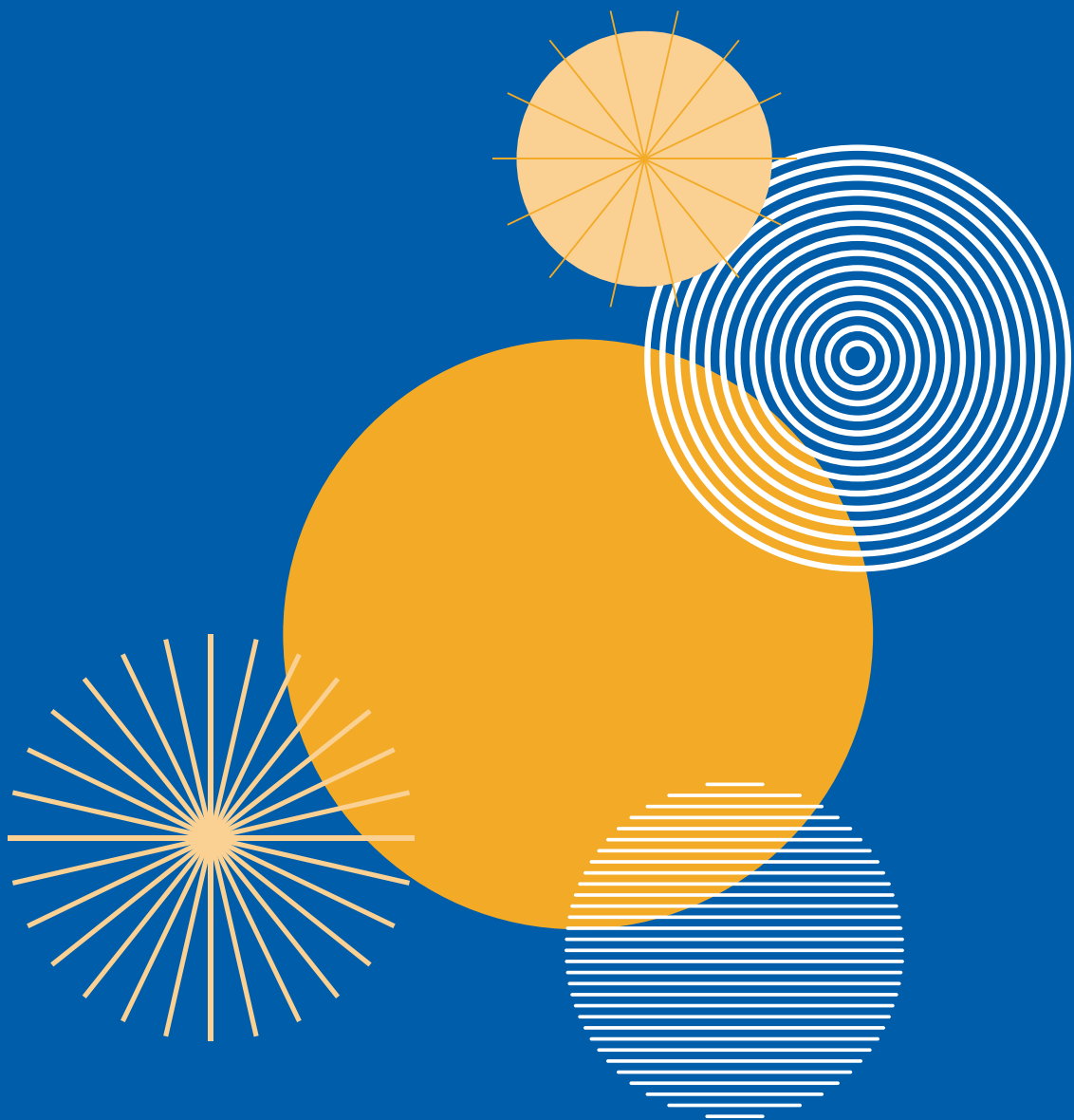
## Items Retained in Confidence

The table adjacent reflects those items from previous years that remain in confidence. The total for 2022–23 provided here is not the same as that provided in the previous table as some items can be held in confidence and released in the same financial year.

Year	Number of Items
2012–2013	2
2013–2014	0
2014–2015	1
2015–2016	3
2016–2017	7
2017–2018	23
2018–2019	15
2019–2020	11
2020–2021	27
2021–2022	42
2022–2023	50

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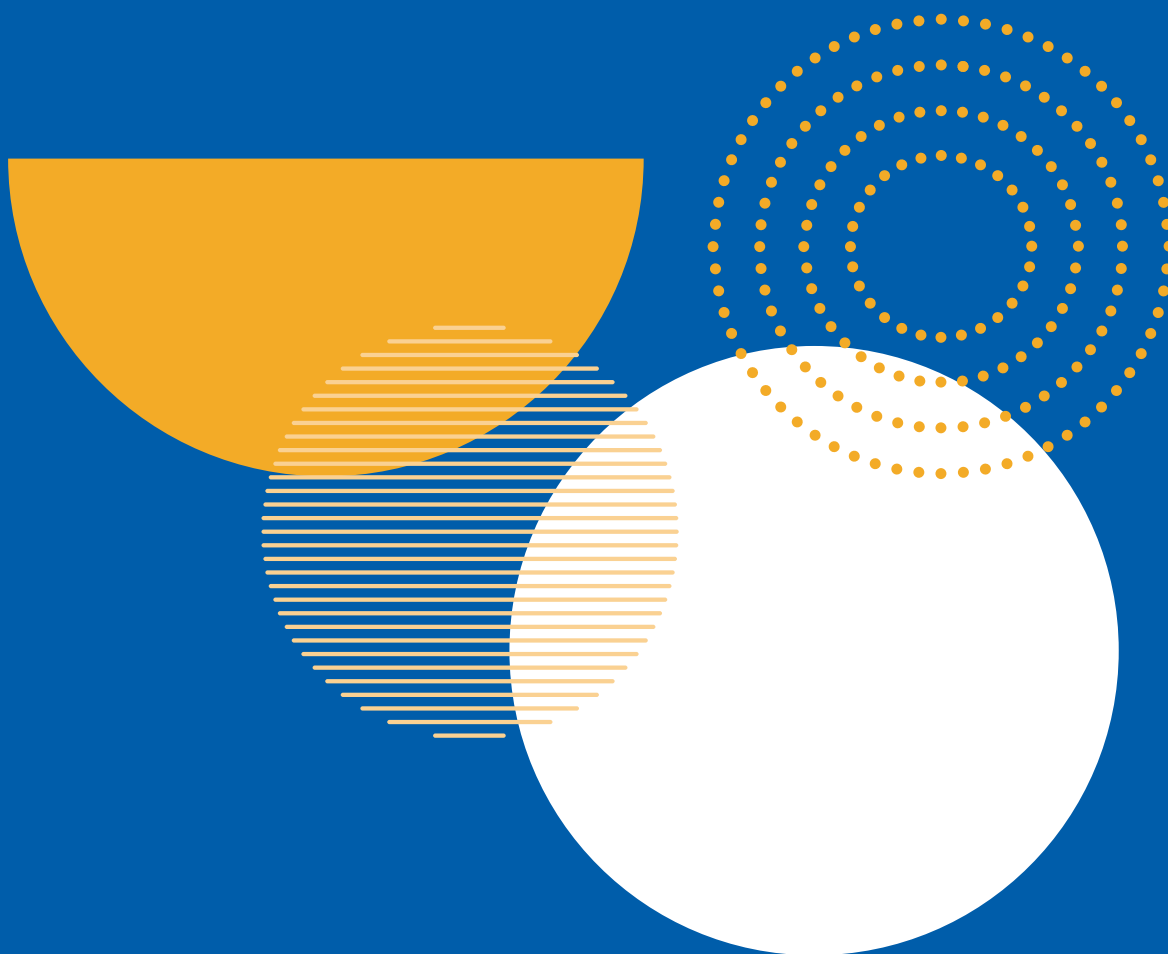
# Audited Financial Statements



**TO BE SUPPLIED**

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# Southern Region Waste Resource Authority Annual Report



**TO BE SUPPLIED**

**TO BE SUPPLIED**





Give weekly  
**FOGO**  
a GOGO

WEEKLY  
GREEN FOGO

FORTNIGHTLY  
RECYCLING

FORTNIGHTLY  
LANDFILL

**DANGER**  
EXTENDING  
at all times  
before automatic

**CAUTION**  
USE BODY PROOF

lo  
urce  
ery





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**Brighton Civic Centre**  
24 Jetty Road  
Brighton SA 5048

**Post**  
PO Box 19  
Brighton SA 5048

T (08) 8229 9999  
F (08) 8298 4561  
mail@holdfast.sa.gov.au

**holdfast.sa.gov.au**

**Item No:** 15.8**Subject:** GREATER ADELAIDE REGIONAL PLAN - DISCUSSION PAPER

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## Summary

This report seeks Council's endorsement for a written submission to the State Government's invitation for comments on the Greater Adelaide Regional Plan Discussion Paper, which was recently released for consultation. The Discussion Paper asks that councils throughout Greater Adelaide assist to identify urban growth opportunities to accommodate anticipated population increases over the next thirty years. The City of Holdfast Bay's submission proposes a considered approach, seeking to protect the city's rich urban character and sensitive natural environment, whilst acknowledging the opportunities offered by its road and rail corridors to accommodate greater urban densities.

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## Recommendation

**That Council endorses the written submission provided as Attachment 2 to this report in response to the Greater Adelaide Regional Plan Discussion Paper.**

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## Background

Every five or so years, the State Government embarks on a strategic planning exercise to plan for the provision of new housing to cater for population growth projected for Greater Adelaide. In August of 2023, the State Government released a Discussion Paper as a precursor to drafting the new Greater Adelaide Regional Plan (GARP). Much has occurred since the previous iteration of the GARP in 2017, most notably the COVID 19 pandemic and the housing supply and affordability crisis that followed, both of which effected Adelaide significantly and have been the cause for much of the direction of the current Discussion Paper. This Discussion Paper is the first step in a renewed conversation about how and where the Greater Adelaide Region can grow to accommodate current and future generations. For Holdfast Bay, this means infill growth done well in the right places, whilst also identifying the areas that require protection from future growth.

## Report

The 2023 GARP Discussion Paper proposes an ambitious target of accommodating 670,000 additional people in Greater Adelaide by 2051, requiring 200,000 more homes over the next 30 years. However, the land supply projections for residential land across Greater Adelaide indicate that there is only 15 years of supply presently available under current zoning laws. The Discussion Paper, which is provided in summary form as Attachment 1 to this report, seeks to encourage people to live locally by locating housing, jobs and services closer together so people can meet most of their daily needs within a comfortable walk, ride or public transport journey from home. The City of Holdfast Bay therefore needs to have regard to these guiding principles in putting forward its recommendations to the State Government for managing growth in the council area.

*Refer Attachment 1*

There is still much unrealised potential for residential growth in Holdfast Bay, with the Jetty Road, Colley Terrace and Adelphi Terrace precinct at Glenelg continuing to play an important role in providing higher density housing options. This should not be lost in Council's submission to the State Government, because if new infill opportunities are unlocked prior to the uptake of existing opportunities, this may lead to disorderly and uneconomic development.

### ***Opportunities and Constraints***

Each council, including Holdfast Bay, is required to offer a pathway for population growth within their local government area as part of the current discussion on developing the draft GARP later in 2024. The premise of the City of Holdfast Bay's submission to the Discussion Paper is based on the opportunities and constraints to where growth and development should occur. The State Government has not assigned population or housing targets for each individual council, and it is certainly not expecting each council to find 46 percent growth potential that is projected for the Greater Adelaide Region. Holdfast Bay has a number of constraints that would prevent it from achieving anywhere near the number of additional houses if the growth burden were to be spread evenly across Greater Adelaide.

Notwithstanding, and given that abstinence from this process is not an option, there are a number of untapped opportunities that could serve as appropriate areas for higher density accommodation, on the proviso that these areas that are identified for growth are underpinned by good design, consideration of amenity at the interface with adjacent housing, appropriate stormwater management, and tree canopy increase. From the outset, certain areas can be excluded from consideration, these being council's character and heritage areas, and its environmentally sensitive areas. Furthermore, there are areas of notable character that are currently not formally identified for protection, but which should be recognised and quarantined as part of this process.

The general residential precinct should also be left intact, as there is already potential for growth in these areas through generous subdivision allowances made available through changes introduced under the Planning and Design Code in March 2021. This leaves the transit corridors as the most appropriate areas to accommodate growth. However, this is contingent on the design policy detail, which will emerge in the subsequent stages of this exercise, where council will again be invited to comment when the draft GARP is released for consultation in mid-2024.

In order to set strategic directions for residential development in Holdfast Bay, it is necessary to consider the full range of opportunities and constraints for development. Such an analysis also provides guidance for the development of area-specific policies relating to density, streetscape character, dwelling design and dwelling style. The more notable opportunities and constraints include:

- Heritage and character areas that prevent demolition and higher density redevelopment.
- Interface issues between residential and non-residential development along arterial roads is an issue, as is traffic noise. The potential exists for higher density development along council's arterial roads however the interface issues between

residential and commercial precincts need to be addressed, particularly along Brighton Road.

- Stormwater disposal and quality are major issues throughout the council area. Systems are at capacity, which means that development may need to be limited in some areas.
- Significant areas of open space such as within schools should be protected.
- Minda Inc may have potential for residential development if the present owners wish to intensify its accommodation offerings (which it is entitled to do under current zoning laws). In such an event some open space should be retained.
- Significant development constraints exist in the Seacliff, Seacliff Park and Kingston Park areas. Constraints include steep land, overlooking, narrow streets and stormwater disposal.
- Significant remnant vegetation that exists at Kingston Park should be protected.
- The city has a relatively low provision of public open space (excluding the coast) particularly in the centre of the Council area and adequate provision of public open space will be needed to support future higher density options.
- The city has a grid street network that supports walkability and increases in housing density will support destinations and services that are a key feature of walkability.
- The city is well served by public transport networks, with good connectivity to major destinations in the metropolitan area. Council's two rail corridors could be considered for growth opportunities through well designed, medium density housing.
- Social infrastructure is generally well provided across the city, but there are pockets in the south-east of the city that are not as well served.

Having regard to these opportunities and constraints, the Council is well advised to take a planned approach to offering its ideas on population growth to the State Government so that it can protect the character of the city and maintain the lifestyle it offers, whilst providing opportunity for those aspiring to become residents to find suitable accommodation. To achieve this, it is recommended that the Council propose four growth objectives as part of its submission to the State Government that establish a framework for development that is compatible with the existing nature of our suburbs:

- Objective 1: To protect/maintain and improve the character and heritage of the city
- Objective 2: To encourage an increase in housing supply and diversity in suitable locations
- Objective 3: To direct housing growth to locations which can accommodate change
- Objective 4: To build environmental resilience and reduced carbon footprint in the pursuit of urban growth

The draft submission provided as Attachment 2 to this report frames council's response around these four objectives. In so doing, the submission reinforces the need to protect existing areas of character, thereby asking that these areas are excluded from any growth strategy. In addition, council's submission is asking that other areas of notable character that

are not currently recognised by legislation, also be excluded from consideration as potential growth areas.

*Refer Attachment 2*

## **Budget**

Not applicable

## **Life Cycle Costs**

Not applicable

## **Strategic Plan**

Holdfast 2050+ Vision: Protecting our heritage and beautiful coast

## **Council Policy**

Not applicable

## **Statutory Provisions**

Not applicable

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**Written By:** Manager Development Services

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1

20551139



Level 10  
83 Pirie Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

1800 752 664  
saplanningcommission@sa.gov.au

14 August 2023

Mayor Amanda Wilson  
City of Holdfast Bay

By email: mail@holdfast.sa.gov.au

Dear Mayor Wilson

### **Greater Adelaide Regional Plan Discussion Paper**

I am pleased to advise you that as part of the process for the development of the Greater Adelaide Regional Plan, the State Planning Commission has commenced public consultation on the Greater Adelaide Regional Plan Discussion Paper for a period of 12 weeks starting today and concluding on 6 November 2023 at 5:00 pm.

The Discussion Paper is an evidence-based document with a strong focus on what the Greater Adelaide Region may look like in 2051. It presents key considerations and trends that we need to consider in our future planning.

This is an opportunity to provide early input into the Greater Adelaide Regional Plan and help determine:

- What Greater Adelaide might look like in 30 years.
- The needs and wants of current and future communities.
- Where and how we should grow.

To support the consultation process, resources are available on the [PlanSA Portal](#) to provide further detail on the Discussion Paper and help guide people on how to have their say.

A series of drop-in and online [community information sessions](#) are planned for people to attend and learn more.

I encourage your Council to participate in the consultation process and look forward to receiving your valuable input, which is integral to how we plan for South Australia's future development and growth while meeting the needs of population and employment, housing affordability and quality of life for the Region.

If you felt there would be value in having a Commission Member and a Planning and Land Use Services representative attending a briefing or workshop with the Council to explore the Discussion Paper in greater detail, please contact Ashleigh Robertson at Ashleigh.Robertson2@sa.gov.au to book this in.



Should you require any further information regarding the Discussion Paper, visit [PlanSA](#), email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au) or call the PlanSA Service Desk at 1800 752 664.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal stroke that curves upwards at the end.

**Craig Holden**  
Chair

Cc Mr Roberto Bria



# GREATER ADELAIDE REGIONAL PLAN

## Discussion Paper **Summary**



STATE  
PLANNING  
COMMISSION



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## Acknowledgment of Country

In preparing the Greater Adelaide Regional Plan Discussion Paper, we acknowledge the Kaurna, Peramangk, Ngarrindjeri, and Ngadjuri peoples as the Traditional Owners of the Greater Adelaide region. We also acknowledge and extend our respect to Elders past, present and emerging, and other First Nations peoples across South Australia.

Our aim is to walk side by side with First Nations peoples across our state, in a manner which is respectful to their cultural and heritage beliefs and to their spiritual connections with Country.

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# Commission Chair's message

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A stylized, handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

**Craig Holden**  
Chair, State Planning  
Commission

**Adelaide is internationally recognised as one of the most liveable cities in the world. We attract people and businesses from interstate and overseas to our enviable lifestyle and competitive business conditions.**

Since 2011, the Greater Adelaide region has welcomed 167,000 new residents. This is modest population growth compared to other Australian capital cities. Current projections show that by 2051 an additional 670,000 people could join us. We must plan to accommodate this growth.

Our population is also changing. Household composition is changing. What people need or want from their housing is changing. This means we need to offer more housing choices.

Decisions about where to accommodate more people are complex. How and where we accommodate future population growth, and jobs associated with that growth, is a key question in drafting the Greater Adelaide Regional Plan (the GARP).



A unique and exciting opportunity to **shape the future** of the Greater Adelaide region.

## The Discussion Paper is for all Greater Adelaide residents

Consulting our communities is central to developing the GARP. These views will help deliver a vibrant, inclusive and dynamic plan for our future. The Greater Adelaide Regional Plan Discussion Paper (the Discussion Paper) gives our communities and industries the information and tools to form ideas and to start the conversation.



The **Greater Adelaide Regional Plan** will deliver a vision for the Greater Adelaide region to 2051 and beyond.

**The Discussion Paper will prompt debate and the exchange of ideas. Discussion will centre on the features and characteristics that make the Greater Adelaide region so special: our premium food and wine, our scenic landscapes and natural environment, our cultural and built heritage, our world class beaches and overall quality of life.**



Where will **housing and jobs** go and how will people live as our population grows?

This Discussion Paper will also highlight the important role our planning system will play in tackling complex issues such as climate change, net zero aspirations, social equality, community resilience, housing choices, housing affordability and affordable living.



We want your **ideas and feedback** to help inform the Greater Adelaide Regional Plan.



The land supply projections for residential land across metropolitan Adelaide indicate that there is 15 years supply currently available. This Discussion Paper looks beyond this. Working in collaboration with the new Housing Infrastructure Planning Development Unit, the Commission aims to ensure adequate supply through to 2050 and beyond.

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# Greater Adelaide

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**Change is certain. We need to plan for it.**

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**Projections show Greater Adelaide's population could grow by up to 670,000 people over the next 30 years. That would be a 46% increase on today's population.<sup>1</sup> We need to be ready.**

Our housing needs are also changing. The average household size is decreasing. Single person households have increased 78% over the last 30 years. Housing demand now outstrips population growth.

If these trends continue, we will need an extra 300,000 homes over the next 30 years.

A [Discussion Paper](#) has been prepared to stimulate new thinking and informed debate about how the new Greater Adelaide Regional Plan (GARP) will sustainably provide for this future residential and employment growth and change.



**This summary paper provides a high-level overview of the Discussion Paper, which is split into two parts:**

---

- 1. How should Greater Adelaide grow?**
  - 2. Where should Greater Adelaide grow?**
- 

**Feedback on the Discussion Paper is open for a period of 12 weeks from 14 August to 6 November 2023, 5:00pm.**

<sup>1</sup> Based on 2021 Census data

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## The role and function of the Greater Adelaide Regional Plan

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**The new GARP will play a significant role in identifying land for housing and employment, and identifying long-term infrastructure needs to support sustainable growth over the next 30 years. It will replace the current 30-Year Plan for Greater Adelaide.**

The State Planning Commission (the Commission) is preparing the GARP in collaboration with local government, state agencies, industry and the community. Feedback received on the Discussion Paper will directly inform the development of the GARP.

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**The GARP will identify growth over a 15 to 30-year period by investigating and guiding:**



Where **houses and employment** land will go



How **housing and population** will be serviced



Which areas need **conservation and protection**



What **major infrastructure** is needed and how it will be provided

---

The final GARP will be available in a digital format and include maps identifying long-term urban land and infrastructure needs to support sustainable growth. Designed to respond to changing data, it will be live, interactive and easy to update.

# Greater Adelaide snapshot



**1,515,491**

Total population (2021)



**84%**

State's population



**80%**

of the State's economy



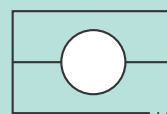
**1.0%**

Average annual  
population growth in  
the past 10 years



**19.3%**

Population over  
65+ years



**73.3%**

SA's Aboriginal  
population living  
in the region



**75%**

Detached dwellings



**1.3%**

Average annual housing  
growth in the past  
10 years



**26.6%**

Population born  
overseas



**691,000**

Total number of homes  
(2021)



**78%**

Increase in single  
households since 1991



**52%**

Increase in couples with  
no children since 1991





# 10,873km<sup>2</sup>

**Total area**



---

## How many homes do we need by 2051?

---

### **We need 300,000 new homes.**

Land that is already zoned for residential development in Greater Adelaide has capacity for 164,000 homes. A further 47,000 homes could go on land already identified for future residential rezonings, providing a current capacity for an additional 200,000 homes. This provides enough land supply for at least the next 15 years.

To supply 300,000 new homes by 2051, we will need to identify and protect land for an additional 100,000 homes.



---

# P.1 How should Greater Adelaide grow?

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**The GARP will establish a 30-year vision for the Greater Adelaide region. It will identify where people will live and work, how they move around, and where they will access services. The GARP will also align with the State Planning Policies (SPPs), which are the framework for orderly development across the State to account for a range of environmental and natural resource constraints including climate change.**

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## **Strategic foresight and global trends**

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**While the Commission relies on traditional tools to plan for long term growth and change, it has also explored ideas about the future, and plausible scenarios, to better prepare and plan for change.**

Recent rapid changes – a global pandemic, social and political uncertainty, remote work, and the rise of digitisation – require us to look at different possible futures through scenario planning.

The Commission, along with the Department of Premier and Cabinet (DPC), industry experts and thought leaders, have considered major trends and drivers of change that will shape the future of Greater Adelaide.

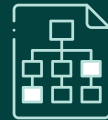
From this process, the Commission proposes four outcomes to guide the discussion about how Greater Adelaide should grow. Each outcome is described on the following pages and linked to the trends and drivers of change most relevant to land use planning in Greater Adelaide.

## A greener, wilder and climate resilient environment

### The trends and drivers



**Climate impacts and biodiversity loss**



**Decentralisation**



**Food and water security**



**Liveability**



**Changing mobility systems**

## A more equitable and socially cohesive place

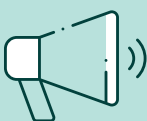
### The trends and drivers



**Social inequality**



**Liveability**



**Reconciliation, including voice, treaty, truth**



**Housing availability and affordability**



**Climate impacts and biodiversity loss**

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## A strong economy built on a smarter, cleaner, regenerative future

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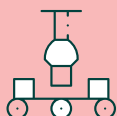
### The trends and drivers



**Digitisation**



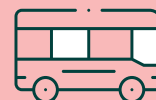
**Decentralisation**



**Automation and advanced manufacturing**



**Workforce, skills and migration**



**Changing mobility systems**

---

## A greater choice of housing in the right places

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### The trends and drivers



**Housing availability and affordability**



**Liveability**



**Societal inequality**



**Climate impacts**



**Decentralisation**





## For discussion

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What do you think of the four outcomes guiding how Greater Adelaide should grow? Are there any other outcomes the commission should consider?

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What other major trends and drivers might shape the future of Greater Adelaide? How should a land use plan address these trends and drivers?

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# The urban form to bring our vision to life

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**Wherever people choose to live within Adelaide's planned urban form, the Commission is exploring the concept of 'Living Locally' as the urban form that will best work to achieve the GARP's four outcomes.**

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**Living Locally means locating housing, jobs and services closer together so people can meet most of their daily needs within a comfortable walk, ride or public transport journey from home. Living Locally aims to create connected, convenient, cohesive and climate-smart communities, and to reduce the need for long-distance car travel, with an emphasis on physically active travel.**

Areas within Greater Adelaide differ in their characteristics, from size and local character to demographic profile. So, there cannot be a one-size-fits-all approach to applying the principles of Living Locally. The GARP will need to offer choice and flexibility.

# Living Locally



**Walkability  
and active  
travel**



**Affordable  
living**



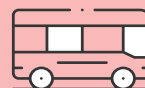
**Open  
space and  
recreation**



**Housing  
choices at all  
stages of life**



**Everyday  
shopping  
and services**



**Public  
transport  
options**



**Local learning  
opportunities**



**Sense of  
community**



**Arts,  
culture and  
experiences**



**Safer streets  
and spaces**



**Local jobs  
options**



---

# Infrastructure and services

---

**Planning for growth is complex. The availability and cost of infrastructure and services is a key consideration for determining where growth should occur.**

---

The Commission has set out seven principles to guide where long-term growth could occur across Greater Adelaide. These are listed on page 20. Principle 7 specifically relates to infrastructure:

***“The Identification and prioritisation of growth areas will be based on the transparency of costs to community (infrastructure provision, housing cost, ongoing living costs and climate change resilience costs) for differing forms of supply.”***

New homes need new or augmented infrastructure and services regardless of their location, type, or density. Those services include schools, community facilities, open spaces, new roads, wastewater, stormwater and power. The capacity of infrastructure to support growth varies across locations. Focusing new growth in locations with existing services and facilities is the best option. Doing so also benefits the broader community by reducing the cost of new transport, education and health care, and new trunk infrastructure for water, sewer and electricity.



## Infrastructure cost

The Commission is working with Infrastructure South Australia (ISA) to identify infrastructure cost differences between infill and greenfield development. The work of ISA and other infrastructure agencies around Australia shows land development costs in urban and township extension areas can be significantly higher than land development costs in established residential areas.

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## P.2 Where should Greater Adelaide grow?

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**The Commission considers it important to adopt a growth approach that balances greenfield, township and infill development, in the right places, with well-timed infrastructure provision.**

The Commission has established the following 'Principles for Identifying Land for Housing and Jobs' to guide consistent and objective government decisions.



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## The 7 Principles

---

### 1.

We will plan for a high-growth scenario and stage the release of new land to meet the forecast demand of 300,000 dwellings by 2051.

---

### 2.

Sub-regions will have their own distinct part to play in Greater Adelaide's future and each Local Government Area will have targets to accommodate growth.

---

### 3.

Land supply beyond the planned future urban lands must take into consideration existing capacity of land that is available for development within the existing boundaries (defined by EFPAs).

---

### 4.

Planning will accommodate rolling 15-year land supply targets for a range of land supply types.

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### 5.

The encroachment of urban areas on places of high primary production, landscape or environmental significance should be avoided.

---

### 6.

To account for zoned land that may not become available for development due to landowner intention, an additional amount of land supply will be identified.

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### 7.

Identification and prioritisation of growth areas will be based on the transparency of costs to community (infrastructure provision, housing cost, ongoing living costs, climate change resilience costs) for differing forms of supply.

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# Future land supply challenge

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**Not all of the Greater Adelaide region can or should be used for new housing and employment.**

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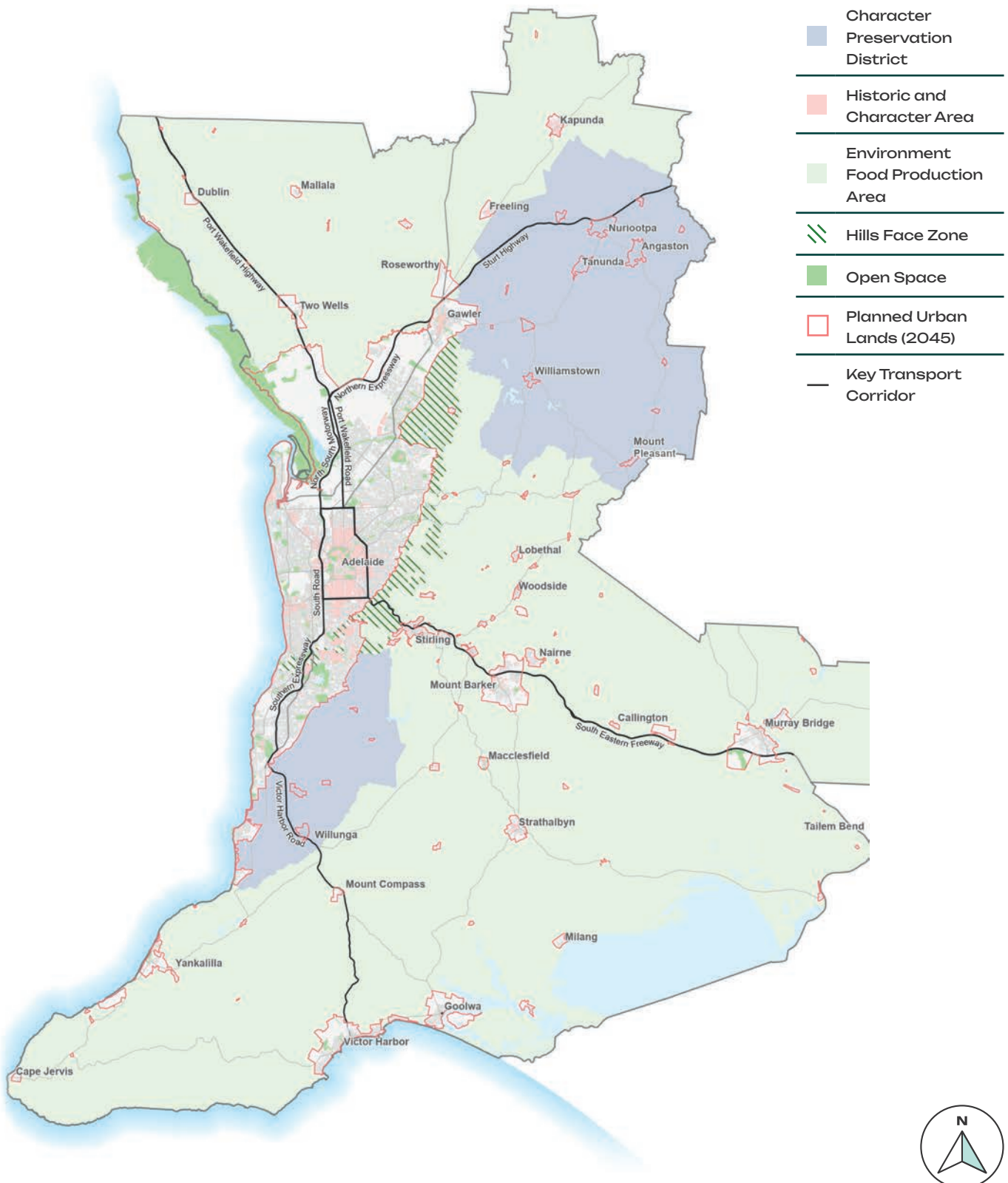
**Adelaide has limited land we can consider for long-term growth, with the:**

- coastline to the west
- hills to the east
- policies in place to protect the valuable food and wine regions surrounding the urban area.

The Commission also recognises the value of heritage and character areas. We acknowledge these areas offer limited opportunity to accommodate growth. The Commission will not investigate the Barossa and McLaren Vale Character Preservation Districts (CPDs). The Commission will also not review the Hills Face Zone, or smaller townships (such as Myponga and Carrickalinga).

The Environment and Food Protection Areas (EFPAs), along with the CPDs, cover 89% of the Greater Adelaide Region as demonstrated in Figure 1. The EFPAs primarily preclude land division for residential development and protect our prime food and wine regions from urban encroachment. Variations to the EFPAs can only be made if a 15-year supply of urban land cannot be identified outside of those areas, so the Commission will only look to the EFPAs to accommodate long term growth.

**Figure 1 – High-level constraints**  
Greater Adelaide

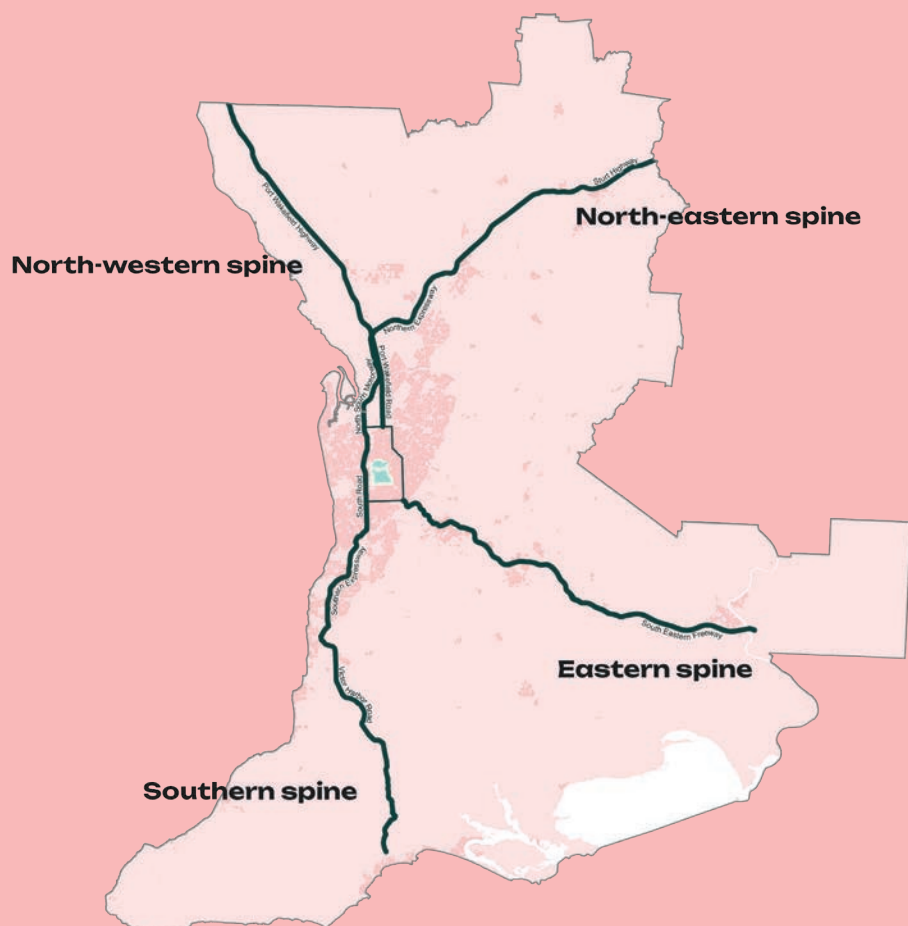






# Greenfield, satellite city and township growth

The Commission is proposing four areas outside, or on the fringe of, metropolitan Adelaide to investigate for future housing and employment growth. These investigation areas extend from Adelaide's four major transport spines to leverage infrastructure investment. The Discussion Paper further details why these areas have been identified and the challenges associated with potential future growth.





## North-western spine

The north-western spine begins at the southern end of the Port Wakefield Highway stretching northward past the Riverlea development to Two Wells, and then further north along the highway. Further development would build on and leverage the current development activity that is already planned for these two areas.

The investigation areas do not extend as far as the towns of Dublin and Mallala. These towns will keep their own separate identity but may expand locally to support township function and viability.



## North-eastern spine

This investigation area circles Roseworthy, with the Horrocks Highway as the eastern boundary. The towns of Freeling and Kapunda will be investigated for modest township growth within existing infrastructure capacity. Except for those areas currently identified for urban development, most of this area is currently zoned for rural primary production, and rural living lifestyle allotments.

Kudla provides an opportunity for a master planned extension to the Gawler township that takes advantage of recent government investments in electrified rail.



## Eastern spine

The South Eastern Freeway provides the central axis for this spine investigation area. The area around Callington will be investigated for future employment land, whilst options to expand Murray Bridge will be considered for residential and employment land. No additional growth beyond what is already planned will be investigated for Mount Barker.



## Southern spine

The southern spine growth investigation areas focuses on the coastal towns of Victor Harbor and Goolwa. It will be particularly important to maintain the inter-urban breaks between Goolwa and Victor Harbor to maintain subregional identity, including of that of Middleton and Port Elliot.



## For discussion

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How can greenfield development achieve an urban form that is consistent with the principles of Living Locally?

---

What is the ideal urban form to support the growth of satellite cities like Murray Bridge and Victor Harbor?

---

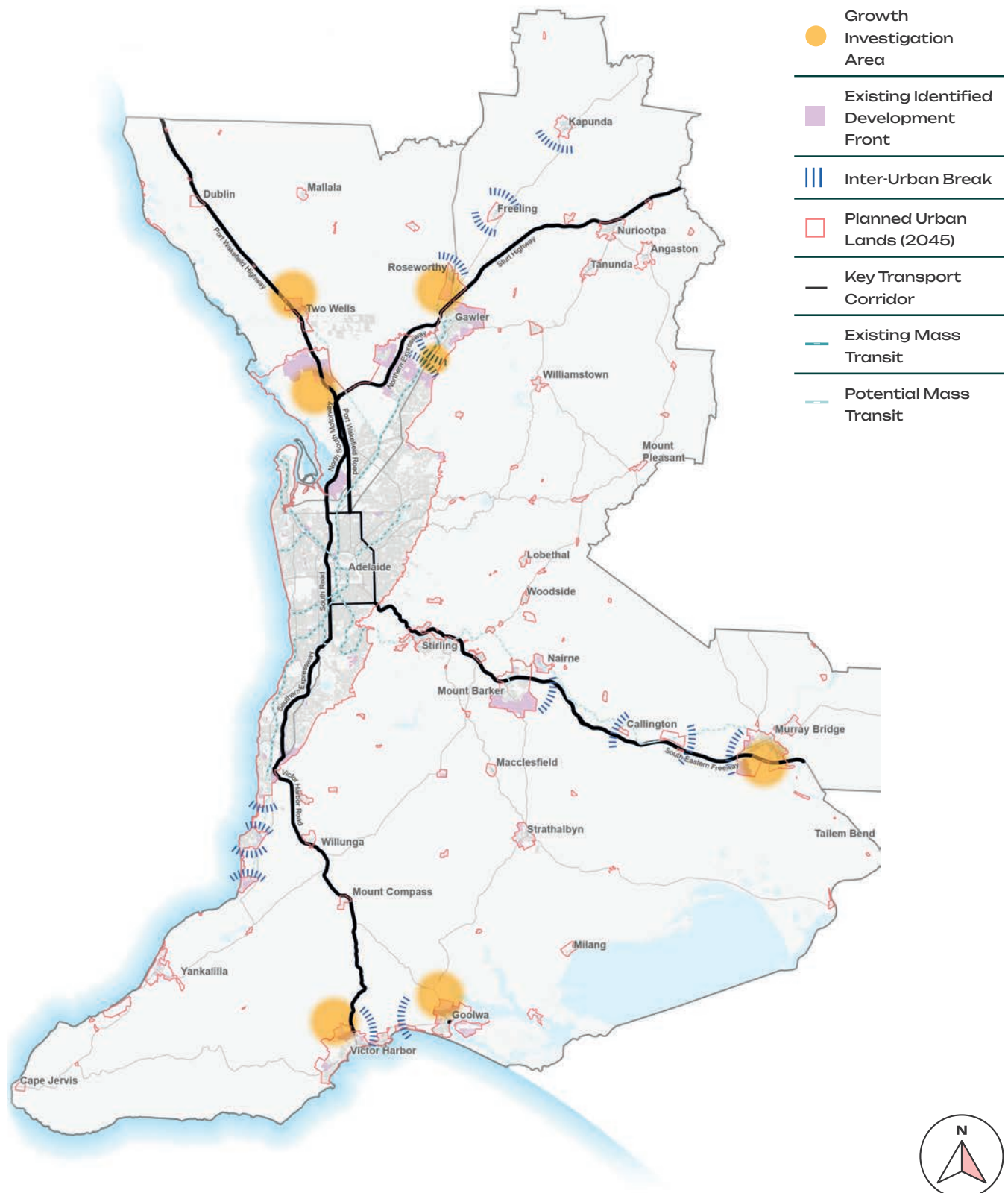
What do you see as the benefits and potential drawbacks of greenfield development?

---





**Figure 2 – Proposed areas of investigation**  
Greenfield and satellite city growth



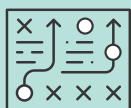


# Urban infill growth

Urban infill, when appropriately located and designed, can deliver significant public benefits. It is easier to achieve Living Locally principles within existing urban areas. And it promotes better use of existing infrastructure.

**Urban infill refers to new housing constructed on vacant or underutilised allotments, interspersed among older, existing houses in established neighbourhoods, mostly within metropolitan Adelaide.**

Urban infill land supply across Greater Adelaide is typically divided into two distinct components – strategic infill and general infill. However, the Commission believes a more nuanced approach to understanding the drivers and challenges of each of these components in differing contexts is needed.



## Strategic infill

Strategic infill refers to housing developments that typically occur on large, repurposed sites at higher densities (sometimes referred to as 'brownfield sites'). The government's Land Supply Report currently defines strategic infill sites as those that result in a net housing increase of greater than 10 houses.<sup>2</sup>

Developing larger strategic infill sites allows for a master planned approach which can better consider the potential for a mix of diverse housing, greening and open space, stormwater management and parking.

Adelaide has undertaken several developments that demonstrate how obsolete industrial or institutional land can be successfully transitioned to highly liveable communities. Examples of include former industrial sites in the CBD, Lightsview, AAMI Stadium, Bowden, Tonsley and Oakden.

**The Commission wants to identify the next generation of strategic and brownfield site opportunities as an important source of future land supply.**



## For discussion

**Where is the next generation of strategic infill sites?**

<sup>2</sup> Land Supply Report for Greater Adelaide ([plan.sa.gov.au](http://plan.sa.gov.au))

---

## Urban corridor development

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**Urban corridor development will continue to play an important role in providing growth options. It will locate more homes near high-frequency public transport offering more choice in how to move around.**

This can accommodate future growth under the Living Local concept, while balancing the desire to preserve the established character in many of the inner and middle metropolitan areas.

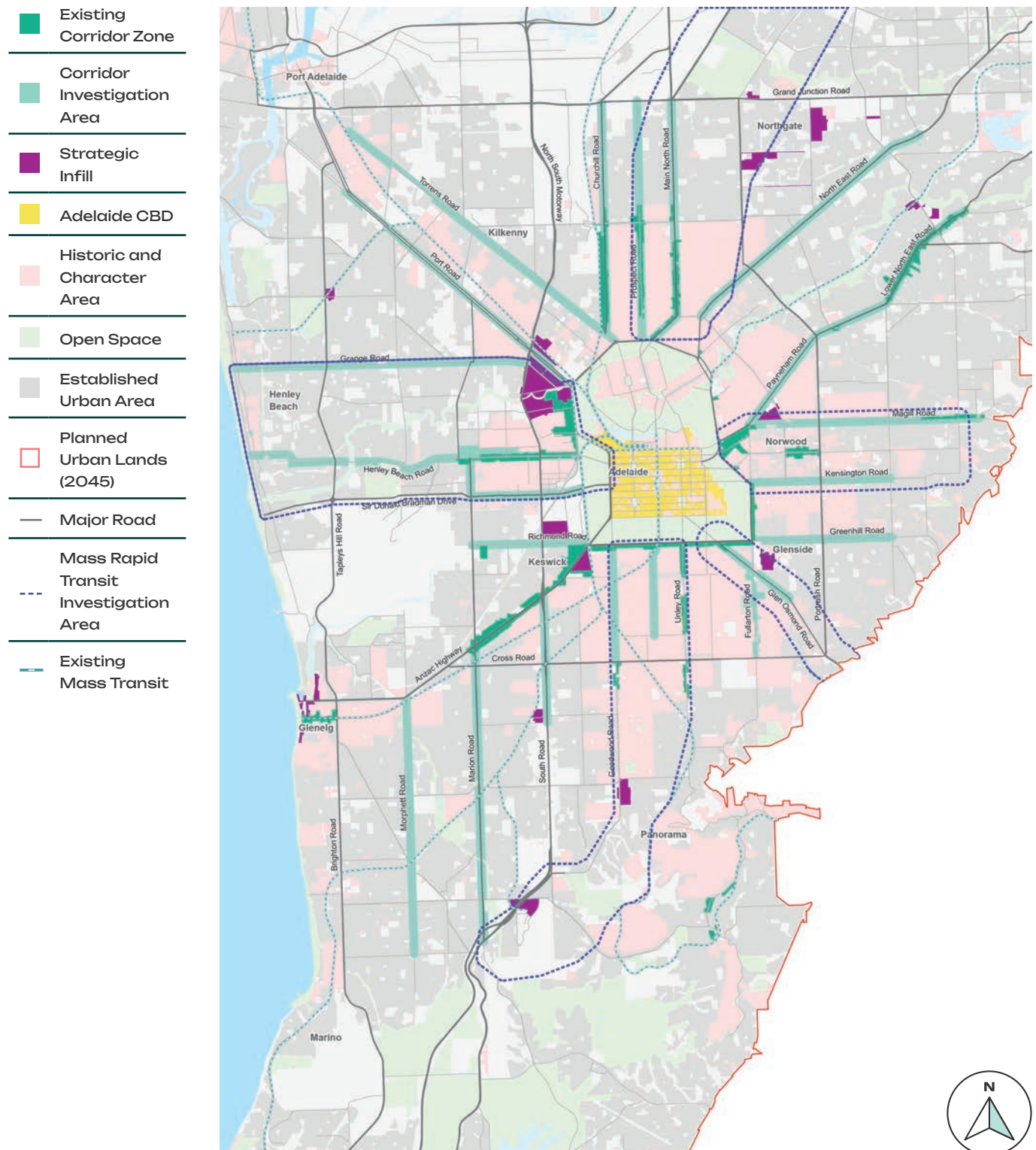
The Commission proposes to review the strengths and deficiencies of current urban corridor code policy, and the next iteration of urban corridor rezoning, based on infrastructure capacity, locational advantages and market preferences.



Churchill Road - Source: Sweet Lime Photo



**Figure 3 – Proposed areas of investigation:**  
Strategic infill and corridor growth



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## Regenerated neighbourhoods and urban activity centres

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**Neighbourhood regeneration refers to areas with housing stock that can benefit from redevelopment over time. These include locations with higher concentrations of ageing public housing that are in need of renewal.**

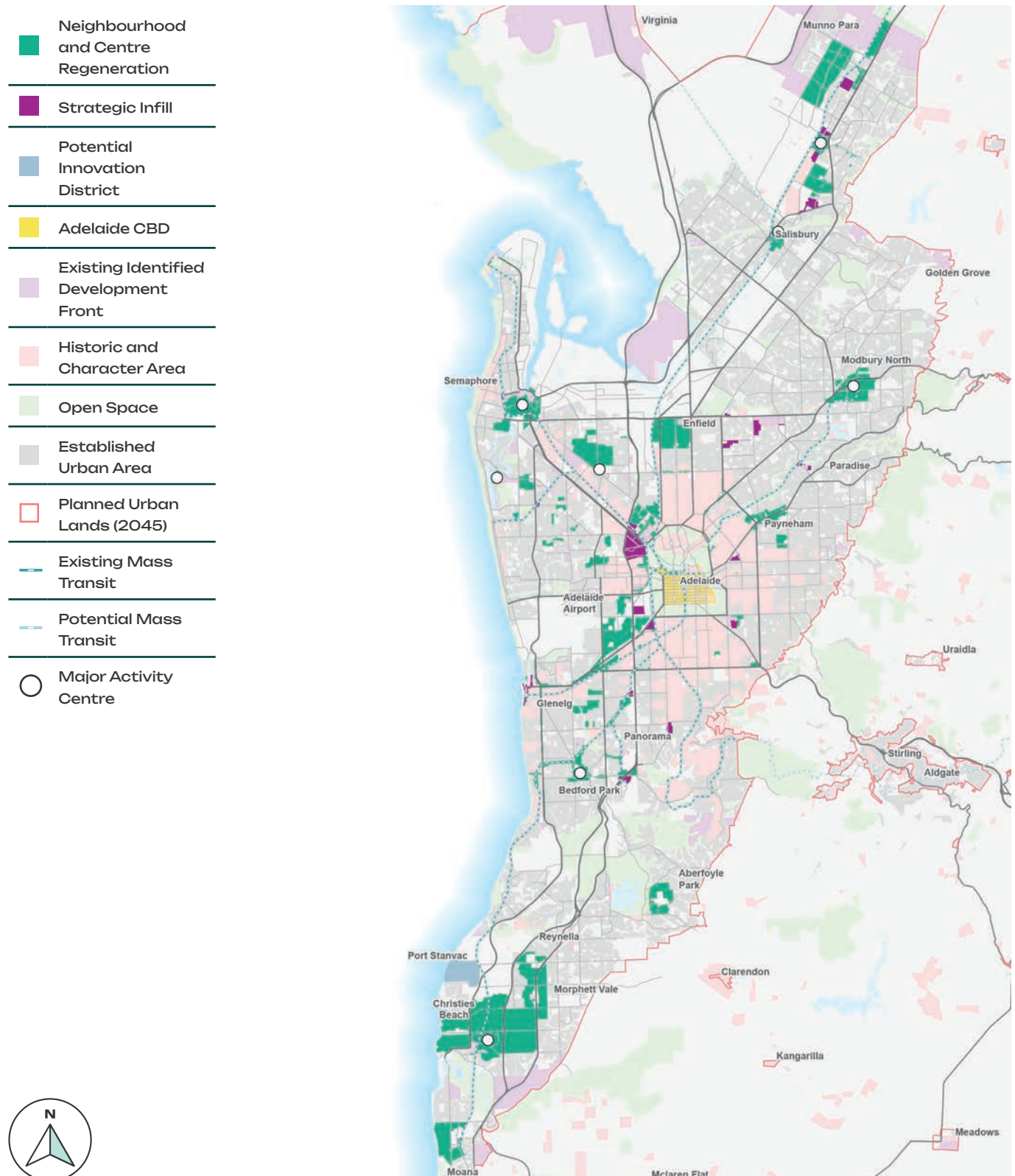
Areas such as Blair Athol and Woodville Gardens have benefited from new private homes, improved social housing and investment in new public infrastructure.

Urban activity centres are focussed around large retail centres that service a broad population and include public transport interchanges or high frequency public transport connections. Examples include Marion, Elizabeth, Tea Tree Plaza, Arndale and Noarlunga.





**Figure 4 – Proposed areas of investigation**  
 Urban activity centres and neighbourhood regeneration



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## General infill

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**General, or small-scale infill, such as the division of existing allotments into 2, 3, or 4 smaller allotments, makes an important contribution to new housing supply.**

The Commission's view is that general infill needs to be better targeted to areas with infrastructure capacity, and areas which would benefit from renewal and greater housing choice. New housing forms and future living models will need to meet community expectations and preserve valuable heritage and character areas.



## For discussion

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How can infill development achieve an urban form that is consistent with the principles of Living Locally?

---

What do you see as the benefits and potential drawbacks of infill development?



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# Employment lands

---

**The planning system plays a critical role in supporting the ambitions of the South Australian Economic Statement by allocating enough land for current and future industries.**

---

Greater Adelaide has more than 13,000ha of zoned employment land. Most is north of the Adelaide CBD. The Adelaide West region, which includes key precincts such as Wingfield, Gillman and the LeFevre Peninsula, accounts for more than 4,000ha.

The current vacant stock of employment land, the Greater Adelaide region has an estimated employment-land supply ranging from 24-44 years. To maintain a 15-year rolling supply of zoned employment land, additional land may need to be brought online in about 10 years.



## For discussion

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What are the most important factors for the Commission to consider in meeting future demand for employment land?



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# Open space and urban greening

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**Public open spaces, greenways and urban-greening play promote sustainable living. They facilitate social interaction, improve physical and mental health, help cool urban areas, and support natural systems.**

The Commission will build on the Metropolitan Open Space System in the GARP to help create quality open space across the region (See Figure 6 for the 2010 and current MOSS areas).

The 30-Year Plan identified the target to increase urban green cover by 20% across metropolitan Adelaide by 2045. Urban greening can include private and community gardens, parks and reserves, trails street trees and rooftop gardens.

Green Adelaide is currently preparing an Urban Greening Strategy in response to this target.



## For discussion

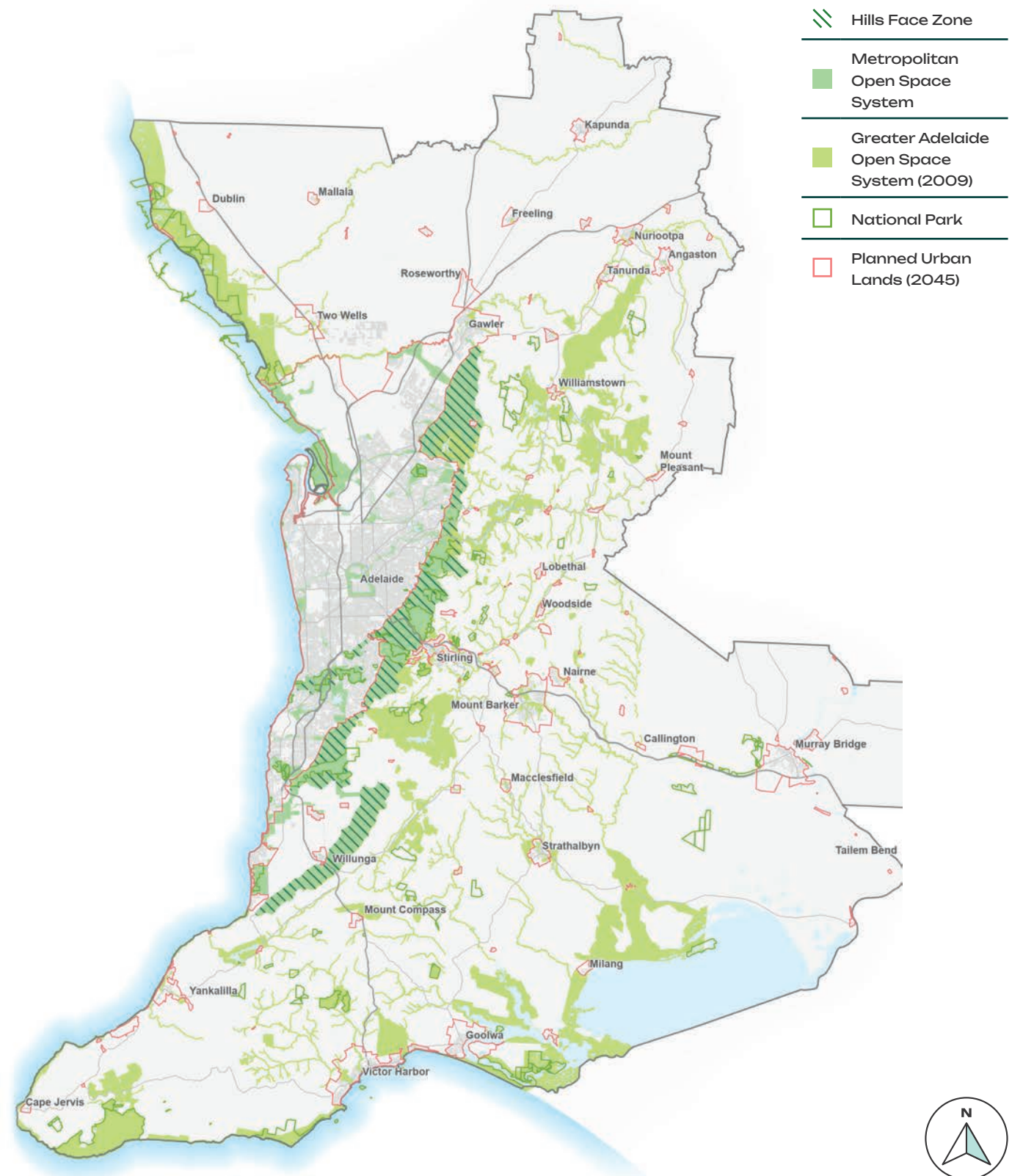
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What are the most important factors for the Commission to consider in meeting future demand for open space?

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What are the most important factors for the Commission to consider in reviewing and achieving the Urban Green Cover Target?

**Figure 6 – Greater Adelaide**  
Open space



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## **P.3 Pulling it all together to prepare the new Greater Adelaide Regional Plan**

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**Bringing the GARP to life over the next 30 years will require ongoing collaboration and coordination across government, councils, industry and the community.**

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### **Next steps for growth investigations**

The Commission proposes to undertake detailed investigation of the identified greenfield and infill growth areas for inclusion in the new plan. This involves:

- Localised evaluation, including detailed consultation with councils and agencies
- Analysing existing and future physical and social infrastructure capacities and provision
- Reviewing relevant economic factors, including market attraction, propensity, landowner intentions and employment availability
- Evaluating growth options to determine priorities based on governance, economic, physical and social factors.

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## Public consultation opportunities

The GARP will be developed and finalised following extensive discussions with local government, state agencies, the community and industry, using the process below.

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### Stage 1



### Stage 2



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# How to get involved

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You are invited to provide feedback on the Greater Adelaide Regional Plan Discussion Paper within the 3-month public consultation and engagement period beginning on Monday 14 August 2023 and concluding on Monday 6 November 2023 (5:00 pm). Written submissions are to be provided no later than 5:00pm on the last day of consultation via:



**The Greater Adelaide Regional Plan Discussion Paper YourSAy page:**  
[yoursay.sa.gov.au/greater-adelaide-discussion-paper](https://yoursay.sa.gov.au/greater-adelaide-discussion-paper)



**The PlanSA online submission form**  
[plan.sa.gov.au/regional-planning-program](https://plan.sa.gov.au/regional-planning-program)



**Email:**  
[plansasubmissions@sa.gov.au](mailto:plansasubmissions@sa.gov.au)  
(Subject: Submission – Greater Adelaide Regional Plan Discussion Paper)



**Post:**  
Attention: Growth Management Team, Planning and Land Use Services  
Department for Trade and Investment  
GPO Box 1815, Adelaide SA 5001



**Scan Me:**  
You may also use your smart phone to scan the QR code to be taken to the relevant information.







# Attachment 2



26 October 2023

Mr Craig Holden  
Chair, State Planning Commission  
Growth Management Team, Planning and Land Use Services  
Department for Trade and Investment  
GPO Box 1815  
ADELAIDE SA 5001

via email: [plansasubmissions@sa.gov.au](mailto:plansasubmissions@sa.gov.au)

Dear Mr Holden

### **Greater Adelaide Regional Plan – Discussion Paper – City of Holdfast Bay Submission**

Thank you for the opportunity to provide comments on the Greater Adelaide Regional Plan Discussion Paper. The City of Holdfast Bay appreciates that the State Government's ambitious population and housing growth projections announced in the Discussion Paper require the support of each council within the Greater Adelaide Region if these targets are to be met. It is important to note, however, that the geography and established character of some local government areas requires a sensitive and planned approach to growth. This submission therefore seeks to provide a balance between our council's obligations to accommodate additional housing, whilst setting parameters around protecting and enhancing the lifestyle and built form attributes that are important to the Holdfast Bay community.

As the State Government is aware, the City of Holdfast Bay has done more than most to accommodate population increases through successive Ministerial changes to land use policies since 2014 that have increased densities and building heights throughout the council area. These have included: the Brighton and Hove District Centre DPA that increased residential densities and building heights to five storeys along Brighton Road; the Minda North Brighton Campus DPA that facilitated high-rise apartment accommodation to nine storeys on the Minda site; and the Glenelg High Density DPA that enabled up to 12 storey accommodation along Adelphi Terrace, Jetty Road, Colley Terrace and South Esplanade.

The majority of council's residential zones too have been unlocked for infill development in that time through the introduction of the Planning and Design Code, where allotment sizes and frontages have created increased opportunity for intensification. Indeed, where prior to 2021 20 per cent of conventional residential allotments could be subdivided in Holdfast Bay, that figure is now 75 per cent. As a counter measure, the council took the first step to securing its built heritage future in 2021 through the Heritage Transition DPA, where 27 historic properties were protected through their inclusion on the Local Heritage register. Council is exploring further opportunities to formally recognise its inter-war heritage through the current Art Deco review. Past submissions to the State Government and successive representations made to the State Planning commission in response to

the various planning reform agendas have also stemmed the erosion of character areas previously planned for Holdfast Bay.

Notwithstanding past and current efforts, the council acknowledges that there is more to be done in light of the State Government's target for an additional 670,000 residents by 2051, and that all metropolitan councils need to adopt a proactive approach to ensure that new development is compatible with its surrounds, directed to areas that can best accommodate growth, and supported by the necessary infrastructure. Whilst councils no longer set the policy framework for the types of development that can happen in different areas since the replacement of individual council Development Plans with the singular Planning and Design Code, our council remains a key stakeholder in ensuring that the State Government makes informed decisions on growth in its area. The City of Holdfast Bay is keen to play its part in expanding housing choice and diversity to meet the needs of different types of households, in a way that leads to well designed housing, improved infrastructure, better services, and a more liveable and sustainable city.

The council is aware through engagement with its community that its residents value the lifestyle that Holdfast Bay provides, including access to the beach and foreshore, the village feel of the Brighton and Glenelg Jetty Road precincts, and the charm and variety of housing in the city's character areas. The council also understands residents' concerns about the loss of back yards, green space, the effect of high-rise buildings, and the potential impact of development in historic and character areas. As such, residential growth needs to be balanced with heritage protection, and high-quality public spaces and services to create a welcoming, safe and active community where residents, visitors, and business can thrive.

Uptake of existing higher density opportunities, particularly along Jetty Road at Glenelg, has been slow, without necessarily addressing the shortage and lack of diversity in housing, with many new high-rise buildings offering short-term accommodation options instead of the longer-term housing designed to accommodate permanent residents of the city. As such, before earmarking additional tracts of land for high density development, there is a need to further exhaust existing supply to ensure orderly development occurs that is commensurate with the provision of infrastructure and social services. In addition, there needs to be a re-think of the design policies that underpin the high-rise development to ensure that the remaining opportunities do not repeat the design flaws seen to date with already completed developments, particularly at the interface with established neighbourhoods.

In responding to the Discussion Paper, the City of Holdfast Bay proposes four growth objectives that establish a framework for development that is compatible with the existing nature of our suburbs.

- Objective 1: To protect/maintain and improve the character and heritage of the City
- Objective 2: To encourage an increase in housing supply and diversity in suitable locations
- Objective 3: To direct housing growth to locations which can accommodate change
- Objective 4: To build environmental resilience and reduced carbon footprint in the pursuit of urban growth

***Objective 1: To protect/maintain and improve the character and heritage of the City***

Each suburb in Holdfast Bay has a unique character, with several areas enjoying heritage protection. This growth objective proposes to maintain the integrity and character of our neighbourhoods. In addition, the growth objective proposes to protect the larger allotments of some areas of low density to ensure housing is available to meet community needs through the various stages of life. In particular, the areas in Brighton, South Brighton, and Seacliff Park. An increasing number of two parent families with children will want the option of backyards, and the environment will be supported by maintaining areas with deep soil to support

large trees for shade and biodiversity. Growth strategies will need to identify innovative ways to add new homes in a way that does not compromise the character and lifestyle which residents of Holdfast Bay value.

### **Recommendation 1: Maintain and expand residential character areas.**

As much as this exercise is designed to identify areas that can accommodate infill development in anticipation of projected population growth, it also provides our council with an opportunity to draw attention to areas of notable character that should be excluded from consideration as potential infill areas. This recommendation therefore seeks to reinforce the protection against inappropriate development (design and density) attributable to existing areas of character within the City of Holdfast Bay, whilst also seeking to expand the number of areas that have been identified as having a residential character worthy of protection from insensitive infill development.

Given the tight timeframes imposed by the State Government for this exercise and the detail of information sought, the exclusion areas proposed have primarily been based on the substantial work undertaken as part of council's past submissions, including feedback from its community. The nominations are based on areas of unique subdivision patterns and places where either pre-1940s dwellings are predominant or where a notable dwelling style is prevalent, gathered through desktop analysis and field work to document and verify the distinctive features and characteristics of areas proposed for protection. Following this investigation, a number of areas were identified where further infill should be avoided, or only contemplated with extreme care and prescriptive design guidance. Council's objective here is to advocate for the provision of appropriate policies within the State Government's Planning and Design Code to support limited change that is sympathetic to character values within the nominated areas. Details of each of the identified areas are provided in the following discussion, with a location reference provided in the map accompanying this submission. The City of Holdfast Bay understands that areas with an existing heritage overlay in the Planning and Design Code are quarantined from this exercise, so this submission does not specifically discuss the attributes of these areas, other than to identify them on the accompanying map as areas protected from further growth.

#### *Glenelg and Glenelg North - Area 1*

This Area is recognised for its consistent design themes and front setbacks. The Glenelg part of this Area contains some examples of buildings that were constructed in the earliest period of settlement in South Australia. There are also numerous Local Heritage items located within the Area, which reinforces the need for protection. While some infill development has occurred within the Area, and further contemporary development is anticipated, the predominant character is maintained by design controls relating to mass, composition, architectural detailing, materials and colours. Without these controls, the Area is vulnerable to non-complementary development that is not compatible with the predominant character, making this Area a strong candidate for protection from further growth.

#### *Sandison Terrace - Area 2*

This Area takes in a series of allotments that have a frontage to Sandison Terrace and McGlasson Avenue in Glenelg North. The Area is currently not located within a 'character' area in the Planning and Design Code. This Area is not particularly noted for its building stock, rather the consistency and uniformity of the allotment and frontage sizes that have remained relatively unchanged since the original subdivision in the late 1950s. This subdivision is representative of the high quality speculative residential development following the austerity of the post-war years, and therefore should not be fragmented with infill housing.

### *Glenelg East - Area 3*

This Area has a strong concentration of pre-1940s dwellings and a large number of Tudor and Bungalow style housing. Allotment sizes vary throughout the Area, but the predominant size is in excess of 850 square metres. New development in the Area is required to complement and reinforce the established suburban character, which is one of rich architectural style, landscaped streets, and openness, and it is important that these considerations continue to apply to the State Government's policy decisions for the Area. It is therefore strongly recommended that this Area is excluded from a future growth agenda.

### *Melton Street - Area 4*

This Area forms the western pocket of Glenelg East and is bounded by Diagonal Road, Brighton Road and Melton Street. The Area is not currently protected as a 'character' area in the Planning and Design Code, and is therefore vulnerable to insensitive infill development. A site analysis revealed an extremely high proportion of pre-1940s housing within the Area with a variety of notable housing styles, including Bungalow, Tudor, Villa, and Art Deco, which contribute strongly to a pleasant built-form character that should be preserved and protected from fragmentation and growth.

### *Glenelg South - Area 5*

This Area within Glenelg South is highly regarded as a location with a strong built-form character and a high amenity that contributes significantly to the quality of life of residents. This Area is currently located outside of a protection overlay area in the Planning and Design Code and is therefore susceptible to insensitive redevelopment. The identified Area displays numerous examples of pre-1940s housing stock, in particular Villas and Return Verandah Villas. Future development within this Area should not only seek to be compatible with the predominant design elements within the locality, but strong consideration should also be given to how development interrelates with the character of the adjacent streets located within the Historic Overlay. Unsympathetic development within the Area could undermine the heritage value of the broader Glenelg South precinct, so this Area should be excluded from an aggressive infill agenda.

### *Hove - Area 6*

This Area, located in the south-western corner of Hove, accommodates a high proportion of pre-1940s housing, specifically along Colton Avenue, Murray Street and Townsend Street, and at the eastern end of Wattle Street. A tour of the area confirmed that the predominant built form character of the nominated Area is derived from well-maintained Bungalows, estimated to have been constructed in the 1920s. The Area also has relative uniformity of allotment sizes and front set-backs. It is therefore important that this Area is excluded from any growth agenda that would result in the loss of existing building character and scale.

### *Dunluce - Area 7*

This Area, which is often referred to as the 'dress circle' of Brighton, is characterised by large allotments, wide frontages and above average sizes of private open space. The mature street trees on several streets also assist in distinguishing the Area as unique. The era of building stock within the Area predominantly ranges from 1916 to 1940, with several examples of dwellings from an earlier period. Bungalows represent the predominant building style but there are also many examples of Tudor and Return Verandah Villas. At present, the principles of development control for the Area require development compatibility in terms of mass, composition, architectural detailing, materials and colours. It is imperative that the design, density and scale requirements for this Area are not diluted or compromised by any growth agenda.

### *Brighton - Area 8*

This Area, located west of Brighton Road from Jetty Road to Edwards Street, does not currently have any specific character controls beyond the requirements of the Zone. While this Area has experienced high levels of development in recent years, a significant proportion of pre-1940s dwellings remain, with a notable representation of Bungalows and Return Verandah Villas. Most contemporary development has successfully responded to the established character of the Area by incorporating compatible design elements such as hipped or gabled roof forms and use of complementary materials and finishes. Some developments, however, have not been as successful in responding to the prevailing character since the introduction of the Planning and Design Code. Notwithstanding, further erosion of this Area's character and density should not occur, thereby requiring the Area to be excluded from future growth agenda to safeguard against an increase the number of unsympathetic residential developments, which will likely threaten the established character of the Area.

### *Seacliff - Area 9*

This Area is characterised by a sloping landform overlaid with a rectilinear 19<sup>th</sup> century pattern of roads, resulting in smaller allotments, narrow streets, reduced setbacks, limited street trees and limited stormwater infrastructure. While recent development has varied in architectural style, the Area remains substantially intact, characterised by dwellings constructed in the 1880 to 1920 period west of the railway line, and dwellings from the 1930s to 1960s to the east of the railway line. There are also 13 Local Heritage items within the nominated Area. It is therefore considered that there are compelling reasons for this Area to be excluded from nomination as a growth area.

### *Kingston Park - Area 10*

Topographical mapping of Kingston Park shows that this Area slopes by up to 20 degrees, creating some challenges for orderly infill to occur. The Area also accommodates some unique cultural and environmental elements that require a level of sensitivity that would be eroded should this Area succumb to an aggressive growth strategy. Furthermore, the original subdivision of Kingston Park has remained relatively unchanged despite a certain level of development over the years, and it is considered that the original 1920s subdivision pattern should be preserved.

### *Seacliff Park - Area 11*

The Gilbertson Gully is a significant environmental and topographical feature of the nominated Area. This Area slopes by up to 20 degrees which can create challenging site conditions for development. The topography of this Area alone warrants exclusion from consideration as part of a growth agenda. A targeted approach to infill development to preserve neighbourhoods of major historic or cultural significance is required in this Area, adding further cause for its ongoing protection.

### ***Objective 2: To encourage an increase in housing supply and diversity in suitable locations***

This Objective proposes to increase the supply of housing through housing density and further diversification of housing types. The City of Holdfast Bay has a greater diversity of housing than many councils in metropolitan Adelaide. However, housing policy must encourage further diversity to support changing community needs, particularly for those that choose to remain in the city through various stages of life. Historically Greater Adelaide has been dominated by detached housing on large blocks of land and, at the other end of the spectrum, by multi-level apartment buildings. In this regard, there is a 'missing middle' of



housing options. The 'missing middle' is a range of multi-unit or clustered housing types compatible in scale with traditional family homes. These housing types include, terraces, dual occupancies, multi dwelling and manor homes. Making provision for the 'missing middle' provides more affordable housing choices that cater for first home buyers, young families and downsizers. The adaption and conversion of larger character homes to accommodate multiple households can also meet the needs of a diverse range of people. This approach also provides an alternative to the obsession with high-rise apartments as the panacea for greater housing supply.

### **Recommendation 1: Encourage diversity of housing types of appropriate scale and design in appropriate areas**

Council concurs with the Discussion Paper's aim to increase the 'missing middle' of housing types. It is proposed that policy changes are made to medium density and urban corridor zones to support this type of housing. Some of these housing types may be suitable in areas of larger allotments to accommodate additional households without dividing the allotment. Ultimately, however, there needs to be a review of current policies in the Planning and Design Code to encourage a greater range of housing forms in appropriate locations within the city. Simply imposing quotas on dwelling density without a design platform and a locational analysis will result in unsuitable housing in inappropriate areas. The map that accompanies this submission identifies the locations where growth could be accommodated through the provision of well-designed and environmentally efficient housing. The key message is that any intensification of urban density must be underpinned by good design, preservation of the amenity and character of adjacent land, and enhanced liveability for those who inhabit such accommodation. The City of Holdfast Bay nominates these 'growth opportunities' strictly on this proviso.

### ***Objective 3: To direct housing growth to locations which can accommodate change***

This policy objective proposes to direct increased density to locations within the City that can accommodate and support the growth. Specifically, growth areas need to be located where stormwater and road infrastructure, transport options, and social services are accessible to prevent new communities being isolated or local authorities requiring to make major upgrades to services.

### **Recommendation 1 – Locate mixed used development along the urban corridors**

Mixed use development is important for the walkability and vibrancy of neighbourhoods, ensuring services and amenities are within walking distance for residents. It is proposed that mixed use and higher density developments be located along the key urban corridors of Anzac Highway and Brighton Road. Developments up to five storeys of high design standard can occur along these corridors where relevant interface criteria is also met, thereby protecting adjacent existing zones of low density and areas of character. Infill along major corridors, transport routes, and activity centres also helps to promote an urban form that encourages greater use of active transport options, such as walking, cycling and public transport. Growth in areas well serviced by active travel networks, including designated cycle ways, such as the Mike Turtur and Amy Gillett bikeways, should also be contemplated. In this regard, corridor development should be considered, depending on the sensitivity of adjacent land uses, in the following manner:

- Corridor development next to established residential land uses, particularly heritage and character areas will be of a lower scale and intensity to manage the interface with these neighbourhoods.

- Corridor development with fewer sensitive interface issues to manage will seek to maximise the scale and intensity of buildings and uses.
- Diverse housing should be encouraged in and around fixed line transport – particularly Hove Railway Station and Brighton Railway Station.
- Diverse housing types should also be encouraged in the eastern portion of North Brighton given its proximity to Hove and Warradale Rail Stations, which are a reasonable walking distance to schools, shops and other day-to-day services.
- Designate additional areas for medium and high density residential development aligned to public transport, infrastructure and open space.
- Support the application of Urban Corridor zoning for Anzac Highway and Brighton Road (between Anzac Highway and Shoreham Road).
- Consider wider application of well-designed, medium-density housing options around the Adelaide-Seaford railway line in Hove, Brighton (including areas east of Brighton Road and north of Sturt Road) and South Brighton (west of Brighton Road).
- Consider strategic growth areas such as the Minda site and the Somerton Park aged care precinct for further intensification and/or renewal to continue as desirable locations to accommodate the City's ageing population.

## **Recommendation 2 – Protect employment land**

Somerton Park commercial precinct is identified as a 'Population Serving' activity area by the Commission in the Discussion Paper. Demand for population serving activities will continue to grow, with new opportunities emerging in regions with higher rates of population and dwelling growth. While land in the City of Holdfast Bay has become an attractive proposition for residential development, there is a continuing need to safeguard employment land near where people live to provide services that meet the needs and demands of the growing population. Decisions need to be made about where and how these services can be located. What is evident is that the homogenous industrial land uses that first established in the Somerton Park precinct are slowly transitioning to cleaner and more eclectic activities that are more compatible with established uses in the surrounding residential areas, but also that the area has the potential to become an employment hub for the local population and its evolving demographic. In summary, the following principles should be applied to the Somerton Park commercial precinct:

- Balancing the protection of employment land for serving new residents and rezoning for residential development.
- Promoting mixed use precincts that can accommodate new housing and a range of activities to provide for the needs of a growing population.
- The role of neighbourhoods and activity centres in accommodating compatible non-residential uses, such as education, social services, retail and recreation services, near where people live.

The accompanying plan provides a visualisation of this planned growth. It is important that in the spirit of a Discussion Paper that the council is re-engaged in a more meaningful way as part of the drafting of the Regional Plan proper. The council is particularly keen to understand what design measures and safeguards the State Government intends implementing to underpin the growth potential offered as part of this submission. There is also a need to ensure that the density figures (i.e. population per hectare) is informed

by a location's capacity to manage stormwater and mitigate against further flooding. Similarly, that transport systems (private and public) can adequately function in an environment of population, and that the State Government invests in the social services and community facilities that are required to sustain a growing population.

***Objective 4: To build environmental resilience and reduced carbon footprint in the pursuit of urban growth***

The Council notes that the Discussion Paper has an emphasis on urban growth that is supported by good environmental outcomes. In this regard, council's submission seeks to apply an environmental lens across the growth projections. Council's Environment Team has studied the Discussion Paper closely, identifying some prime motivators for driving a growth agenda for where growth occurs in Holdfast Bay. The three prime motivators being:

- The need to build in resilience for new neighbourhoods. When deciding the location of new neighbourhoods (strategic infill and greenfields), you need to consider the climate conditions a century into the future, to avoid future hazard risk.
- Living locally is a proven sustainability principle but conflicts with the principles of increased urban sprawl and low - medium density development.
- Urban infill is unavoidable, and there are ways to do it better. One of the best ways to reduce the carbon footprint is to live in a smaller house close to other people.

It is noted that the Discussion Paper highlights four key themes for a positive and resilient future:

- a. A greener, wilder and climate resilient environment
- b. A more equitable and socially-cohesive place
- c. A strong economy built on a smarter, cleaner, regenerative future
- d. A greater choice of housing in the right places.

While council supports the inclusion of themes that create a more climate resilient and sustainable Regional Plan, continuing business as usual in planning policies and systems will not create this future. The previous 30-year Plan for Greater Adelaide (2017 update) set the foundation for the current State Planning Policies and associated objectives in the Planning and Design Code. The current State Planning Policies (SPP) related to climate resilience include:

- Design Quality 2.3 'The development of environmentally sustainable buildings and places by applying Water Sensitive Urban Design and energy efficient design solutions.'
- Climate Change 5.4 'Mitigate the impacts of rising temperatures by encouraging water sensitive urban design, green infrastructure and other design responses.'

For climate ready buildings and sustainable development outcomes, the associated performance objectives (PO4.1-4.3) in the Planning and Design Code are the single source of planning policy for assessing development applications across SA. However, it is well recognised that there is a large and clear gap between these policy commitments and implementation mechanisms, and therefore the results are not being seen on-ground.

So, while the previous Regional Plan set the policy framework and targets that filtered into other parts of government, on-ground action is still lagging behind. This new Regional Plan needs to be different and more

specific about the key mechanisms that will enable this change to occur, and this change needs to occur quickly. In the face of a rapidly changing climate, and failing planning policies, the City of Holdfast Bay is most concerned about:

- a. A nature- and carbon-positive future (and the role of planning in achieving Net Zero emissions)
- b. Cost of living (a focus on operational life-cycle costs for more efficient homes, not just the up-front building cost)
- c. Insurability (where we build, and what we build)
- d. Health and wellbeing (are our homes protecting and promoting good health in the face of extreme weather?)
- e. Not creating new risks (because we have enough legacy risk to manage now).

To achieve this, the council provides some specific points to be included within the Greater Adelaide Regional Plan.

### **Recommendation 1 - Apply Net Zero**

The South Australian Government has set goals to reduce South Australia's greenhouse gas emissions by more than 50 per cent below 2005 levels by 2030, and to achieve net zero emissions by 2050. To meet these targets, there is a small but critical window of opportunity to create the policies that will enable communities to achieve this outcome in less than 25 years. As this Greater Adelaide Regional Plan is about growth to 2051, it is in a strong position to support and enable the complete transition to net zero (e.g. net zero buildings, electrify everything, solar and wind generation land, higher density living, new transmission lines, reduced transport use, etc) but needs better alignment.

In moving to net zero communities and low-carbon development, the energy efficiency provisions under the National Construction Code (NCC) are currently insufficient to adequately address this transitional climate risk. The move to a seven star energy rating for new homes, scheduled to commence in South Australia on 1 October 2024, partly addresses this, but it is by no means the only solution required. The recent publication by Planning Institute of Australia (PIA), [Achieving Net Zero Emissions](#), highlights where planning needs to enable this action and reduce carbon in every sector, including Energy, Manufacturing, the Built Environment, Transport, Agriculture, Forestry, and Land use. Therefore, in consideration of the State Government's commitment to a net zero future by 2050, the Greater Adelaide Regional Plan needs to highlight this as a key outcome to enable this transition.

### **Recommendation 2 - Apply Greening**

We note the Commission's commitment to achieving "*a greener, wilder and climate resilient environment*", but the actions outlined in the Discussion Paper are insufficient to achieve this, as are the current State Planning Policies. It is also concerning that there is insufficient recognition of the value of greening, trees in particular, in climate change mitigation (through sequestration of carbon) and adaptation (through mitigation of urban heat and a myriad of other benefits). The most recent LiDAR survey of greater Adelaide revealed that tree canopy cover is just 16.7 per cent, well below global benchmarks, and yet trees are the cheapest and most effective mechanism for providing urban cooling.

As South Australia's climate becomes steadily hotter and drier, the urban heat island effect is projected to catapult Adelaide into its first 50°C day within the next decade. Urban tree canopy is critical for mitigating

urban heat islands, but despite strong efforts from local governments who have been planting tens of thousands of trees each year, Adelaide's overall canopy is declining. The primary cause of this decline is tree removal on private land driven by urban infill. Exacerbating matters is the fact that Adelaide currently has the weakest tree protection laws of any Australian capital city, where protection is only afforded to the largest trees, with a myriad of exemptions that voids protection for many of those trees, and a lack of an adequate tree valuation mechanism to facilitate investments in canopy to replace trees that are removed. This means that the easiest default for any developer, including state government agencies, is to remove any trees on a site rather than attempting to retain them.

The Parliamentary Inquiry into the Urban Forest and the Planning System Implementation Review have both been presented with strong evidence of the need for stronger tree protection laws and relaxation of encumbrances to greening on public land (e.g. through review of utility and road clearance regulations). These processes need to be systemically reviewed to create a default of tree protection rather than the current default of tree removal, which has driven Adelaide's canopy down to such alarming levels.

The SA Government Planning and Land Use Services commissioned report *Urban Tree Protection in Australia: A Review of Regulatory Matters* compares Adelaide's tree protections to those in interstate capitals and provides several suggestions as to how tree protections could be strengthened, including emulating interstate mechanisms and new approaches formulated for South Australia.

### **Recommendation 3 - Protect our tree canopy**

The first casualty of infill development is established vegetation and permeable private open space. It is therefore critical that existing tree canopy is maintained and that urban greening priorities are identified as part of any strategy to consolidate the urban environment. In this regard, identification of areas suitable for infill must have regard to the impact caused to the number of established trees within neighbourhoods and ensuring that policies are enhanced to require housing design that does not create micro-climates and contributes to thermal massing within neighbourhoods.

### **Recommendation 4 - Apply the '3-30-300' rule for trees for infill development**

- 3 trees visible from every home (and business);
- 30 per cent overall canopy at a suburb/neighbourhood level; and
- A maximum of 300m distance between every home and a green space where people can meaningfully connect with nature.

This benchmark is associated with higher public health, lower crime, improved property values and a myriad of other community benefits. Ensuring that new infill developments achieve compliance with this rule is an important step to improving Adelaide's climate resilience and ongoing liveability.

### **Recommendation 5 – Build-in Hazard Avoidance**

Climate change is not some future event. Regional Adelaide is already experiencing the effects of the changing climate and these effects will increase over the life of the Greater Adelaide Regional Plan and beyond.

This Plan is to 2051. Houses built in new growth areas, earmarked in the GARP, will be housing families in 2090. In deciding the location of new neighbourhoods (strategic infill and greenfields), the climate conditions

a century into the future need to be considered – this is how long the effects of your decisions will be felt. Planning authorities can choose to build in resilience for new neighbourhoods, or choose to build in vulnerability. There is an urgency to take this opportunity now to build sustainable, liveable, healthy and affordable growth areas for the future.

2090 is the latest year for which there is high-confidence climate data. In 2090, people born in 2023 will be turning 67 years old. They may have built a house in one of the proposed growth areas in their late 20s. They may have raised a family there, and commuted to work from there, and played sport there. They may still be living in that house (it would be under 40 years old) and be thinking about ageing in place there. A current deficit of the GARP Discussion Paper is that it does not determine if houses in these growth areas will still be liveable, insurable, comfortable, healthy, affordable to live in, or regularly exposed to flood, and sea level rise risks. Insurability is already being discussed at a national level and is already unachievable for many Australians.

The best information available about the future climate was published by DEW in 2022. It says that by 2090, Adelaide could experience 121 per cent more extreme rainfall days, 79 per cent more days of extreme heat (35°C+), 64 per cent more severe fire danger days, and 61cm of sea level rise. These are significant changes. With the GARP's key role being to determine where Adelaide should grow, it is critical to use the available data on where these effects will be felt the most (for example, by using spatial models of coastal and riverine inundation, urban heat and greening, and bushfire risk) to minimise the vulnerability of current and future generations, and the liabilities of current and future governments.

For example, the proposed Dry Creek development area is already expected to be mostly under water in the highest tide events. At the end of the century, the entire site is expected to be inundated. Developing this site is likely to build in vulnerabilities and costs to both occupants and governments. For example, clean-up costs are often uninsured and fall to governments to cover. A 2019 estimate from the Insurance Council of Australia put the average clean-up cost per property at \$50,000, making the potential uninsured cleanup cost for this planned district at \$500M per flood event. The annual cost of dealing with natural disasters is \$37B per annum and increasing. The 'black summer' bushfire season in 2019-20 was Australia's costliest natural disaster ever and has cost Australia more than \$100B. These costs to the Australian community can be reduced by building in resilience now.

## **Recommendation 6 - Build Better, Healthier Housing**

The way that the GARP is implemented via the Planning and Design Code, needs to be addressed through this consultation process. Therefore, council is providing comments regarding this because what is built now needs to be resilient to worsening climate impacts during the next 50 – 80 years.

The cost of housing and associated cost-of-living pressures will continue to be an issue in the near to medium term future. With so much attention given to *housing affordability* (i.e. reducing the purchase price of new homes through increasing housing supply) other macro pressures are excluded. While reducing the upfront purchase price of housing is important, ignoring the ongoing *operational* cost (i.e. how much does the house cost to *live* in) is a short-sighted exercise that negates the pressure that many homeowners experience regarding utility costs to maintain comfortable (and safe) temperatures inside their homes.

Many homes are now so reliant on air-conditioning to maintain comfort, that the resident is placed in the binary choice of having either a large and expensive electricity bill or going without and being uncomfortable

and unsafe – a situation that can impact on the physical and mental health of the occupant. As Greater Adelaide shifts from being a Mediterranean to a semi-arid climate, providing housing that addresses heat exposure and health will be of increasing importance.

The low hanging fruit in this equation is energy efficiency. While energy efficiency is part of building rules consent, for energy efficiency to have maximum return on investment, it needs to be supported at all stages within the planning system. This can include a consideration of lot composition and orientation, materials and design, shading and green space and retaining trees on site as a matter of course and not an exception.

With the National Construction Code energy efficiency change from six to seven stars in SA now pushed back to October 2024, it could be considered a 12-month lost opportunity to introduce higher standards for homes built in SA. While acknowledging this factor, it is also vitally important to acknowledge that the SA building industry is currently under intense pressure. There have been several high-profile building companies collapse in recent months with what the Housing Industry Association is calling a “profitless boom”. For SA to turn this around, meeting population growth and housing supply targets, while addressing housing affordability *and* while continuing to be able to adequately service the current and projected growth, something will have to change. While not currently on the agenda, a precautionary principle should be applied to any suggestion that removing sustainability criteria or energy efficiency standards will result in an adequate market mechanism to alleviate industry pressure. All this is likely to do is project key issues into the future, entrenching cost-of-living pressures and climate vulnerability through increasing hazard exposure.

Climate hazard exposure is not adequately addressed in the Planning and Design Code (the Code). Ideally, in order for the Code to address systemic, cascading and compounding climate risk, the Code should account for (as an example) heat hazard exposure, flood risk, sea level rise, storm surges, higher intensity rainfall events, increased bushfire risk and extreme storm risk (primarily wind action on structures). A current opportunity exists within the Planning and Design Code to front load climate risk assessments that consider the impact on the useful life of the buildings under different climate change scenarios and demonstrate performance-based outcomes that align with existing climate projections and best-practice outcomes. This consideration also needs to acknowledge that the built environment has a key role in supporting and meeting South Australia’s Net Zero and emissions reduction targets. Essentially, this consideration acknowledges that homes that we build today are going to be operating under a different climate in the future and need to be adequately designed, constructed and assessed to account for this.

## **Recommendation 7 - Reduce Car Dependency**

Greater Adelaide has a large geographical footprint with low population density, making it challenging to service through public and active transport routes. As such, Adelaide is heavily car-dependant. Car dependency is very much *baked into* Greater Adelaide’s urban form. The function of moving cars around, quickly, safely and directly, along with the associated storage required at end of trip, continues to directly influence all land use planning outcomes. In addition, due to a cost premium for space, many newer developments have reduced off-street parking due to smaller garage spaces, which can create unwanted street congestion as residents park outside their homes.

Directing land use planning to create employment zones close to residential areas and improving public transport and active transport routes will go some way to reducing car dependency. However, it is unlikely that Adelaide will become less car-dependant in the next three decades without substantial infrastructure



investment and cultural change programs. In this regard, there needs to be greater innovation for infill development. Infill is a necessary mechanism for curtailing the expansion of Adelaide at its fringe and uplifting population density around existing urban activity centres. It can be a way to deliver high-quality housing options and increasing density to house the expected population growth of Adelaide. When done well, infill can provide more choice in the market and a diversity of housing typologies and entry level price-points to accommodate low-income, essential workers, first home buyers and families who want to embrace 'Living Locally' within existing urban environments. However, the transition to medium - higher density dwelling options typically comes with increased spaces and places given over to car use.

A key question that can be asked to understand the opportunity afforded by greater infill is, what will innovative land use patterns that do not require high-levels of individual car ownership, actually look like? While these developments would support higher density housing, and be co-located with activity centres, employment lands, and close to public and active transport corridors, it should be that reducing private automobile use is the main driver in the design and development. These developments should be characterised by high levels of green infrastructure, be well-connected, and take advantage of existing underutilised land that is co-located with public and active transport spines.

A good example of this is the Outer Harbour Greenway that runs from the edge of the City of Adelaide, along the rail line to Outer Harbour. Along the route are a number of urban renewal projects both underway and in the pipeline (examples being Bowden, Gasworks precinct, Kilkenny, St Clair, Woodville Road, and the housing development completed and underway around the inner harbour). Just south of Bowden is the former brewery site and industrial lands in transition along the first section of Port Road, which has excellent connectivity to light rail and green space immediately adjacent. All these developments have the capacity to demonstrate higher density urban living that can transition to car light / car free uses primarily due to proximity to excellent public transport, active transport corridors, access to green space and being contained within existing urban areas. While the City of Holdfast Bay does not have large strategic sites for similar infill initiatives, it does have road and rail corridors that if designed well, could accommodate more households.

The City of Holdfast Bay hopes that its response to the Discussion Paper provides some valuable insight for the next stage of the process, and that the council continues to be engaged as part of any growth strategy for the suburbs within the City of Holdfast Bay.

For further information or clarification on council's submission, please do not hesitate to contact Anthony Marroncelli, Manager Development Services on 8229 9904 or at [amarroncelli@holdfast.sa.gov.au](mailto:amarroncelli@holdfast.sa.gov.au)

Yours sincerely

Amanda Wilson  
**MAYOR**

# Constraints & Opportunities for Growth



## LEGEND

Areas to be Protected from Further Growth

- Historic Areas
- Character Areas (existing/proposed)

1. Glenelg and Glenelg North
2. Sandison Terrace
3. Glenelg East
4. Melton Street
5. Glenelg South
6. Hove Character
7. Dunluce
8. Brighton
9. Seacliff Policy
10. Kingston Park
11. Seacliff Park

- Employment Area

## Areas of Future Growth Potential

- Existing Growth Areas
- New Potential Growth Areas<sup>1</sup>

<sup>1</sup> underpinned by strong design guidelines to be developed through community consultation

**Item No:** 15.9

**Subject:** **TIME AND PLACE FOR ORDINARY COUNCIL MEETINGS**

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## Summary

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

Council currently meets on the second and fourth Tuesdays of each month (February – November) and once in January and December due to the festive season.

In discussion with the Mayor, it is proposed that Council amends the meeting schedule to consider whether members would like to change the meeting frequency to one meeting in April, July and October to accommodate the school holiday period.

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## Recommendation

1. That Council continues to meet on the second and fourth Tuesday of February, March, April, May, June, August, September, October and November;
  2. That Council continues to hold a meeting once in each month of December and January due to the holiday periods;
  3. That Council approves to hold a meeting once in April, July and October giving consideration to the school holiday period;
  4. That Council will meet in the Council Chamber, Glenelg Town Hall, Moseley Square Glenelg;
  5. That Council meetings will commence at 7.00pm;
  6. If required an information briefing session will be held prior to Council meetings commencing at 6.00pm; and
  7. Information briefing sessions commencing at 6.00pm will be held on the first, third and fifth Tuesdays of each month.
-

## Background

Section 81 of the *Local Government Act 1999* requires that Council meets at least once per month at a time and place appointed by a resolution of Council.

Council's ordinary meetings are currently held twice per month, on the second and fourth Tuesdays of each month, except in December and January when only one meeting each month is held, taking into consideration public holidays. This schedule has the benefit of ensuring meeting agendas are kept to a manageable size and allowed matters requiring decisions of Council to be considered in a responsive and timely way.

In discussion with the Mayor, it is proposed that Council amends the meeting schedule to consider whether members would like to change the meeting frequency to one meeting in April, July and October to accommodate the school holiday periods.

As well as ordinary meetings of Council, information briefing sessions are scheduled on the first, third and fifth Tuesday of each month, and before each Council meeting. Information briefing sessions are intended as forums for Elected Members to explore current projects, ideas and opportunities in depth in an informal setting. They also provide occasions for training and development. Information briefing sessions are not decision-making forums.

Council may choose to amend its schedule of ordinary meetings of Council at any time and must do so with a resolution of Council.

## Report

### Proposed Council Meeting Dates for 2024-25 period:

Ordinary Meeting of Council	Date/Day	Comments
<b>January 2024</b>	Tuesday 23 January	Allows for public holidays and festive season
<b>February 2024</b>	Tuesday 13 February Tuesday 27 February	
<b>March 2024</b>	Tuesday 12 March Tuesday 26 March	
<b>April 2024</b>	Tuesday 9 April	Allows for school holiday period
<b>May 2024</b>	Tuesday 14 May Tuesday 28 May	
<b>June 2024</b>	Tuesday 11 June Tuesday 25 June	
<b>July 2024</b>	Tuesday 23 July	Allows for school holiday period

Ordinary Meeting of Council	Date/Day	Comments
<b>August 2024</b>	Tuesday 13 August Tuesday 27 August	
<b>September 2024</b>	Tuesday 10 September Tuesday 24 September	
<b>October 2024</b>	Tuesday 22 October	Allows for school holiday period
<b>November 2024</b>	Tuesday 12 November Tuesday 26 November	
<b>December 2024</b>	Tuesday 10 December	Allows for festive season
<b>January 2025</b>	Tuesday 28 January	Allows for festive season

## Budget

The costs of Council meetings, workshops and briefings are included in the current budget.

## Life Cycle Costs

There are no lifestyle costs associated with this report.

## Strategic Plan

Not applicable

## Council Policy

Not applicable

## Statutory Provisions

*Local Government Act 1999 – Section 81*

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**Written By:** Executive Support Officer

**Chief Executive Officer:** Mr R Bria

**Item No:** 15.10

**Subject:** **CODE OF PRACTICE – ACCESS TO MEETINGS AND DOCUMENTS –  
OUTCOMES OF COMMUNITY CONSULTATION**

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## Summary

Section 92 of the *Local Government Act 1999* requires councils to have a Code of Practice for Access to Meetings and Documents (the Code). The Code sets out the commitment of the City of Holdfast Bay to provide public access to Council and Council Committee meetings and associated documents and in what circumstances the public access will be restricted.

The Code is required to be reviewed within 12 months of each periodic election with the review process to include mandatory public consultation for a minimum period of 21 days.

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## Recommendation

**That Council adopts the Code of Practice – Access to Meetings and Documents.**

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## Background

In accordance with section 92(2) of the *Local Government Act 1999*, Council is required to review the Code of Practice – Access to Meetings and Documents (the Code) within twelve months after the conclusion of each periodic election.

Administration provided a report to Council on 12 September 2023 – Item number **15.7 Code of Practice – Access to Meeting and Documents (Report No: 283/23)**. The Code was updated with minor amendments however the review led to most areas being modified to improve the flow of the Code. The more substantial changes were:

- Item 4 - added additional definitions
- Included Item 5.1.5 that the CEO may include an indication that a matter contained in the agenda, if the Council so determines, be considered in confidence
- Item 7.3 – added clause (o) - *information relating to a proposed award recipient before the presentation of the award*

Council endorsed the Code for the purposes of public consultation, in accordance with Council's Community Consultation and Engagement Policy.

## Report

Community consultation on the draft Code of Practice – Access to Meetings and Documents (the Code) opened 14 September and closed at 5.00pm 5 October 2023 (21 days). This report provides the participation levels and findings.

*Refer Attachment 1*

Engagement was promoted through:

- a public notice in the Advertiser (14 September 2023)
- a Facebook post
- Holdfast News e-newsletter
- news article on the council website
- feature article on the home page of YourHoldfast

Community participation to review the draft document and provide feedback was collected in the following ways:

- Council's engagement website YourHoldfast
- email
- phone
- writing

During the community consultation period, the project page was visited 22 times by 17 participants, with the draft Code downloaded seven times. Using the online and written engagement options, no formal submissions were received.

If Council is satisfied with the content of the Code, it is recommended that the Code of Practice – Access to Meetings and Documents be adopted. A copy of the Code is included as Attachment 2.

*Refer Attachment 2*

## **Budget**

Not applicable

## **Life Cycle Costs**

Not applicable

## **Strategic Plan**

Not applicable

## **Council Policy**

Community Consultation and Engagement Policy

## **Statutory Provisions**

*Local Government Act 1999*

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**Written By:** Executive Officer and Assistant to the Mayor

**Chief Executive Officer:** Mr R Bria



# Attachment 1



# Community Engagement Report

## Code of Practice - Access to Meetings and Documents Policy Engagement period 14 September – 5 October 2023

### Overview

Council recently reviewed its Code of Practice - Access to Meetings and Documents Policy.

Section 92 of the Local Government Act 1999 (the Act) requires Council to have a Code of Practice for Access to Council Meetings and Documents (the Code). The objective of the Code is to clearly document how Council will deal with public access to its meetings and associated documents and in what circumstances the public access will be restricted.

The Code is a statutory requirement and has been drafted on the principles of open and transparent decision-making. It was last endorsed in 2022 and has now been reviewed with minor changes to language but no changes to the policy.

We invited the community to review Council's revised draft *Code of Practice – Access to Meetings and Documents Policy*, and to provide feedback.

This engagement opened 14 September and closed at 5pm Thursday 5 October 2023. This report provides the participation levels and findings.

### Engagement was promoted through the following channels:

- public notice in the Advertiser
- a Facebook post
- Holdfast News e-newsletter
- news article on the council website
- feature article on the home page of YourHoldfast

### Feedback was collected in the following ways:

1. Completing an online feedback form at [www.yourholdfast.com/access-policy](http://www.yourholdfast.com/access-policy). Participants were asked to review the draft document and provide feedback
2. Email
3. Phone
4. Writing

## Participation

Information regarding how people participated in the engagement:

- 0 people completed the online feedback
- 22 views to the YourHoldfast project page (passive participation)
- 7 downloads of the draft Code of Practice – Access to Meetings and Documents Policy
- 0 Email responses
- 0 Hardcopy responses

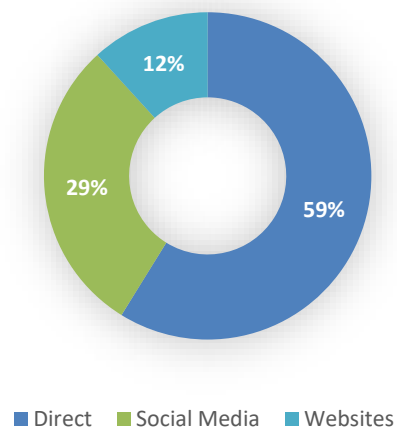
## Engagement of project

Participation Results	
<b>Online Participation</b>	
• Page views	22
• Number of visits	21 visits from 17 participants
Followers to the <b>YourHoldfast</b> project page	0
<b>Online Interactions</b>	
• Online feedback form contributions	0
<b>Total Online Contributions</b>	0
<b>Other Responses</b>	
Hardcopy feedback	0
Emails	0

## Demographic Information

### Acquisition

Information regarding the method by which visitors arrived to your site or projects.



- Direct -10
- Social Media - 5
- Websites – 2

### Referral Types

Referral traffic is the segment of traffic that arrives on your website through another source, such as through a link on another domain.

Direct - Visitors who have arrived at a site by entering the exact web address or URL of the page.

Search Engine - Visitors who have arrived at a site via a search engine, e.g. Google, Yahoo, etc.

Websites - Visitors who have arrived at the site after clicking a link located on an external website.

Social Media - Visitors who have arrived at a site by clicking a link from a known social media site, e.g. Facebook, Twitter, LinkedIn, etc.

# Attachment 2



# Code of Practice – Access to Meetings and Documents

~~Adopted by Council 7 April 2020~~  
~~Updated by Council 14 June 2022~~  
~~Review by 15 June 2023~~

## 1. PREAMBLE

The City of Holdfast Bay supports the principle that the procedures to be observed at a meeting of Council or a Council Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council.

However, Council also recognises that on occasions, it may be necessary in the broader community interest, to restrict public access to discussion and/or documents.

### Background

- i. The *Local Government Act 1999* (the **Act**) sets out arrangements for meetings and requires that all Council and Council Committee meetings are held in public except where special circumstances exist.
- ii. Section 90 of the Act outlines the circumstances in which a document or discussion considered in a Council or Committee meeting can be kept confidential.

## 2. PURPOSE

The Code of Practice - Access to Meetings and Documents sets out the commitment of the City of Holdfast Bay to provide public access to Council and Committee meetings and documents. It also outlines the policies and procedures contained within the Act, to restrict public access.

## 3. SCOPE

This Code of Practice applies to all ordinary and special meetings of Council and Council Committees at the City of Holdfast Bay and the associated agenda, reports, minutes and attachments that relate to those meetings.

The objectives of the **Code** are to ensure that there are clear guidelines for the public in relation to:

- Public access to Council and Committee meetings and the documents of those meetings
- Matters from which Council or a Council Committee can order that the public be excluded
- How Council will approach the use of confidentiality provisions of the Act
- Review of confidentiality orders
- Accountability and report to the community, and the availability of the Code
- Grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter

The Code of Practice does not apply to the City of Holdfast Bay's Council Assessment Panel (CAP) as the requirements of CAP are defined within the *Planning, Development and Infrastructure Act 2016*.



#### 4. DEFINITIONS

For the purposes of this Code the following definitions apply:

<b>Term</b>	<b>Definition</b>
<b>Act</b>	<i>Local Government Act 1999</i>
<b>Code</b>	this Code of Practice – Access to Meetings and Documents
<b>Clear Days</b>	In the calculation for giving notice before a meeting: the day on which the notice is given and the day on which the meeting occurs will not be taken into account. Saturdays, Sundays and public holidays will be taken into account. If notice is given after 5pm, the notice will be taken as given on the next day.
<b>Minutes</b>	A formal record of the items discussed, business transacted and the resolutions made of a meeting of Council or Council Committee.
<b>Deputation</b>	A person or group of persons who wish to appear personally before the Council or Council Committee in order to address the Council or Committee on a particular matter.
<b>Personal Affairs</b>	Being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personal matters relating to the person, but does not include the personal affairs of a body corporate.
<b>Council Committee</b>	a Committee of Council established under section 41 of the <i>Local Government Act 1999</i> or any other Committee established under the Act, including any subcommittee.

#### 5. PUBLIC ACCESS TO DOCUMENTS

##### 5.1 Public access to the agenda for meetings

- 5.1.1 At least three (3) 'clear days' before the Council or Council Committee meeting (unless a Special Meeting has been called) the Chief Executive Officer will give written notice of the meeting to all Council/Committee members setting out the date, time and place of the meeting. The notice will be accompanied by the agenda for the meeting.
- 5.1.2 The notice and agenda are to be placed on public display at the principal office at Brighton Civic Centre, 24 Jetty Road, Brighton and on Council's website [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au).
- 5.1.3 The notice and agenda must be kept on public display and continue to be published on the website until the completion of the relevant meeting.
- 5.1.4 Items listed on the agenda are to be described accurately and in reasonable detail.
- 5.1.5 Agenda papers provided to members of Council, or members of a Council Committee, may include an indication from the Chief Executive Officer that information or matters contained in or arising from the document or

report may, if the Council or Council Committee so determines, be considered in confidence with the public to be excluded. Where this occurs, the Chief Executive Officer must specify the basis under which the order could be made in accordance with section 83(5) (Council) and 87(10) (Committee) of the Act .

5.1.6 The Council or Council Committee may then determine to consider the matter in confidence, provided that it specifies the basis on which the confidential order could be made.

5.1.7 Copies of the agenda documents and non-confidential reports will be available for public inspection at the Brighton Civic Centre.

5.1.8 Otherwise, members of the public may obtain a copy of the agenda and non-confidential reports for a fee to cover the costs of photocopying, in accordance with Council's schedule of fees and charges.

## 5.2 Public access to meetings

5.2.1 Council and Council Committee meetings are open to the public and attendance by the public is encouraged except where the Council (or Council Committee) considers it lawful and necessary to exclude the public from the consideration of a particular matter.

5.2.2 In some instances, the Council (or the Council Committee) may form the view that it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter. The public will only be excluded when it is considered proper and necessary i.e., an applicable ground under section 90(3) can be relied upon and the need for confidentiality outweighs the principle of open decision making or the disclosure of such information is, on balance, contrary to the public interest.

5.2.3 Meeting schedules are made available for public viewing on the website.

5.2.4 The public may consider participation through deputations in accordance with Council's Code of Practice - Meeting Procedures.

## 6. **INFORMATION AND BRIEFING SESSIONS**

Council Members and staff may participate in information or briefing sessions provided that a matter is not dealt with in such a way as to obtain or effectively obtain, a decision outside of a formally constituted meeting of Council or Council Committee.

The following are examples of informal information or briefing session that may be held:

- Planning sessions associated with the development of policies and strategies
- Training sessions
- Workshops; and
- Social gatherings to encourage informal communication between Elected Members and staff

Whether or not an information or briefing session has been open to the public, the following information must be published as soon as practicable after holding the session:

- The place, date and time of the session
- The matter discussed at the session; and
- Whether or not the session was open to the public

Information or briefing sessions are conducted in accordance with section 90A(1) of the Act.

## **7. PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING**

- 7.1 Before the meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if it is necessary and appropriate and then, if it is, pass a resolution to exclude the public while dealing with that particular matter. If this occurs the public must leave the room. For the operation of section 90(2) a member of the public does not include an employee of Council.
- 7.2 Once Council or Council Committee has made the order, it is an offence for a person, knowing that an order is in force, to enter or remain in a room in which such a meeting is being held. It is lawful for an employee of the Council or a member of the police to use reasonable force to remove the person from the room if that person fails to leave on request.
- 7.3 In accordance with the requirements of section 90(3) of the Act, Council or a Council Committee may order the public be excluded from the meeting to allow confidential discussion of matters where there are grounds under the following provisions:
- a. *Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
  - b. *Information the disclosure of which –*
    - i. *would reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
    - ii. *would, on balance, be contrary to the public interest;*
  - c. *information the disclosure of which would reveal a trade secret;*
  - d. *commercial information of a confidential nature (not being a trade secret) the disclosure of which –*
    - i. *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
    - ii. *would, on balance, be contrary to the public interest;*

- e. *matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person;*
- f. *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- g. *matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- h. *legal advice;*
- i. *information relating to actual litigation, or litigation the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- j. Information the disclosure of which –
  - i. *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
  - ii. *would, on balance be contrary to the public interest;*
- k. *tenders for the supply of goods, the provision of services or the carrying out of works;*
- m. *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under the Act*
- n. *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;*
- o. *information relating to a proposed award recipient before the presentation of the award.*

7.4 In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may cause embarrassment or a loss of confidence in the Council, a Committee, Members or an employee.

7.5 Where a person provides information to the Council or a Council Committee for consideration and requests that it be kept confidential, Council is not able to consider this request unless the matter falls within one of the grounds under section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its merits.

- 7.6 For the convenience of the public present at a meeting, where it is resolved to consider a matter in confidence, the matter may be deferred until all other business has been dealt with.
- 7.7 In all cases the objective is that information be made publicly available at the earliest opportunity.

## **8. USE OF CONFIDENTIALITY PROVISIONS**

- 8.1 Any consideration of the use of the confidentiality provision to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed in section 90(3) of the Act.
- 8.2 Information regarding the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting. The public will not be excluded until after the confidentiality motion has been carried and sufficient reasons for the need to exclude the public given.
- 8.3 When discussion of the matter is concluded, and while the meeting is still in a confidential session, the meeting will consider if it is necessary to make an order that a document associated with that agenda item (including minutes) is to remain confidential. In determining this, the meeting will have regards to the provisions of section 91.
- 8.4 The Council will determine the matter of confidentiality on each item separately, determining the relevant grounds for confidentiality for each item.
- 8.5 When an order of confidentiality is made, the Council or Council Committee is required to make a note in the minutes of the making of the order, the grounds on which it was made, the duration of the order or the circumstances in which the order will cease to apply or a period after which the order will be reviewed. In each case the review period must not be for a period longer than 12 months, in accordance with the Act.

## **9. PUBLIC ACCESS TO MINUTES AND OTHER DOCUMENTS**

- 9.1 The Act requires councils to make available a number of documents. Many of these are set out in Schedule 5 of the Act and are available for inspection and purchase (for a fee) by the public at the Brighton Civic Centre. Council may also make available a document in electronic form and place it on the website for public access.
- 9.2 Minutes of a meeting of Council or Council Committee must be made available in accordance with section 132(1) and Schedule 5 of the Act.
- 9.3 Minutes of a meeting of Council or Council Committee, apart from confidential matters, will be publicly available, including Council's website within five (5) days after the meeting.

- 9.4 Council or Council Committees can only resolve to keep minutes and/or other meeting documents confidential under section 91(7) if they were considered or dealt with in confidence at a Council or Council Committee meeting pursuant to sections 90(2) and 90(3).
- 9.5 Under section 91 of the Act there are provisions for access to Council documents. Enquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer.
- 9.6 The Council's minutes, reports, recommendations and financial statements are available for inspection without payment. If a member of the public seeks access to a document which is subject to a current confidentiality order of the Council in accordance with section 91(7) of the Act will need to make an application under the *Freedom of Information Act 1991*.

## **10. REVIEW OF CONFIDENTIALITY ORDERS**

A confidentiality order made under section 91(7) of the Act must 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. Any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for Council to resolve for the confidentiality order to be lifted in those circumstances. Once an order has lapsed, the minutes and/or documents automatically become public.

Orders that exceed 12 months must be reviewed annually. The conduct of the annual review can be delegated to the Chief Executive Officer and sub-delegated to an employee of the council, if appropriate. The Council (or the authorised delegate) must assess whether the determined grounds for making the confidentiality order still apply (in whole or part) and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

If there is no longer a need for the confidentiality order, then the Council or Council Committee may revoke an order made in accordance with section 91(7) of the Act. If an employee has delegated power to make the decision to revoke, it will not need to go to Council for decision. At the time of making the order under section 91(7) the Council or Council Committee can resolve whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

Released documents are available on Council's website at [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au).

## **11. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY**

A report on the use of sections 90(2) and 91(7) by the Council and Council Committees must be included in the annual report of Council as required by Schedule 4 of the Act. This supports a commitment to the principle of accountability to the community.

The reporting should include the following information in the annual report:

- Number of occasions that each of the provisions for excluding the public were utilized
- Subject of the confidential item
- number of occasions that information originally declared confidential has subsequently been made publicly available
- number of occasions that information declared confidential has not been made publicly available and the reason for this in each case

## **12. REVIEW OF THE CODE OF PRACTICE**

In accordance with section 92(2) of the Act Council is required to review the Code of Practice within 12 months of a periodic election (i.e., every four (4) years). Council can review the Code at any time if considered desirable.

Before the Council adopts, alters or substitutes this Code of Practice, it must follow the relevant steps set out in its public consultation policy.

## **13. GRIEVANCE**

Council has established procedures under section 270 of the Act for the review of decision by:

- Council and Council Committees
- An employee of the Council
- Other persons acting on behalf of the Council.

People who have a complaint about public access to either a formal Council or Council Committee meeting, or Council agendas, and their attached documents or minutes, can lodge an application for review of the decision under the procedures established by Council. The procedures are available on Council's website [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au).

## **14. AVAILABILITY OF THE CODE OF PRACTICE**

This Code is available for inspection during normal business hours from our principal office:

Civic Centre  
24 Jetty Road  
Brighton SA 5045

It is also available for viewing, downloading and printing free of charge from Council's website [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au).



## 15. REFERENCES

### Legislation

- *Freedom of Information Act 1991*
- *Local Government Act 1999*

### Policies and Procedures

- Code of Practice – Meeting Procedures
- Internal Review of Council Decisions (s270) Policy
- Community Consultation and Engagement Policy
- Fees and Charges Register

This Code is based on a model code developed by the Local Government Association.

DRAFT

**Item No:** 15.11

**Subject:** REVIEW OF COUNCIL'S DELEGATIONS

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## Summary

The Council may delegate its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999* and powers of delegation under other legislation.

Under section 44(6a) of the *Local Government Act 1999* Council is required to undertake a review of its delegations within 12 months after the conclusion of each periodic election.

To this end, a comprehensive review of delegations has been undertaken and new delegations are now proposed.

Kelley Jones were engaged to develop a simplified delegations framework, with updated delegations therein (Attachment 1). There are notable benefits to the new proposed framework, specifically, many clauses that were considered to be duties, rather than delegable powers, were removed. Also, with the exception of certain powers which were considered necessary to remain with Council, most powers are proposed for delegation to the Chief Executive Officer, which ensures operational efficiency.

This report requests Council revoke existing delegations and presents new delegations.

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## Recommendation

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

### 1. Revocations

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

- 1.1.1** *Aged Care Act 1997 (Cth)*
- 1.1.2** *Burial and Cremation Act 2013;*
- 1.1.3** *Community Titles Act 1996;*
- 1.1.4** *Criminal Procedure Act 1921;*
- 1.1.5** *Development Act 1993;*
- 1.1.6** *Disability Inclusion Act 2018;*
- 1.1.7** *Dog and Cat Management Act 1995;*
- 1.1.8** *Electricity Act 1996;*
- 1.1.9** *Electronic Conveyancing National Law (South Australia) Act 2013;*
- 1.1.10** *Environment Protection Act 1993;*

- 1.1.11 *Environment, Resources and Development Court Act 1993;*
  - 1.1.12 *Expiation of Offences Act 1996;*
  - 1.1.13 *Fences Act 1975;*
  - 1.1.14 *Fines Enforcement and Debt Recovery Act 2017;*
  - 1.1.15 *Fire and Emergency Services Act 2005;*
  - 1.1.16 *Food Act 2001;*
  - 1.1.17 *Freedom of Information Act 1991;*
  - 1.1.18 *Heavy Vehicle National Law (South Australia) Act 2013;*
  - 1.1.19 *Land and Business (Sale and Conveyancing) Act 1994;*
  - 1.1.20 *Landscape South Australia Act 2019;*
  - 1.1.21 *Liquor Licensing Act 1997;*
  - 1.1.22 *Local Government Act 1999;*
  - 1.1.23 *Local Nuisance and Litter Control Act 2016;*
  - 1.1.24 *Planning, Development and Infrastructure Act 2016;*
  - 1.1.25 *Real Property Act 1886;*
  - 1.1.26 *Roads (Opening & Closing) Act 1991;*
  - 1.1.27 *Road Traffic Act 1961;*
  - 1.1.28 *Safe Drinking Water Act 2011;*
  - 1.1.29 *South Australian Public Health Act 2011;*
  - 1.1.30 *State Records Act 1997;*
  - 1.1.31 *Strata Titles Act 1988;*
  - 1.1.32 *Supported Residential Facilities Act 1992;*
  - 1.1.33 *Unclaimed Goods Act 1987;*
  - 1.1.34 *Water Industry Act 2012;*
  - 1.1.35 *Work Health and Safety Act 2012.*
- 1.2 Hereby revokes its previous delegations to the Council Assessment Panel under the *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016*.
2. Delegations made under *Local Government Act 1999*
- 2.1 In exercise of the power contained in section 44(1) of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in the Appendix (of Attachment 1) identified below are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions and/or limitations specified in each such proposed Instrument of Delegation and such powers and functions may be further delegated by the Chief Executive Officer to an officer

or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit subject to the conditions or limitations indicated in the proposed Instrument of Delegation under the respective Act and as set out below.

- 2.1.1        *Burial and Cremation Act 2013 (Appendix 2);***
- 2.1.2        *Community Titles Act 1996 (Appendix 3);***
- 2.1.3        *Criminal Procedure Act 1921 (Appendix 4);***
- 2.1.4        *Disability Inclusion Act 2018 (Appendix 6);***
- 2.1.5        *Dog and Cat Management Act 1995 (Appendix 7);***
- 2.1.6        *Electricity Act 1996 (Appendix 8);***
- 2.1.7        *Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 9);***
- 2.1.8        *Environment Protection Act 1993 (Appendix 10);***
- 2.1.9        *Environment, Resources and Development Court Act 1993 (Appendix 11);***
- 2.1.10       *Expiation of Offences Act 1996 (Appendix 12);***
- 2.1.11       *Fences Act 1975 (Appendix 13);***
- 2.1.12       *Fines Enforcement and Debt Recovery Act 2017 (Appendix 14);***
- 2.1.13       *Freedom of Information Act 1991 (Appendix 17);***
- 2.1.14       *Land and Business (Sale and Conveyancing) Act 1994 (Appendix 19);***
- 2.1.15       *Landscape South Australia Act 2019 (Appendix 20);***
- 2.1.16       *Liquor Licensing Act 1997 (Appendix 21);***
- 2.1.17       *Local Government Act 1999 (Appendix 22);***
- 2.1.18       *Local Nuisance and Litter Control Act 2016 (Appendix 23);***
- 2.1.19       *Real Property Act 1886 (Appendix 25);***
- 2.1.20       *Roads (Opening & Closing) Act 1991 (Appendix 26);***
- 2.1.21       *Road Traffic Act 1961 (Appendix 27);***
- 2.1.22       *Safe Drinking Water Act (Appendix 28);***
- 2.1.23       *South Australian Public Health Act 2011 (Appendix 29);***
- 2.1.24       *State Records Act 1997 (Appendix 30);***
- 2.1.25       *Strata Titles Act 1988 (Appendix 31);***
- 2.1.26       *Supported Residential Facilities Act 1992 (Appendix 32);***
- 2.1.27       *Unclaimed Goods Act 1987 (Appendix 33);***
- 2.1.28       *Water Industry Act 2012 (Appendix 34);***
- 2.1.29       *Work Health and Safety Act 2012 (Appendix 35);***

**3. Delegations made under *Local Government Act 1999* and the *Aged Care Act 1997* (Cth)**

- 3.1** In exercise of the power contained in section 44(1) of the *Local Government Act 1999* the powers and functions under the *Aged Care Act 1997* (Cth) contained in the proposed Instrument of Delegation (annexed to the Report and marked Appendix 1) are hereby delegated this 24 October 2023 to the person occupying the office the Chief Executive Officer (and to any person appointed to act in the position of Chief Executive Officer), as well as to the Alwyndor Management Committee (a committee established by the Council pursuant to section 41 of the *Local Government Act 1999*) and such powers and functions may be further delegated by the CEO to the person occupying the position of General Manager Alwyndor, and anyone who may, from time to time, be appointed to act in that position, as the Chief Executive Officer sees fit.

**4. Delegations made under *Development Act 1993***

- 4.1** In exercise of the power 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 the Report and marked Appendix 5) are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), subject to the conditions or limitations indicated in the proposed Instrument of Delegation under the *Development Act 1993* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.
- 4.2** In exercise of the power contained in section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the Development Regulations 2008 contained in the proposed Instrument of Delegation (marked Appendix 5) to the Regional Assessment Panel subject to the conditions or limitations contained in the proposed Instrument of Delegation under the *Development Act 1993*.

**5. Delegations made under *Food Act 2001***

- 5.1** In exercise of the power contained in section 91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation (annexed to the Report and marked Appendix 16) are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position, “the head of the enforcement agency” for the purposes of the *Food Act 2001*), subject to the conditions or limitations indicated in the proposed Instrument of Delegation under the *Food Act 2001* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

**6. Delegations under *Heavy Vehicle National Law (South Australia) Act 2013***

- 6.1** In exercise of the powers contained in section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation (annexed to the Report and marked Appendix 18) are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), subject to the conditions or limitations indicated in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

**7. Delegations under *Fire and Emergency Services Act 2005* to a Fire Prevention Officer**

- 7.1** In exercise of the power contained in section 93 of the *Fire and Emergency Services Act 2005* the powers and functions under the *Fire and Emergency Services Act 2005* contained in the proposed Instrument of Delegation (annexed to the Report and marked Appendix 15 and 15A) are hereby delegated this 24 October 2023 to the person appointed Fire Prevention Officer of the Council under the *Fire and Emergency Services Act 2005* subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005* and such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Fire and Emergency Services Act 2005*.

**8. Delegations made under *Planning, Development and Infrastructure Act 2016***

- 8.1** In exercise of the power contained in section 44 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* contained in the proposed Instrument of Delegation (annexed to the Report and marked Appendix 24) are hereby delegated this 24 October 2023 to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer and the Delegate is authorised to further delegate these powers and functions in accordance with section 44 and section 101 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within the Instrument of Delegation
- 8.2** In exercise of the power contained in section 44 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions contained in the proposed Instrument of Delegation (marked Appendix 24) to the Council Assessment Panel subject to

the conditions or limitations contained in the proposed Instrument of Delegation.

**9. Authorisations and Sub delegation under the *Road Traffic Act 1961***

- 9.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the attached 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:**

**James Mitchell - Manager Engineering  
Rhys Skipper - Traffic and Transport Lead  
Bao Vo - Technical Officer Traffic**

- 9.2 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:**

**James Mitchell - Manager Engineering  
Rhys Skipper - Traffic and Transport Lead  
Bao Vo - Technical Officer Traffic**

- 9.3 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 the Report and marked Appendix 26) is hereby sub-delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer of the Council and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit 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.**

- 9.4 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:**

**James Mitchell - Manager Engineering  
Rhys Skipper - Traffic and Transport Lead  
Bao Vo - Technical Officer Traffic**



**10. Delegations under *Safe Drinking Water Act 2011***

- 10.1** 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 the Report and marked Appendix 28) are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (including any person appointed to act in any such position) and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

**11. Delegations under *Supported Residential Facilities Act 1992***

- 11.1** 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 the Report and marked Appendix 32) are hereby delegated this 24 October 2023 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position), 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* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

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## Background

The Council may delegate its statutory powers and functions pursuant to section 44 of the *Local Government Act 1999* and powers of delegation under other legislation. Council is required to keep a record of all delegations (Delegations Register) and is only required to undertake a review within 12 months after the conclusion of each periodic election. The Council may also review its delegations at any other time. There are various circumstances that require delegations to be granted (for example, the enactment of new legislation, the amendment of legislation, a review of Council's delegations as part of a best practice approach). The last time Council's delegations were reviewed was 2021.

Following the 2022 Local Government Elections, a full review of Council's delegations is due by November 2023.

Kelley Jones were engaged to develop a simplified delegations framework, with updated delegations therein. This report presents these delegations to Council for review as per section 44(6a) of the *Local Government Act 1999*. The resulting delegations register is provided as Attachment 1.

*Refer Attachment 1*

## Report

There are notable benefits to the new proposed framework. Specifically, many clauses that were considered to be duties, rather than delegable powers, were removed. Also, with the exception of certain powers which were considered necessary to remain with Council, most powers are proposed for delegation to the Chief Executive Officer, which ensures operational efficiency.

Delegations allow Council to transfer powers and duties to the CEO, and the CEO can then further sub-delegate powers to relevant staff which enables council to be efficient in both decision-making and service delivery. Not all powers can be delegated to the CEO and these matters remain with Council for decision.

The instruments of delegation identify:

- a. the statutory power or powers to delegate the powers or functions subject to the instrument of delegation.
- b. the statutory basis for any power to sub-delegate a delegated power or function.
- c. the conditions and limitations applying to the exercise of a delegated power or function.
- d. in an attached table for each Act or regulation under which a delegation is granted by the instrument of delegation:
  - i. the delegated power or function; and
  - ii. the identity of the delegate or delegates in respect of that power or function.

This report allows Council to also approve the delegation of relevant powers and duties to the Council Assessment Panel (CAP) under the *Development Act 1993*, despite the transition to the *Planning, Development and Infrastructure Act 2016*, as the LGA have yet to advise councils to remove these delegations.

### ***Review by Managers/Leads and relevant employees***

Managers and members of the Leadership Team were provided with the Acts and Regulations relevant to them and their teams to provide comments regarding any amendments that are required.

If the Council resolves to grant the delegations provided for in the attached instruments of delegation, then delegations will come into operation on 24 October 2023.

If the Council resolves to grant the delegations provided for in the attached instruments of delegation, then previous delegations of the powers and functions subject to the instruments of delegation will be revoked from the date on which the delegations in the attached instruments of delegation come into operation.

The table overleaf provides a summary of the recent changes to the framework.

Legislation	Change	Summary
<i>Disability Inclusion Act 2018</i>	New provisions	New delegations relate to information gathering and sharing with the Senior Authorising Officer. Sections 23Q(1), 23Q(2) & 23Q(3)
<i>Local Government Act 1999</i>	Amended provisions	Amendments relate to consequential amendments due to new provisions and removing requirements for notices to be circulated in newspapers. Sections 12(5), 12(12), 12(17) & 249(1)
	New provisions	New delegations relate to public consultation about a representation report, processes for an exemption to the member cap in relation to a representation report, providing information about strategic management plans, publishing advice from ESCOSA, behavioural support policies, elected members failure to comply with training and development, suspension of members subject to an intervention order, employee behavioural standards, behaviour management policy and complaints. Sections 12(7), 12(11a), 12(11e)(a), 12(11e)(b), 12(11e)(c), 12(11e)(d), 12(12a), 68(3b), 75F(1), 75F(5), 75F(6), 75F(7)(a), 75F(7)(b), 80A(2b), 80A(2e), 80A(2f), 80B(1)(a), 80B(3), 80B(9), 120A(1), 120A(4), 120A(5), 120A(6)(a), 120A(6)(b), 122(1c), 122(1e), 122(1h), 122(1j), 262A(3), 262B(1), 262B(6), 262B(7), 262D, 262W(3)(b)(ii), 263B(1)(a) and (3), 264(1)(a)
<i>Planning, Development and Infrastructure Act 2016 (Instrument A)</i>	New provisions	New delegations arising from a change to Ministerial Portfolios and powers previously not delegable and legislative amendments. Sections 5(5)(b), 6(3)(b), 41(2)(a), 73(2)(b)(iv), 73(7), 75(1), 84(1)(c)(ii)(A), 84(1)(c)(ii)(B), 94(1)(g), 113(5)(a)(iii), 114(2)(b), 163(3)(b), 163(10), 164(12), 167(7), 177(4), 177(5), 189(1), 192(17), 197(1)(b), 197(7), 200(1) Schedule 4, clauses 3(3), 3(14), 3(15) Schedule 8, clauses 9(6)(a), 30(3) Regulation 8(1)(c) PDI (Transitional Provisions) Regulations 2017 Practice Direction 2, clauses 6(1), 7(1) & 7(3)
	Amended provisions	Amendments relate to consequential amendments to numbering due to the inclusion of new provisions. Practice Direction 2, clauses 7(1), 7(2), 7(4) and 7(5)
<i>Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014</i>	New provision	New provision to determine the method for electronic payment Regulation 22(2)(b)

Legislation	Change	Summary
	Amended provision	Amendment to allow for payment for ticketed parking to be made with an electronic device. Regulation 22(2)
<i>Water Industry Act 2012</i>	Amended provision	Amendments in response to administrative error. Section 37(3)(b)

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

The Minister for Transport and Infrastructure granted delegations to the Council under the Instrument of General Approval and Delegation (dated 22 August 2013) (General Approval). The General Approval permits the Council to:

- a. sub-delegate the powers under section 33(1) of the Road Traffic Act; and
- b. authorise employees of the Council to exercise the powers under sections 17 and 20 of the Road Traffic Act.

The General Approval requires that the Council's decision to grant an authorisation be recorded in a written instrument signed by the Chief Executive Officer on behalf of the Council. For this reason, the instrument of authorisation includes an execution block for the Chief Executive Officer (the Instrument is enclosed).

### **Budget**

Monthly cost

### **Life Cycle Costs**

Not applicable

### **Strategic Plan**

Statutory compliance

### **Council Policy**

Not applicable

### **Statutory Provisions**

*Local Government Act 1999, section 44*

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**Written By:** Strategy and Governance Lead

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1

## CITY OF HOLDFAST BAY DELEGATIONS REGISTER

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<b>1.</b>	<b>POSITION ACRONYMS</b>
<b>ACSO</b>	<b>Administration Community Safety Officer</b>
<b>AMC</b>	<b>Alwyndor Management Committee</b>
<b>APO</b>	<b>Assets and Project Officer</b>
<b>BFM</b>	<b>Building Facilities Manager</b>
<b>CWL</b>	<b>Civil Works Lead</b>
<b>CS</b>	<b>Commercial Specialist</b>
<b>CSO</b>	<b>Community Safety Officer</b>
<b>CSOL</b>	<b>Community Safety Officer Lead</b>
<b>CAP</b>	<b>Council Assessment Panel</b>
<b>CEO</b>	<b>Chief Executive Officer</b>
<b>DAA</b>	<b>Development Administration Assistant</b>
<b>DAdminL</b>	<b>Development Administration Lead</b>
<b>DAL</b>	<b>Development Assessment Lead</b>
<b>DAO</b>	<b>Development Administration Officer</b>
<b>DOB</b>	<b>Development Officer - Building</b>
<b>DOP</b>	<b>Development Officer – Planning</b>
<b>DSPBL</b>	<b>Development Services (Planning and Building) Lead</b>
<b>ECL</b>	<b>Environment &amp; Coast Lead</b>
<b>EHL</b>	<b>Environmental Health Lead</b>
<b>EHO</b>	<b>Environmental Health Officer</b>
<b>EO &amp; A MAYOR</b>	<b>Executive Officer &amp; Assistant to Mayor</b>
<b>FAL</b>	<b>Financial Accountant Lead</b>
<b>FORP</b>	<b>Finance Officer – Rates &amp; Payroll</b>
<b>GMA</b>	<b>General Manager Alwyndor</b>
<b>GMAD</b>	<b>General Manager Assets and Delivery</b>
<b>GMCB</b>	<b>General Manager Community and Business</b>

<b>GMSC</b>	<b>General Manager Strategy and Corporate</b>
<b>IMS</b>	<b>Information Management Specialist</b>
<b>LLL</b>	<b>Library Learning Lead</b>
<b>LCL</b>	<b>Library Collections Lead</b>
<b>LOL</b>	<b>Library Operations Lead</b>
<b>MCA</b>	<b>Manager City Activation</b>
<b>MCE</b>	<b>Manager Communications and Engagement</b>
<b>MCELS</b>	<b>Manager Customer Experience and Library Services</b>
<b>MCS</b>	<b>Manager Community Safety</b>
<b>MCW</b>	<b>Manager Community Wellbeing</b>
<b>MDS</b>	<b>Manager Development Services</b>
<b>ME</b>	<b>Manager Engineering</b>
<b>MF</b>	<b>Manager Finance</b>
<b>MFA</b>	<b>Manager Finance Alwyndor</b>
<b>MFS</b>	<b>Manager Field Services</b>
<b>MIT</b>	<b>Manager Innovation and Technology Services</b>
<b>MPC</b>	<b>Manager People and Culture</b>
<b>MPCA</b>	<b>Manager People and Culture Alwyndor</b>
<b>MPRUD</b>	<b>Manager Public Realm and Urban Design</b>
<b>MRSA</b>	<b>Manager Residential Services Alwyndor</b>
<b>MSG</b>	<b>Manager Strategy and Governance</b>
<b>OFSO</b>	<b>Operations and Fleet Support Officer</b>
<b>OSL</b>	<b>Open Space Lead</b>
<b>PO</b>	<b>Property Officer</b>
<b>RA</b>	<b>Rates Specialist</b>
<b>RRCL</b>	<b>Rapid Response / City Cleansing Lead</b>
<b>SFWOS</b>	<b>Senior Field Worker Open Space</b>

<b>SGL</b>	<b>Strategy &amp; Governance Lead</b>
<b>SPMID</b>	<b>Senior Project Manager Infrastructure Delivery</b>
<b>SUFO</b>	<b>Senior Urban Forest Officer</b>
<b>TOT</b>	<b>Technical Officer Traffic</b>
<b>TTL</b>	<b>Traffic and Transport Lead</b>
<b>UFO</b>	<b>Urban Forrest Officer</b>

<b>2.</b>	<b>INSTRUMENT OF DELEGATION TO THE CEO</b>
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Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and in accordance with the resolution made by the City of Holdfast Bay (the Council) on the **[Insert Date]** the following powers and functions provided under Section 2 of this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer, and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation.

The sub-delegations made by the Delegate in this Instrument extend to any person who is appointed to Act in the position of the sub-delegate.

*Note*

- *The column on the right sets out any sub-delegations made by the Chief Executive Officer to officers or employees of the Council, or to authorised persons.*
- *Any powers and functions that are listed, but are to remain with Council, are recorded as 'Remains with Council'.*
- *If the column on the right is empty, then the power or function has not been sub-delegated and, therefore, remains with the Chief Executive Officer.*

## **APPENDIX 1**

### **INSTRUMENT OF DELEGATION UNDER THE AGED CARE ACT 1997 (CTH)**

#### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegates to the Chief Executive Officer (and to any person appointed to act in the position of Chief Executive Officer), **as well as** to the Alwyndor Management Committee (a committee established by the Council pursuant to section 41 of the *Local Government Act 1999*) and such powers and functions may be further delegated by the CEO to the person occupying the position of General Manager Alwyndor and anyone who may, from time to time, be appointed to act in that position, at its meeting on the **[Insert Date]**.

### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Section 9-1A(1) A</b>	<b>SUB DELEGATION</b>
Power, as an approved provider, to notify the Secretary of the following in relation to each home care service the provider proposes to provide:-  (a) the name and address of the service; and  (b) any other information of a kind specified in the Approved Provider Principles for the purposes of this section.	<b>GMA</b>
<b>2. Section 9-1A(4)</b>	
Power, as an approved provider, to notify of any change in the information notified under subsection (1).	<b>GMA</b>
<b>3. Section 9-1(1)</b>	
Power, as an approved provider, to notify the Quality and Safety Commissioner of a change of circumstances that materially affects the approved provider's suitability to be a provider of aged care.	<b>GMA</b>
<b>4. Section 9-2(2)</b>	
Power, as an approved provider, to comply with a request from the Quality and Safety Commissioner for information relevant to the approved provider's suitability to be a provider of aged care.	<b>GMA</b>

<b>5. Section 9-3(2)</b>	
Power, as an approved provider, to give the Secretary information relating to payments.	<b>GMA</b>
<b>6. Section 9-3A(2)</b>	
Power, as an approved provider, to give the Secretary or Quality and Safety Commissioner information specified in subsection (1) following receipt of a written request from the Secretary or Quality and Safety Commissioner.	<b>GMA</b>
<b>7. Section 9-3B(4)</b>	
Power, as an approved provider, to comply with a request in writing from the Secretary or Quality and Safety Commissioner for information specified in subsection (2).	<b>GMA</b>
<b>8. Sections 13-1 and 13-3</b>	
Power to apply for an allocation of places and pay the application fee.	<b>GMA</b>
<b>9. Section 13-4(2)</b>	
Power to reply to a request for further information from the Secretary.	<b>GMA</b>
<b>10. Section 15-3(1)</b>	
Power to apply for a determination under section 15-1 before the end of the provisional allocation period.	<b>GMA</b>
<b>11. Section 15-4(3)(b)</b>	
Power to respond to a notice from the Secretary.	<b>GMA</b>
<b>12. Section 15-5</b>	
Power to apply to the Secretary for a variation of a provisional allocation.	<b>GMA</b>
<b>13. Section 15-6</b>	
Power to surrender a provisional allocation by notice in writing to the Secretary.	<b>GMA</b>

<b>14. Section 15-7(4)</b>	
Power to apply to the Secretary for an extension of the provisional allocation period.	<b>GMA</b>
<b>15. Section 16-2</b>	
Power, as an approved provider, to give the Secretary a transfer notice.	<b>GMA</b>
<b>16. Section 16-2(5)</b>	
Power, as a transferor or a transferee, to request the Secretary to determine another period under paragraph 4(a) or (b).	<b>GMA</b>
<b>17. Section 16-2(8)</b>	
Power, as a transferor or a transferee, to give the Secretary written notice of the changes.	<b>GMA</b>
<b>18. Section 16-4(2)(e)</b>	
Power to make submissions in response to a notice to resolve.	<b>GMA</b>
<b>19. Section 16-5(3)</b>	
Power to agree in writing to another proposed transfer day.	<b>GMA</b>
<b>20. Section 16-11</b>	
Power, as a transferor, to give to the transferee the records prescribed in subsections (1) and (2).	<b>GMA</b>
<b>21. Section 16-13</b>	
Power, as an approved provider to whom a place has been provisionally allocated, to give the Secretary a transfer notice.	<b>GMA</b>
<b>22. Section 16-13(5)</b>	
Power, as a transferor or a transferee, to request the Secretary to determine another period under paragraph 4(a) or (b).	<b>GMA</b>
<b>23. Section 16-13(8)</b>	
Power, as a transferor or a transferee, to give the Secretary written notice of the changes.	<b>GMA</b>



<b>24. Section 16-15(2)(e)</b>	
Power as a transferee or a transferor, to make submissions to the Secretary in response to a notice to resolve.	<b>GMA</b>
<b>25. Section 16-16(3)(a)</b>	
Power, as a transferor or a transferee, to agree in writing to another proposed transfer day.	<b>GMA</b>
<b>26. Section 17-2</b>	
Power, as an approved provider to whom a place has been allocated under Division 14, to apply in writing to the Secretary to vary the conditions and to give the Secretary written notice of any changes to the application.	<b>GMA</b>
<b>27. Section 17-3(1)</b>	
Power to respond to a request for further information issued by the Secretary.	<b>GMA</b>
<b>28. Section 17-7(2)</b>	
Power, as an applicant, to apply in writing to the Secretary to approve a day as the variation day.	<b>GMA</b>
<b>29. Section 18-2(1)</b>	
Power, as an approved provider, to relinquish all or some of the places by notice in writing to the Secretary.	<b>GMA</b>
<b>30. Section 18-2(4)</b>	
Power, as an approved provider, to give notice of the relinquishment	<b>GMA</b>
<b>31. Section 18-3(4)</b>	
Power, as an approved provider, to modify the proposals as specified in the notice issued by the Secretary.	<b>GMA</b>
<b>32. Section 18-5(2)(b)</b>	
Power, as an approved provider, to make written submissions to the Secretary in response to a notice to revoke the allocation.	<b>GMA</b>

<b>33. Section 23-4(3)(b)</b>	
Power, as an approved provider, to make written submissions to the Secretary in response to a notice that revocation is being considered.	<b>GMA</b>
<b>34. Section 25-3</b>	
Power, as an approved provider, to carry out an appraisal of the level of care needed by a care recipient, relative to the needs of other care recipients, and give it to the Secretary.	<b>GMA</b>
<b>35. Section 25-4(3)(b)</b>	
Power, as an approved provider, to make written submissions to the Secretary in response to a notice to suspend the approved provider from making appraisals and reappraisals.	<b>GMA</b>
<b>36. Sections 25-4(6A)</b>	
Power, as an approved provider, to enter an agreement with the Secretary and comply with the terms of the agreement.	<b>GMA</b>
<b>37. Section 25-C</b>	
Power, as an approved provider, to apply to the Secretary for the lifting of a suspension from making appraisals and reappraisals.	<b>GMA</b>
<b>38. Section 25-4D</b>	
Power, as an approved provider, to respond to a notice from the Secretary requiring the applicant to give further information.	<b>GMA</b>
<b>39. Section 26-2(3)</b>	
Power, as an approved provider, to give the Secretary information relevant to whether an appraisal received out of time was sent in sufficient time to be received by the Secretary.	<b>GMA</b>
<b>40. Sections 27-3(1) and (3A)</b>	
Power, as an approved provider, to conduct a reappraisal in response to a notice received from the Secretary under subsection (1) or (3A).	<b>GMA</b>
<b>41. Section 27-3(4)</b>	
Power, as an approved provider, to apply to the Secretary to vary or revoke a notice give under subsection (1) or (3A).	<b>GMA</b>

<b>42. Section 27-4</b>	
Power, as an approved provider, to conduct a reappraisal on its own initiative.	<b>GMA</b>
<b>43. Section 27-8(3)</b>	
Power, as an approved provider, to give the Secretary information relevant to whether an appraisal received out of time was sent in sufficient time to be received by the Secretary.	<b>GMA</b>
<b>44. Section 32-3</b>	
Power to make an application for extra service status, pay the application fee, respond to any requests for further information received from the Secretary and agree to an assessment of the residential care service conducted by a person authorised by the Secretary.	<b>GMA</b>
<b>45. Section 32-8(6)</b>	
Power, as an approved provider, to agree with the Secretary to vary the conditions applying to the extra service status.	<b>GMA</b>
<b>46. Section 33-4</b>	
Power, as an approved provider, to request in writing that the Secretary revoke or suspend the extra service status.	<b>GMA</b>
<b>47. Sections 35-1 and 35-2</b>	
Power, as a person who has applied for extra service status or who has been granted extra service status, to apply to the Aged Care Pricing Commissioner for extra service fees to be approved for one or more places.	<b>GMA</b>
<b>48. Sections 36-1, 36-2, 36-3 and 36-4</b>	
Power, as a person providing residential care on an extra service basis, to enter an extra service agreement with a care recipient.	<b>GMA</b>
<b>49. Section 42-5</b>	
Power, as an approved provider, to apply for the Secretary to determine that the service is taken, for the purposes of Chapter 3, Part 3.1, Division 42, to meet its accreditation requirement and respond to any requests for further information from the Secretary.	<b>GMA</b>

<b>50. Section 43-4</b>	
<p>Power, as an approved provider, after the end of each payment period, to give the Secretary:-</p> <p>(a) a claim, in the form approved by the Secretary, for residential care subsidy that is payable in respect of the residential care service for that payment period; and</p> <p>(b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests; and</p> <p>(c) copies of any documents relating to the claim, or to the payment of *residential care subsidy, that are stated in the form to be required, or that the Secretary requests.</p>	<b>GMA</b>
<b>51. Section 43-4A</b>	
Power, as an approved provider, to vary the claim made in respect of a payment period.	
<b>52. Section 43-5</b>	
Power, as an approved provider, to enter an agreement with the Secretary for the deduction of fees from amounts of residential care subsidy otherwise payable to the approved provider.	<b>GMA</b>
<b>53. Section 43-6</b>	
<p>Power, as an approved provider, to enter an agreement with the Secretary under which:-</p> <p>(a) amounts equal to the capital payments made in respect of the service are to be deducted from amounts of *residential care subsidy otherwise payable to the approved provider in respect of the service; and</p> <p>(b) so far as amounts are so deducted, the approved provider ceases to be liable to the Commonwealth for repayment in respect of the capital payments.</p>	<b>GMA</b>
<b>54. Section 44-23</b>	
The power pursuant to section 44-23(5) of the Act to apply to the Secretary for a determination under section 44-23(2) in respect of a care recipient who is being provided, or is to be provided, with residential care by the Council.	<b>GMA</b>

<b>55. Section 44-31</b>	
The power pursuant to section 44-31(4)(b) to make an application to the Secretary for a determination under section 44-31(1) of the Act.	<b>GMA</b>
<b>56. Section 44-32(3)(a)</b>	
Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship.	<b>GMA</b>
<b>57. Section 46-2(2)</b>	
Power, as an approved provider providing home care services, to comply with a request to suspend the service.	<b>GMA</b>
<b>58. Section 47-4</b>	
Power, as an approved provider, after the end of each payment period, to give the Secretary:- (a) a claim, in the form approved by the Secretary, for home care subsidy that is payable in respect of the home care service for that payment period; and (b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests.	<b>GMA</b>
<b>59. Section 47-4A</b>	
Power, as an approved provider, to vary the claim made in respect of a payment period.	<b>GMA</b>
<b>60. Section 48-8(5)</b>	
Power, as an approved provider, to apply to the Secretary for a determination under subsection (2) in respect of a care recipient and respond to any request for further information from the Secretary.	<b>GMA</b>
<b>61. Section 48-6</b>	
The power pursuant to section 48-6(2) of the Act to provide the Secretary information or produce a document in response to a notice issued by the Secretary, if the Secretary believes on reasonable grounds the information or document is relevant to the application of section 48-5 of the Act in relation to compensation.	<b>GMA</b>

<b>62. Section 48-11</b>	
Power, as an approved provider, to apply to the Secretary on behalf of a care recipient for a determination of eligibility for a hardship supplement and to respond to any requests for further information from the Secretary.	<b>GMA</b>
<b>63. Section 48-12(3)(a)</b>	
Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship.	<b>GMA</b>
<b>64. Section 52F1(1)(a)</b>	
Power, as the provider of a residential care service or an eligible flexible care service, to give a person:-  (a) an accommodation agreement; and  (b) such other information as is specified in the Fees and Payments Principles.	<b>GMA</b>
<b>65. Section 52F1(1)(b)</b>	
Power, as the provider of a residential care service or an eligible flexible care service, to agree with the person, in writing, about the maximum amount that would be payable if the person paid an accommodation payment for the service.	<b>GMA</b>
<b>66. Sections 52F-2 to 52F-6</b>	
Power, as an approved provider, to enter an accommodation agreement with a person.	<b>GMA</b>
<b>67. Section 52G-4</b>	
Power, as an approved provider, to apply to the Aged Care Pricing Commission for approval to charge an accommodation payment that is higher than the maximum amount of accommodation payment determined by the Minister under section 52G-3 for:-  (a) a residential care service or flexible care service; or  (b) a distinct part of such a service, and to respond to any requests for further information made by the Aged Care Pricing Commissioner.	<b>GMA</b>

<b>68. Section 52H-3</b>	
The power pursuant to section 52H-3(1) of the Act, but subject to section 52H-3(2) and (3) of the Act, to charge interest to a person on the balance of any amount of daily payment that is payable by the person and has been outstanding for more than 1 month.	<b>GMA</b>
<b>69. Section 52J-6</b>	
Power, as an approved provider, to retain income derived from a refundable deposit.	<b>GMA</b>
<b>70. Section 52J-7(1)</b>	
Power, as an approved provider, to deduct a daily payment from a refundable deposit in the circumstances specified in subsection (1).	<b>GMA</b>
<b>71. Section 52J-7(2)</b>	
Power, as an approved provider, to deduct an amount from a refundable deposit in the circumstances specified in subsection (2).	<b>GMA</b>
<b>72. Section 52K-1(4)(b)</b>	
Power, as an approved provider to whom an accommodation payment or accommodation contribution is payable, to apply to the Secretary to determine a case of financial hardship and respond to any request for information from the Secretary.	<b>GMA</b>
<b>73. Section 52K-2(3)(a)</b>	
Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship under section 52K-1.	<b>GMA</b>
<b>74. Section 52M-1(1)</b>	
Power, as an approved provider, to comply with the requirements of the Prudential Standards.	<b>GMA</b>
<b>75. Section 52N-1</b>	
Power, as an approved provider, to use a refundable deposit or an accommodation bond for a use that is permitted by section 52N-1.	<b>GMA</b>

<b>76. Section 52P-1</b>	
Power, as an approved provider, to refund a refundable deposit balance in the way specified in the Fees and Payments Principles.	<b>GMA</b>
<b>77. Section 52P-2(2)</b>	
Power, as a former approved provider, to refund the refundable deposit balance to the care recipient.	<b>GMA</b>
<b>78. Section 52P-4</b>	
Power, as an approved provider, to agree with a person to delay refunding the refundable deposit balance or accommodation bond balance on the conditions specified in subsection (2).	<b>GMA</b>
<b>79. Section 54-1 A</b>	
Power, as an approved provider, to comply with the responsibilities of approved providers.	<b>GMA</b>
<b>80. Section 56-1</b>	
Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, residential care.	<b>GMA</b>
<b>81. Section 56-2</b>	
Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, home care.	<b>GMA</b>
<b>82. Section 56-3 A</b>	
Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, flexible care.	<b>GMA</b>
<b>83. Section 56-4(1)</b>	
Power, as an approved provider, to: (a) establish a complaints resolution mechanism for the aged care service; and (b) use the complaints resolution mechanism to address any complaints made by or on behalf of a person to whom care is provided through the service; and	<b>GMA</b>



<p>(c) advise the person of any other mechanisms that are available to address complaints, and provide such assistance as the person requires to use those mechanisms; and</p> <p>(e) comply with any requirement made of the approved provider under rules made for the purposes of subsection 21(2) of the Aged Care Quality and Safety Commission Act 2018.</p>	
<b>84. Section 59-1</b>	
Power, as an approved provider, to enter resident agreements that comply with the requirements for resident agreements listed in section 59-1.	<b>GMA</b>
<b>85. Section 61-1</b>	
Power, as an approved provider, to enter home care agreements that comply with the requirements for home care agreements listed in section 61-1.	<b>GMA</b>
<b>86. Section 62-1</b>	
Power, as an approved provider, to comply with the responsibilities relating to protection of personal information relating to a person to whom the approved provider provides aged care.	
<b>87. Section 63-1</b>	
Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to accountability for the aged care provided by the approved provider through an aged care service set out in subsections 63-1(1)(a) to 63-1(1)(m).	<b>GMA</b>
<b>88. Section 63-1AA(2)</b>	
Power, as an approved provider, to report an allegation or suspicion of a reportable assault.	<b>GMA</b>
<b>89. Section 63-1AA(5)</b>	
Power, as an approved provider, to require staff members who provide a service connected with the approved provider's residential care service to report suspicions of reportable assault.	<b>GMA</b>

<b>90. Section 63-1AA(7)</b>	
Power, as an approved provider, to ensure the identity of a person who reports a suspected reportable assault is not disclosed to anyone except a person listed in section 63-1AA(7).	<b>GMA</b>
<b>91. Section 63-1AA(8)</b>	
Power, as an approved provider, to take reasonable measures to ensure the report recipient does not disclose the fact that the person was the maker of the report.	<b>GMA</b>
<b>92. Section 63-1A(2)</b>	
Power, as an approved provider, to take all reasonable steps specified in the Accountability Principles to ensure that none of its key personnel is a disqualified individual.	<b>GMA</b>
<b>93. Section 63-1B(2)</b>	
Power, as an approved provider, to notify the Secretary of each care recipient who enters a residential care service operated by the approved provider on or after 20 March 2008.	<b>GMA</b>
<b>94. Section 63-1C</b>	
Power, as an approved provider, to do all things reasonably practicable to ensure that there is no change to the circumstance without complying with the steps specified in the notice given under subsection 63E(1) of the Quality and Safety Commission Act.	<b>GMA</b>
<b>95. Section 71-1</b>	
Power to apply in writing for the allocation of a residential care grant.	<b>GMA</b>
<b>96. Section 71-3(1)</b>	
Power to comply with a notice requesting further information received from the Secretary.	<b>GMA</b>
<b>97. Section 73-1(3)</b>	
Power, as an approved provider, to enter an agreement with the Commonwealth agreeing to comply with the conditions to which the grant is subject.	<b>GMA</b>

<b>98. Section 73-3</b>	
Power, as an approved provider, to comply with the grant conditions.	<b>GMA</b>
<b>99. Section 73-4(3)(b)</b>	
Power, as an approved provider, to make submissions in response to notice to vary or revoke the allocation received from the Secretary.	<b>GMA</b>
<b>100. Section 73-5(1)</b>	
Power, as an approved provider, to apply to the Secretary for a variation of an allocation of a residential care grant.	<b>GMA</b>
<b>101. Section 73-5(4)</b>	
Power, as an approved provider, to comply with a notice requesting further information received from the Secretary.	<b>GMA</b>
<b>102. Section 83-1(1)</b>	
Power, as a body corporate, to enter into a written agreement with the Secretary under which the Commonwealth makes a grant of money for the purposes specified in the agreement.	<b>GMA</b>
<b>103. Section 85-5(1)</b>	
Power, as person whose interests are affected by a reviewable decision, to request the Secretary to reconsider the decision.	<b>GMA</b>
<b>104. Section 85-5(2)</b>	
Power, as person whose interests are affected by a reviewable decision, to request the Aged Care Pricing Commissioner to reconsider the decision.	<b>GMA</b>
<b>105. Section 85-6(1)</b>	
Power to pay the application fee for reconsideration of a reviewable decision made under subsection 29-1(1).	<b>GMA</b>
<b>106. Section 85-8</b>	
Power to make an application to the Administrative Appeals Tribunal for the review of a reviewable decision.	<b>GMA</b>

<b>107. Section 88-1</b>	
Power, as an approved provider, to keep the records referred to in section 88-1.	<b>GMA</b>
<b>108. Section 88-2</b>	
Power, as an approved provider, to keep records of the kind and in the form specified in the Records Principles.	<b>GMA</b>
<b>109. Section 91-1(3)</b>	
Power, as an occupier of premises, to consent to the entry of an authorised officer to the premises and to withdraw the consent at any time.	<b>GMA</b>
<b>110. Section 96-7</b>	
Power, as a person who has made an application to the Secretary under the Act, to withdraw the application.	<b>GMA</b>

## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
All	<p>The delegate shall exercise the powers and functions conferred herein</p> <ul style="list-style-type: none"><li>• 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.</li><li>• With due diligence and in accordance with reasonable, prudent administrative good practice.</li><li>• In accordance with the Policies and Procedures adopted by the Council and Alwyndor Management Committee, as well as other relevant legislative provisions.</li><li>• Limited to performance and discharge of functions and duties of the Alwyndor Management Committee as set out in the Committee's Terms of Reference.</li></ul>

## **APPENDIX 2**

### **INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013 AND BURIAL AND CREMATION REGULATIONS 2014**

#### **NOTES**

3. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
4. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

#### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Offence to dispose of bodily remains except in cemetery or natural burial ground</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 8(2) of the <i>Burial and Cremation Act 2013</i> (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	
<b>2. Opening of interment sites, exhumation and re-interment</b>	
2.1 The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	<b>GMAD, ME, SPMID</b>
<b>3. Disposal of unclaimed cremated human remains</b>	
3.1 The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate things fit where the Council is the relevant authority for the crematorium.	
<b>4. Establishment of cemeteries, natural burial grounds and crematoria</b>	
4.1 Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	<b>REMAINS WITH COUNCIL</b>

<b>5. Power of councils to establish and manage public mortuaries</b>	
5.1 The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.	
<b>6. Establishment of mausolea within cemeteries</b>	
6.1 The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish Mausolea within the cemetery for which the Council is the relevant authority.	
<b>7. Designation of natural burial grounds within cemeteries</b>	
7.1 The power pursuant to Section 22 of the Act to set a part any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	
<b>8. Power to set apart part of cemetery or natural burial ground for particular religion</b>	
8.1 The power pursuant to Section 23 of the Act, to set a part any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.	<b>GMAD, ME, SPMID</b>
<b>9. Closure of cemeteries and natural burial grounds</b>	
9.1 Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:	
9.1.1 the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains: or	
9.1.2 50 or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.	
9.2 The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	<b>GMAD, ME, SPMID</b>

9.2.1	Discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or	
9.2.2	Discharge the interment right and issue to the former holder, free of charge:	
9.2.2.1	A new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	
9.2.2.2	If the closure relates only to part of the cemetery or natural burial ground – a new interment right in relation to another part of the cemetery or natural burial ground.	
9.3	The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	<b>GMAD, ME, SPMID</b>
9.3.1	Discharge the interment right and issue to the former holder, free of charge:	
9.3.1.1	A new interment right in relation to another cemetery or natural burial ground administered by the Council is the relevant authority; or	
9.3.1.2	If the closure relates to only art of the cemetery or natural burial ground – a new interment right in relation to another part of the cemetery or natural burial ground; and	
9.3.2	Remove any human remains interred at the original interment site and re-enter the remains pursuant to the new interment right; and	
9.3.3	Remove any memorial erected at the original interment site and re-position the memorial at the new interment site.	



9.4 The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	<b>GMAD, ME, SPMID</b>
9.5 The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.	<b>GMAD, ME, SPMID</b>
<b>10. Dedication of closed council cemeteries as park lands</b>	
10.1 Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:	<b>GMAD, ME, SPMID</b>
10.1.1 Remove memorials to deceased persons;	
10.1.2 Relocate memorials to deceased persons in the park lands;	
10.1.3 Replace memorials to deceased persons with some other form of memorial in the park lands.	
<b>11. Conversion of closed cemeteries into public parks or gardens</b>	
11.1 The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.	
11.2 Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden, to:	<b>GMAD, ME, SPMID</b>
11.2.1 Remove memorials to deceased persons;	
11.2.2 Relocate memorials to deceased persons in the park or garden;	
11.2.3 Replace memorials to deceased persons with some other form of memorial in the park or garden.	

<b>12. Powers of relevant authorities in relation to closed cemeteries</b>	
12.1 The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:	
12.1.1 Construct roads and pathways on the land; and	
12.1.2 Erect or construct buildings or structures on the land; and	
12.1.3 Construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and	
12.1.4 Erect lighting, seating and any other infrastructure or public amenity; and	
12.1.5 Take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	
<b>13. Issue of interment rights</b>	
13.1 Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	<b>GMAD, ME, SPMID</b>
13.1.1 Identifies the person to whom the interment right is issued; and	
13.1.2 Identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and	
13.1.3 Identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and	

13.1.4 Specifies the period for which the interment right is granted; and	
13.1.5 Sets out the rights to renewal of the interment right; and	
13.1.6 Specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.	
13.2 The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	<b>GMAD, ME, SPMID</b>
13.3 Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right permit a memorial to the deceased person to be erected at the site.	<b>GMAD, ME, SPMID</b>
13.4 The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	<b>GMAD, ME, SPMID</b>
<b>14. Duration of interment rights</b>	
14.1 The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	<b>GMAD, ME, SPMID</b>
14.1.1 For the period specified in the interment right; or	
14.1.2 In perpetuity.	
<b>15. Renewal of interment rights</b>	
15.1 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	<b>GMAD, ME, SPMID</b>
15.2 The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.	<b>GMAD, ME, SPMID</b>
<b>16. Transfer of interment rights</b>	
16.1 The power pursuant to Section 33(1) of the Act to transfer an interment right.	<b>GMAD, ME, SPMID</b>

<b>17. Re-use of interment sites</b>	
17.1 Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires and Council is the relevant authority, to:	<b>GMAD, ME, SPMID</b>
17.1.1 Re-use the interment site to which the interment right related; and	
17.1.2 Remove any memorial to a deceased person erected on or at the site.	
<b>18. Ownership of memorial</b>	
18.1 The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	<b>GMAD, ME, SPMID</b>
<b>19. Function to maintain memorial</b>	
19.1 The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	<b>GMAD, ME, SPMID</b>
<b>20. Power to require repair, removal or reinstatement of memorial</b>	
20.1 The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice.	<b>GMAD, ME, SPMID</b>
20.2 The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	<b>GMAD, ME, SPMID</b>
20.3 The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:	<b>GMAD, ME, SPMID</b>
20.3.1 A memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and	
20.3.2 Urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,	

to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	
<b>21. Power of relevant authority to dispose of unclaimed memorial</b>	
21.1 The power pursuant to Section 42(1) of the Act, if:	<b>GMAD, ME, SPMID</b>
21.1.1 2 years or more have elapsed:	
21.1.1.1 Since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or	
21.1.1.2 Since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and	
21.1.2 A memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and	
21.1.3 the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial;	
21.1.3.1 by public advertisement in a newspaper circulating throughout the State; and	
21.1.3.2 by written notice affixed to the memorial; and	
21.1.4 the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and	
21.1.5 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,	
to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.	
<b>22. General powers of relevant authority</b>	
22.1 The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:	
22.1.1 Enlarge the cemetery, natural burial ground or crematorium; and	

22.1.2 Improve or embellish the cemetery, natural burial ground or crematorium; and	
22.1.3 Restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and	
22.1.4 Take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.	
<b>23. Power to restrict interments in any part of cemetery or natural burial ground</b>	
23.1 The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	
<b>24. Neglected cemeteries and natural burial grounds</b>	
24.1 The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	
24.1.1 The delegate is of the opinion that a cemetery or natural burial ground within its area:	
24.1.1.1 Is in a neglected condition; or	
24.1.1.2 Fails in any manner to comply with the requirements of this Act;	
to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.	
24.2 The power pursuant to Section 46(3) of the Act, if:	
24.2.1 The work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and	
24.2.2 No application for review of the decision to give the notice is made within 14 days after the notice is given,	
to have the work carried out.	
24.3 The power pursuant to Section 46(4) of the Act, if:	
24.3.1 The work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the	

notice; and	
24.3.2 An application for review of the decision to give the notice is determined in favour of the Council;	
to, within 14 days after the determination of the review, have the work carried out.	
24.4 The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	<b>GMAD, ME, SPMID</b>
<b>25. Right of Review</b>	
25.1 The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the Council or designated Minister (as the case may be) to give the notice to the relevant authority.	<b>GMAD</b>
<b>26. Power of councils to accept conveyance of cemetery or natural burial ground land from trustees</b>	
26.1 Power pursuant to Section 48(1) of the Act, subject to Section 48(4), to accept a trust from the trustees of land in the Council's area, held on trust for a cemetery or natural burial ground.	
<b>27. Power of councils to assume administration of cemeteries and natural burial grounds</b>	
27.1 Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:	<b>REMAINS WITH COUNCIL</b>
27.1.1 There is no existing relevant authority for the cemetery or natural burial ground; or	
27.1.2 The relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or	
27.1.3 The relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.	
<b>28. Public access to cemeteries, natural burial grounds and crematoria</b>	
28.1 The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committed or is about	<b>GMAD, ME, SPMID</b>

to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	
<b>29. Disposal of surplus cemetery land etc</b>	
29.1 Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.	<b>GMAD, ME, SPMID</b>
<b>30. Disposal of land after closure of cemetery etc</b>	
30.1 The power pursuant to Section 52(1) of the Act, if:	
30.1.1 A cemetery or natural burial ground has been closed in accordance with this Act; and	
30.1.2 All human remains interred in the cemetery or natural burial ground, and all memorials to deceased persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,	
to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.	
<b>31. Power of Public Trustee to act on behalf of holder of interment right etc</b>	
31.1 The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	<b>GMAD, ME, SPMID</b>
31.1.1 The holder of an interment right in relation to the cemetery or natural burial ground; or	
31.1.2 The owner of a memorial erected in a cemetery or natural burial ground,	
fail, to request the Public Trustee act on behalf of the holder or owner.	
<b>32. Authorised officers</b>	
32.1 The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	<b>GMAD, GMCB, GMSC</b>
32.2 The power pursuant to Section 58(3) of the Act to make an appointment, subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	<b>GMAD, GMCB, GMSC</b>



32.3 The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	<b>GMAD, GMCB, GMSC</b>
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### **BURIAL AND CREMATION REGULATIONS 2014**

<b>33. Filling of sunken interment sites</b>	<b>SUB DELEGATION</b>
33.1 The power pursuant to Regulation 16 of the <i>Burial and Cremation Regulations 2014</i> (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	<b>GMAD, ME, SPMID</b>
<b>34. Powers of relevant authority in relation to mausolea and vaults</b>	
34.1 The power pursuant to Regulation 19(1), where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:	<b>GMAD, ME, SPMID</b>
34.1.1 A mausoleum or vault in the cemetery does not comply with the Regulations; or	
34.1.2 Offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,	
Open the mausoleum or vault and inspect it.	
34.2 The power pursuant to Regulation 19(2), if, after inspecting a mausoleum or vault, the delegate is satisfied that:	<b>GMAD, ME, SPMID</b>
34.2.1 The mausoleum or vault does not comply with the Regulations; or	
34.2.2 Offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,	
to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.	
34.3 The power pursuant to Regulation 19(3), if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.	<b>GMAD, ME, SPMID</b>

<b>35. Removal and disposal of name plate etc from coffin before cremation</b>	
35.1 The power pursuant to Regulation 21, subject to Regulation 21(2), where the Council is the relevant authority for a crematorium to dispose of:	<b>GMAD, ME, SPMID</b>
35.1.1 A name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or	
35.1.2 Any other thing that comes into the possession of the Council as a result of a cremation.	
<b>36. Power of relevant authority in relation to things on interment sites</b>	
36.1 The power pursuant to Regulation 26 where the Council is the relevant authority for a cemetery or natural burial ground to:	<b>GMAD, ME, SPMID</b>
36.1.1 Cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and	
36.1.2 Cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.	
<b>37. Power of relevant authority to require persons to leave cemetery or natural burial ground</b>	
37.1 The power pursuant to Regulation 27(1), where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	<b>GMAD, ME, SPMID</b>

**SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**APPENDIX 3**

**INSTRUMENT OF DELEGATION UNDER THE  
COMMUNITY TITLES ACT 1996**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Endorsement of scheme description by relevant authority</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 3(11) of the <i>Community Titles Act 1996</i> (the Act) where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:	<b>GMSC, MDS</b>
1.1.1 all the consents or approvals required under the <i>Development Act 1993</i> in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or	
1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),	
to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.	
<b>2. Application may deal with statutory encumbrances</b>	
2.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	<b>GMSC, MDS</b>

<b>3. Encroachments</b>	
3.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.	<b>GMSC, MDS</b>
<b>4. Scheme description</b>	
4.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:	<b>GMSC, MDS</b>
4.1.1 add any information that is necessary or desirable; or	
4.1.2 clarify any part of the description; or	
4.1.3 remove any unnecessary detail.	
<b>5. Amendment of scheme description</b>	
5.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.	<b>GMSC, MDS</b>
<b>6. Application may deal with statutory encumbrances</b>	
6.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	<b>GMSC, MDS</b>

**SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

## **APPENDIX 4**

### **INSTRUMENT OF DELEGATION UNDER THE CRIMINAL PROCEDURE ACT 1921**

#### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the [Insert Date].

### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Information</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to section 49 of the <i>Criminal Procedure Act 1921</i> to lay an information on the Council's behalf in the Magistrates Court in accordance with the rules charging a person who is suspected of having committed a summary offence(s) with the offence(s) and, where an information is laid, the power to run the proceedings as the delegate sees fit.	<b>GMCB, MCS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil



**APPENDIX 5**

**INSTRUMENT OF DELEGATION UNDER THE  
DEVELOPMENT ACT 1993 AND  
DEVELOPMENT REGULATIONS 2008**

In exercise of the power contained in sections 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **[Insert Date]** to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the following powers and functions and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit:

**Delegations to the Council Assessment Panel**

In exercise of the power contained in sections 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* are delegated to the Council Assessment Panel subject to the conditions or limitations indicated hereunder or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Also refer to the Schedule of Conditions at the back of this document.
2. These Delegations were made to the Chief Executive Officer (head delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

	SUB DELEGATION
<b>1. Matters against which development must be assessed</b>	
1.1 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):	<b>CAP, GMSC, MDS, DAL</b>
1.1.1 the provisions of the appropriate Development Plan;	
1.1.2 the provisions of the Building Rules;	
1.1.3 in relation to a proposed division of land (otherwise than under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> ) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	

1.1.4 in relation to a division of land under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;	
1.1.5 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	
1.1.6 such other matters as may be prescribed.	
<p>1.2 The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.</p> <p>1.3 If:</p> <p>1.3.1 A development only requires an assessment under paragraph (b) of Section 33(1) of the act: and</p> <p>1.3.2 The Council:</p> <p>1.3.2.1 Is the relevant authority; and</p> <p>1.3.2.2 Is to make the assessment under that paragraph; and</p> <p>1.3.3 The Council determines to grant consent under that paragraph,</p> <p>The power, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.</p>	<b>CAP, GMSC, MDS, DAL</b>
<b>2. Determination of relevant authority</b>	
2.1 The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the State Planning Commission (previously the Development Assessment Commission) to be the relevant authority for a proposed development.	<b>CAP, GMSC, MDS, DAL</b>
2.2 The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the State Planning Commission with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	<b>CAP, GMSC, MDS, DAL</b>

2.3	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.	<b>CAP, GMSC, MDS, DAL</b>
2.4	The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel.	<b>CAP, GMSC, MDS, DAL</b>
<b>3. Special provisions relating to assessment against Development Plans</b>		
3.1	The power 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).	<b>CAP, GMSC, MDS, DAL</b>
3.2	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	<b>CAP, GMSC, MDS, DAL</b>
3.3	Subject to Sections 35(1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the power, 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.	<b>CAP, GMSC, MDS, DAL</b>
3.4	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	<b>CAP, GMSC, MDS, DAL</b>
3.5	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	<b>CAP, GMSC, MDS, DAL</b>
3.6	Subject to the Act, the power 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.	<b>CAP, GMSC, MDS, DAL</b>

<b>4. Special provisions relating to assessment against the Building Rules</b>	
4.1 The power 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.	<b>GMSC, MDS, DAL</b>
4.2 The power pursuant to and in accordance with Section 36(2) of the Act:	<b>GMSC, MDS, DAL</b>
4.2.1 to assess whether a development is at variance with the Building Rules;	
4.2.2 to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;	
4.2.3 to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:	
4.2.3.1 the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed; or	
4.2.3.2 in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	
4.3 The power 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.	<b>GMSC, MDS, DAL</b>
4.4 The power 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:	<b>GMSC, MDS, DAL</b>

4.4.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or	
4.4.2 such compliance is certified by a private certifier.	
4.5 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.	<b>GMSC, MDS, DAL</b>
<b>5. Consultation with other authorities or agencies</b>	
5.1 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.	<b>CAP, GMSC, MDS, DAL</b>
<b>6. Preliminary advice and agreement</b>	
6.1 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.	<b>CAP, GMSC, MDS, DAL</b>
6.2 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.	<b>CAP, GMSC, MDS, DAL</b>
<b>7. Proposed development involving creation of fortifications</b>	
7.1 The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	<b>CAP, GMSC, MDS, DAL</b>
7.2 The power pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:	<b>CAP, GMSC, MDS, DAL</b>
7.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; or	
7.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	

<b>8. Public notice and consultation</b>	
8.1 If a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	<b>CAP, GMSC, MDS, DAL</b>
8.2 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	<b>CAP, GMSC, MDS, DAL</b>
8.3 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	<b>CAP, GMSC, MDS, DAL</b>
8.4 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	<b>CAP, GMSC, MDS, DAL</b>
<b>9. Application and provision of information</b>	
9.1 The power pursuant to Section 39(2) of the Act to request an applicant to:	<b>CAP, GMSC, MDS, DAL</b>
9.1.1 provide such additional documents or information to enable assessment of the application;	
9.1.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	
9.1.3 consult with an authority or body prescribed by the Regulations;	
9.1.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	
9.1.5 comply with any other requirement prescribed by the Regulations.	

9.2 If:  9.2.1 a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and  9.2.2 the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act  The power pursuant to Section 39(2b)(c) of the Act, to;  9.2.3 in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only;	CAP, GMSC, MDS, DAL
9.3 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 –  9.3.1 subject to Section 39(3)(b)(ii) of the Act, refuse the application and  9.3.2 refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	
10. Variation of an application	
10.1 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.	CAP, GMSC, MDS, DAL
10.2 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.	CAP, GMSC, MDS, DAL
10.3 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).	CAP, GMSC, MDS, DAL
11. Refuse Non-Complying Development	
11.1 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.	CAP, GMSC, MDS, DAL

11.2 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.	<b>CAP, GMSC, MDS, DAL</b>
11.3 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.	<b>CAP, GMSC, MDS, DAL</b>
11.4 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.	<b>CAP, GMSC, MDS, DAL</b>
11.5 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.	<b>CAP, GMAD, MDS, DAL</b>
11.6 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	<b>PC CAP, GMAD, GMSC, DAL</b>
11.7 The power pursuant to Section 39(8) of the Act to issue a consent which provides for undertaking development in stages.	<b>CAP, GMSC, MDS, DAL</b>
11.8 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.	<b>CAP, GMSC, MDS, DAL</b>
<b>12. Determination of application</b>	
12.1 The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	<b>CAP, GMSC, MDS, DAL</b>



<b>13. Conditions</b>	
13.1 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.	<b>CAP, GMSC, MDS, DAL</b>
13.2 The power pursuant to Section 42(4) of the Act, in accordance with Section 42(5) and subject to Sections 42(6) and (8), if a development authorisation provides for the killing, destruction or removal of a regulated or 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 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).	<b>CAP, GMSC, MDS, DAL</b>
13.3 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.	<b>CAP, GMSC, MDS, DAL</b>
13.4 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.	<b>CAP, GMSC, MDS, DAL</b>

<b><u>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</u></b>	
	<b>SUB DELEGATION</b>
<b>14. Application to relevant authority</b>	
14.1 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.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>

14.2 The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the State Planning Commission, that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
14.3 The power pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
14.3.1 The Development Assessment number assigned to the development proposed under the application; and	
14.3.2 If the private certifier, at the time of forwarding a copy of an application form 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:	
<ul style="list-style-type: none"> <li>Advice about any site contamination that is believed to exist at the site where the development would be undertaken; and</li> </ul>	
<ul style="list-style-type: none"> <li>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; and</li> </ul>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	
14.4 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) of the Act.	
14.5 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:	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
14.5.1 In the case of an application that is lodged with the Council for assessment as <i>residential code</i> 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;	
14.5.2 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).	
14.6 The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
<b>15. Non-Complying Development</b>	
15.1 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:	<b>CAP, MDS, DAdminL, DAL</b>
15.1.1 refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	
15.1.2 resolve to proceed with an assessment of the application.	
15.2 The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	<b>CAP, MDS, DAL</b>
<b>16. Amended applications</b>	
16.1 The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	<b>CAP, DOB, DOP, GMAD, MDS, DAL</b>
16.2 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.	<b>CAP, DOB, DOP, GMSC, MDS, DAL</b>

<b>17. Withdrawal/lapsing application</b>	
17.1 Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	<b>DOB, DOP, GMSC, MDS, DAL</b>
<b>18. Contravening development</b>	
18.1 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.	<b>CAP, MDS, DAL</b>
<b>19. Land division applications</b>	
19.1 The power pursuant to Regulation 29(2) of the Regulations, when a report from the State Planning 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 State Planning Commission may require by notice in writing to the Council, to determine that the State Planning Commission does not desire to make a report.	<b>CAP, DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
<b>20. Underground mains area</b>	
20.1 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.	<b>GMSC, MDA, DAL</b>
20.2 The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	<b>GMSC, MDA, DAL</b>
20.3 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.	<b>GMSC, MDA, DAL</b>
<b>21. Preliminary advice and agreement – section 37AA</b>	
21.1 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.	<b>GMSC, MDA, DAL</b>
21.2 The power pursuant to Regulation 31A(6) of the Regulations if:	<b>GMSC, MDA, DAL</b>

21.2.1 a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	
21.2.2 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 -	
21.2.3 to obtain a variation to the agreement under Section 37AA; of the Act; or	
21.2.4 to obtain a response from the prescribed body for the purpose of Section 37 of the Act.	
21.3 The power pursuant to Regulation 31A(7) of the Regulations if:	<b>GMSC, MDA, DAL</b>
21.3.1 an application is withdrawn by the Applicant; and	
21.3.2 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	
21.4 The power pursuant to Regulation 31A(8) of the Regulations if:	<b>GMSC, MDA, DAL</b>
21.4.1 an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and	
21.4.2 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.	
21.5 The power pursuant to Regulation 31A(9) of the Regulations if:	<b>GMSC, MDA, DAL</b>
21.5.1 an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and	
21.5.2 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.	

<b>22. Public notice categories</b>	
22.1 The power pursuant to Regulation 32(5) of the Regulations to determine that a form of development comprises 2 or more elements	<b>DOP, MDA, DAL</b>
<b>23. Public inspection of certain applications</b>	
23.1 The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	<b>DAA, DAO, DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
23.2 The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
<b>24. Determination of Commission as relevant authority</b>	
24.1 Where the State Planning Commission is the relevant authority under Section 34(1)(b) of the Act:	<b>DOP, GMSC, MDS, DAdminL, DAL</b>
24.1.1 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).	
24.2 Where the State Planning Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the State Planning Commission with comments on the proposed development.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
<b>25. Response by Applicant</b>	
25.1 The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation.	<b>DOB, DOP, GMSC, MDS, DAdminL, DAL</b>
<b>26. Scheme description – Community Titles</b>	
26.1 The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the <i>Community Titles Act 1996</i> , 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.	<b>GMSC, MDS, DAL</b>

<b>27. Minor variation of development authorisation</b>	
27.1 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.	<b>GMSC, MDS, DAL</b>
<b>28. Lapse of consent or approval</b>	
28.1 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.	<b>CAP, GMSC, MDS, DAL</b>
<b>29. Width of roads and thoroughfares</b>	
29.1 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.	<b>GMSC, MDS, DAL</b>
29.2 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.	<b>GMSC, MDS, DAL</b>
<b>30. Road widening</b>	
30.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	<b>GMSC, MDS, DAL</b>
<b>31. Requirement as to forming of roads</b>	
31.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	<b>GMSC, MDS, DAL</b>
31.2 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.	<b>GMSC, MDS, DAL</b>

31.3 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.	<b>GMSC, MDS, DAL</b>
<b>32. Construction of roads, bridges, drains and services</b>	
32.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	<b>GMSC, MDS, DAL</b>
<b>33. Supplementary provisions</b>	
33.1 The power pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	<b>GMSC, MDS, DAL</b>
33.2 The power pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	<b>GMSC, MDS, DAL</b>
33.3 The power pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	<b>GMSC, MDS, DAL</b>
<b>34. General land division</b>	
34.1 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.	<b>CAP, GMSC, MDS, DAL</b>
34.2 The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the State Planning Commission that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	<b>CAP, GMSC, MDS, DAL</b>
<b>35. Division of land by strata title</b>	
35.1 The power pursuant to Regulation 59(1) of the Regulations to advise the State Planning Commission an applicant has entered into a binding arrangement with the Council in satisfaction of the requirements of Section 33(1)(d) and the arrangement is supported by adequate security.	<b>CAP, GMSC, MDS, DAL</b>



<b>36. General provisions</b>	
36.1 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 State Planning Commission for the purposes of Section 51(1) of the Act.	<b>CAP, GMSC, MDS, DAL</b>
36.2 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 State Planning Commission) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation 30(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	<b>CAP, GMSC, MDS, DAL</b>
36.3 The power pursuant to Regulation 60(9) of the Regulations to consult with the State Planning Commission before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	<b>CAP, GMSC, MDS, DAL</b>

## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	<p>The sub-delegate must exercise the powers and functions in accordance with the <i>Development Act 1993</i> and <i>Development Regulations 2008</i> including the requirement that the sub-delegate not exercise any powers and functions delegated to the sub-delegate for which prescribed qualifications are required under the <i>Development Act 1993</i> and the <i>Development Regulations 2008</i> unless the sub-delegate holds the prescribed qualifications specified in Division 1 Part 15 of the <i>Development Regulations 2008</i>.</p> <p>Where necessary, delegation can only be exercised if the delegate has received advice and/or report from a person who holds prescribed qualifications.</p>

## **APPENDIX 6**

### **INSTRUMENT OF DELEGATION UNDER THE DISABILITY INCLUSION ACT 2018**

#### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

#### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Disability access and inclusion plans</b>	<b>SUB DELEGATION</b>
<p>1.1 The power pursuant to and in accordance with Section 16(3) of the <i>Disability Inclusion Act 2018</i> (the Act) to determine the content to be included in the Council's disability access and inclusion plan.</p> <p>1.2 The power pursuant to section 16(5) of the Act to make application to the Minister for approval to prepare a single disability access and inclusion plan for more than one council.</p> <p>1.3 The power pursuant to Section 16(6) of the Act to vary a disability access and inclusion plan in accordance with the requirements prescribed by regulation.</p> <p>1.4 The power pursuant to Section 16(7) of the Act to determine the format and website for publication of the disability access and inclusion plan, ensuring that the format is accessible to people with a disability.</p>	<b>GMCB, MCW</b>
<b>2. Sharing of information between certain persons and bodies</b>	
<p>2.1 The power pursuant to section 27(2) of the Act to provide prescribed information and documents (as defined by section 27(7) of the Act) to another person or body, if the delegate reasonably believes that the provision of the information or documents would assist the recipient:</p> <p>2.1.1 to perform functions relating to people with disability; or</p> <p>2.1.2 to manage any risk to a person with disability, or class of people with disability, that might arise in the recipient's capacity as an employer or provider of services.</p> <p>2.2 The power pursuant to section 27(5) of the Act to request, on behalf of the Council, prescribed information and documents from a person to whom section 27 applies.</p>	<b>GMCB, MCW</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
Nil	Nil

**APPENDIX 7**

**INSTRUMENT OF DELEGATION UNDER THE  
DOG AND CAT MANAGEMENT ACT 1995**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Appointment of authorised persons</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 25A(1) of the <i>Dog and Cat Management Act 1995</i> (the Act) to appoint suitable persons (other than members of the Council) to be authorised persons for the purposes of the Act.	<b>GMAD, GMCB, GMSC</b>
1.2 The power pursuant to Section 25A(2) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	<b>GMAD, GMCB, GMSC</b>
1.3 The power pursuant to Section 25A(3) of the Act to, at any time, revoke the appointment of an authorised person, or vary or revoke the conditions of appointment of an authorised person.	<b>GMAD, GMCB, GMSC</b>
<b>2. Identification of authorised persons</b>	
2.1 The power pursuant to Section 25B(1) of the Act to issue to an authorised person an identity card in a form approved by the Board.	<b>GMCB, MCS, SGL</b>
2.2 The power pursuant to Section 25B(2) of the Act, if the powers of the authorised person have been limited by conditions, to issue an identity card to the person containing a statement of those conditions.	<b>GMCB, MCS, SGL</b>
<b>3. Area limitation on authorised persons appointed by councils</b>	
3.1 The power pursuant to Section 25C(c) of the Act to arrange with another council for an authorised person appointed by the Council to exercise powers under the Act within the area of the other council.	<b>GMCB, MCS, CSO</b>

4. Council responsibility for management of dogs and cats	
4.1 The power pursuant to Section 26 of the Act to administer and enforce the provisions of the Act relating to dogs and cats within the Council area and for that purpose to:	<b>GMCB, MCS, CSO, ACSO, CSOL</b>
4.1.1 maintain a register of dogs containing information required by the Board (which may be kept in the form of a computer record); and	
4.1.2 ensure that the Board is provided with information contained in the register as required by the Board from time to time; and	
4.1.3 maintain such other registers as may be required by the Board; and	
4.1.4 make the registers kept under the Act available for inspection by members of the public in accordance with any guidelines issued by the Board; and	
4.1.5 if guidelines issued by the Board so require, limit inspection of a register or part of a register kept under the Act by members of the public; and	
4.1.6 appoint a suitable person to be Registrar; and	
4.1.7 make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and	
4.1.8 appoint at least 1 full time authorised person or make other satisfactory arrangements for the exercise of the functions and powers of authorised persons; and	
4.1.9 make satisfactory arrangements for the detention of dogs seized under the Act (and make such arrangements for cats seized under the Act); and	
4.1.10 make satisfactory arrangements for fulfilling other obligations under the Act.	
4.2 The power pursuant to Section 26(1a) of the Act, to without limiting Section 26(2) of the Act, nominate a facility approved by the Board at which dogs or cats may be detained.	<b>GMCB, MCS</b>

4.3	The power pursuant to Section 26(4) of the Act to keep separate accounts of money received under the Act and of money expended in the administration and enforcement of the provisions of the Act relating to dogs and cats.	<b>GMCB, MCS GMSC, MF,</b>
4.4	The power pursuant to Section 26(5) of the Act to pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.	<b>GMCB, MCS GMSC, MF,</b>
4.5	The power pursuant to Section 26(6) of the Act to charge:	<b>GMCS, MCS</b>
4.5.1	fees for the provision of extracts from registers kept under the Act; and	
4.5.2	fees for the receipt and management of information relating to a register contemplated by Section 26(1)(ac) of the Act; and	
4.5.3	fees which may be differential but which must not exceed an amount prescribed by the regulations for the purposes of paragraph (b) of Section 26(6) of the Act:	
4.5.3.1	for the registration of dogs or businesses under Part 4 of the Act; and	
4.5.3.2	for the late payment of registration fees; and	
4.5.3.3	for meeting any other requirement imposed on the Council under the Act.	
4.6	The power pursuant to Section 26(7) of the Act, in the case of a standard dog or cat, to, provide for a percentage rebate of a fee that would otherwise be charged for the registration of a dog or cat under the Act.	<b>GMCB, MCS</b>
<b>5. Plans of management relating to dogs and cats</b>		
5.1	The power pursuant to Section 26A(1) of the Act to, in accordance with Sections 26A(2) and (3) of the Act, prepare a plan relating to the management of dogs and cats within the Council area.	<b>GMCB, MCS</b>
5.2	The power pursuant to Section 26A(5) of the Act to amend a plan of management at any time during the course of the 5 year period covered by the plan, with the approval of the Board.	<b>GMCB, MCS,</b>
<b>6. Rectification of Register</b>		
6.1	The power pursuant to Section 39 of the Act upon application by any person aggrieved by an entry in the register, to rectify the register.	<b>ACSO, CSOL, CSO, GMCB, MCS</b>

<b>7. Destruction and control orders</b>	
7.1 The power pursuant to Section 50(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make an order of any of the following classes in relation to a specified dog:	<b>GMCB, MCS</b>
7.1.1 a Destruction Order;	
7.1.2 a Control (Dangerous Dog) Order;	
7.1.3 a Control (Menacing Dog) Order;	
7.1.4 a Control (Nuisance Dog) Order;	
7.1.5 a Control (Barking Dog) Order.	
7.2 The power pursuant to Section 50(2)(b) of the Act to approve some other place to the place specified in the order for a dog to be kept or detained until destroyed.	<b>GMCB, MCS</b>
<b>8. Grounds on which orders may be made</b>	
8.1 The power pursuant to Section 51 of the Act to make an order in relation to a dog under Division 3 of Part 5 of the Act, if satisfied that:	<b>GMCB, MCS</b>
8.1.1 in the case of a Destruction Order:	
8.1.1.1 the dog is unduly dangerous; and	
8.1.1.2 the dog has attacked, harassed or chased a person or an animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; or	<b>GMCB, MCS</b>
8.1.2 in the case of a Control (Dangerous Dog) Order:	
8.1.2.1 the dog:	
(a) is dangerous; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.2.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Dangerous Dog) Order; or	
8.1.3 in the case of a Control (Menacing Dog) Order:	<b>GMCB, MCS</b>



8.1.3.1 the dog:	
(a) is menacing; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.3.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Menacing Dog) Order; or	
8.1.4 in the case of a Control (Nuisance Dog) Order:	<b>GMCB, MCS, CSOL</b>
8.1.4.1 the dog:	
(a) is a nuisance; and	
(b) has attacked, harassed or chased a person or an animal or bird, or is likely to do so, in circumstances that would constitute an offence against the Act or any other Act; or	
8.1.4.2 the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Nuisance Dog) Order; or	<b>GMCB, MCS, CSOL</b>
8.1.5 in the case of a Control (Barking Dog) Order:	
8.1.5.1 the dog is a nuisance; and	
8.1.5.2 the dog has created noise by barking or otherwise in circumstances that would constitute an offence against the Act or any other Act.	

<b>9. Procedure for making and revoking orders</b>	
9.1 The power pursuant to Section 52(a1) of the Act to:	<b>GMCB, MCS, CSOL</b>
9.1.1 make an order under Division 3 of Part 5 of the Act on the Delegate's own initiative or on an application made in a manner and form determined by the Council or the Delegate; and	
9.1.2 to determine the manner and form of an application for an order under Division 3 of Part 5 of the Act.	
9.2 The power pursuant to Section 52(1) of the Act before making an order under Division 3 of Part 5 of the Act, to take reasonable steps:	<b>GMCB, MCS, CSOL</b>
9.2.1 to ascertain all persons who own or are responsible for the control of the dog; and	
9.2.2 to give each of the persons so ascertained at least 7 days written notice:	
9.2.2.1 identifying the dog in relation to which is it is proposed that the order be made;	
9.2.2.2 setting out the terms of the proposed order; and	
9.2.2.3 inviting the owner or other person to make submissions to the Council or the Delegate in respect of the matter within 7 days or such longer period as is allowed by the Council or the Delegate.	
9.3 The power pursuant to Section 52(2) of the Act to:	<b>ASCO, CSO, GMCB, MCS, CSOL</b>
9.3.1 make an order in the manner and form required by the Board; and	
9.3.2 note an order in the register kept by the Council under the Act.	
9.4 The power pursuant to Section 52(3) of the Act to take all reasonable steps to give a copy of the order to each person who owns or is responsible for the control of the dog.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
9.5 The power pursuant to Section 52(4) of the Act to revoke an order made by the Council by written notice to the person who owns or is responsible for the control of the dog.	<b>GMCB, MCS</b>
9.6 The power pursuant to Section 52(5) of the Act to enter a note of the revocation in the register kept by the Council under the Act.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>

9.7 The power pursuant to Section 52(6) of the Act to, at the request of the Board, note in the register kept under the Act an order made by the Board.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
<b>10. Directions about how to comply with order</b>	
10.1 The power pursuant to Section 53(1) of the Act to issue, from time to time, written directions to a person who owns or is responsible for the control of a dog subject to an order under Division 3 of Part 5 of the Act about how the order may be complied with in the area of the Council.	<b>GMCB, MCS, CSOL</b>
<b>11. Power of court to order destruction or control of dog on application</b>	
11.1 The power pursuant to Section 59 of the Act to apply to the Magistrates Court for any order in relation to a dog that the Court could have made if the proceedings had been criminal proceedings under the Act.	<b>GMCB, MCS</b>
<b>12. Prohibition orders</b>	
12.1 The power pursuant to Section 59A(1) of the Act to, in accordance with Division 3 of Part 5 of the Act, make a Prohibition Order against a person.	<b>GMCB, MCS</b>
12.2 The power pursuant to Section 59A(2)(b)(ii) of the Act to approve some other place to that specified in the order for a dog to be kept or detained until destroyed or disposed of.	<b>GMCB, MCS</b>
12.3 The power pursuant to Section 59A(3) of the Act upon the Delegate's own initiative or on application, to make a Prohibition Order against a person if satisfied that, subject to Section 59A(4) of the Act:	<b>GMCB, MCS</b>
12.3.1 while the person owned or was responsible for the control of a dog, the dog attacked, harassed or chased a person or animal or bird owned by or in the charge of a person in circumstances that would constitute an offence against the Act; and	
12.3.1.1 the dog was already subject to a Destruction Order or a Control (Dangerous Dog) Order; or	
12.3.1.2 during the 5 years preceding the event referred to in Section 59A(3)(a) of the Act, a Destruction Order or a Control (Dangerous Dog) Order was made in relation to some other dog on grounds that arose while the person owned or was responsible for the control of that other dog.	
12.4 The power pursuant to Section 59A(3a) of the Act to, on the Delegate's own initiative or on application, make a Prohibition	<b>GMCB, MCS</b>

Order against a person if satisfied that the person is subject to a supervision order under Section 269O of the <i>Criminal Law Consolidation Act 1935</i> .	
12.5 The power pursuant to Section 59A(5) of the Act to:	<b>GMCB, MCS</b>
12.5.1 make an order in the manner and form required by the Board; and	
12.5.2 record the order in a manner and form approved by the Board, and keep the record readily available for public inspection.	
12.6 The power pursuant to Section 59A(6) of the Act to revoke an order made by the Council by written notice to the person against whom the order was made.	<b>GMCB, MCS</b>
12.7 The power pursuant to Section 59A(7) of the Act to enter a note of the revocation in the record kept by the Council under Section 59A of the Act.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
<b>13. Procedure following seizure of dog</b>	
13.1 The power pursuant to Section 61(4) of the Act if a dog is seized in order to prevent or stop it attacking, harassing or chasing a person or an animal or bird because it is unduly dangerous, to as soon as practicable, proceed to consider making an order in relation to the dog or applying to the Magistrates Court for an order in relation to the dog.	<b>CSO, GMCB, MCS, CSOL, ACSO</b>
13.2 The power pursuant to Section 61(6) of the Act to recover the cost of taking action under Section 61(3) of the Act from the person who owns or is responsible for the control of the dog as a debt due to the Council.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
<b>14. Power to seize and detain cats</b>	
14.1 The power pursuant to Section 64(2)(c) of the Act to nominate a facility at which cats may be destroyed.	<b>GMCB, MCS</b>
<b>15. Certain bodies may microchip and desex detained dogs and cats</b>	
15.1 The power pursuant to Section 64B(1) of the Act, despite any other provision of the Act, or any other Act or law, if the Council is detaining a dog or cat seized under the Act or any other Act, to, in accordance with any guidelines determined by the Board for the purposes of Section 64B of the Act, do 1 or more of the following:	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
15.1.1 microchip the dog or cat;	
15.1.2 desex the dog or cat;	

---

15.1.3 cause the dog or cat to be microchipped or desexed or both.	
15.2 The power pursuant to Section 64B(2) of the Act to recover the cost of taking action under Section 64B of the Act as a debt from a person who owns or is responsible for the control of the dog or cat.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
Nil	Nil

**APPENDIX 8**

**INSTRUMENT OF DELEGATION UNDER THE  
ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION  
CLEARANCE) REGULATIONS 2010**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Power to Carry Out Work on Public Land</b>	<b>SUB DELEGATION</b>
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.	<b>GMAD, ME, SPMID, TTL</b>
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.	
1.3 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.	
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.	
<b>2. Duties in Relation to Vegetation Clearance</b>	
2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the function under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	<b>GMAD, ME, MFS, SPMID, ECL</b>

<b>3. Vegetation Clearance Schemes</b>	
3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's area and a prescribed area.	<b>GMAD, ME, MFS, SPMID, ECL</b>
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:	<b>GMAD, ME, MFS, SPMID, ECL</b>
3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its function to clear vegetation;	
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;	
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;	
3.2.4 confer on the Council the function to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;	
3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;	
3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;	
3.2.7 make provision for other related matters.	
3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	<b>GMAD, ME, MFS, SPMID, ECL</b>
<b>4. Vegetation Clearance Scheme Dispute</b>	
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.	<b>GMAD, ME, SPMID, ECL</b>



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.	<b>GMAD, ME, SPMID, ECL</b>
<b>5. Determinations</b>	
5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the function to keep vegetation clear of public powerlines.	<b>GMAD, ME, SPMID, ECL</b>
<b>6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas</b>	
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement:	<b>GMAD, ME, MFS, SPMID, ECL</b>
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.	
<b>7. Program for Undergrounding of Powerlines</b>	
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.	<b>GMAD, ME, SPMID</b>
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.	<b>GMAD, ME, SPMID</b>
7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	<b>GMAD, ME, SPMID</b>

**ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE)**  
**REGULATIONS 2010**

<b>8. Function of Electricity Entity or Council</b>	
8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 ( <b>the Regulations</b> ) 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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
<b>9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance</b>	
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
<b>10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity</b>	
10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its function to clear vegetation in the area of the Council or part of that area.	<b>GMAD, ME, MFS, SPMID, ECL</b>
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
<b>11. Objections Relating to Vegetation Clearance</b>	
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>
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.	<b>GMAD, ME, MFS, SPMID, ECL</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**APPENDIX 9**

**INSTRUMENT OF DELEGATION UNDER THE  
ELECTRONIC CONVEYANCING NATIONAL LAW  
(SOUTH AUSTRALIA) ACT 2013**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Client authorisation	SUB DELEGATION
1.1 The power pursuant to Section 10(1) of the <i>Electronic Conveyancing National Law (South Australia) Act 2013</i> (the Act) to:	<b>GMSC, MDS</b>
1.1.1 Complete a client authorisation:	
1.1.1.1 That is in the form required by the participation rules; and	
1.1.1.2 By which the Delegate authorises a subscriber to do one or more things on the Council's behalf in connection with a conveyancing transaction so that the transaction, or part of the transaction, can be completed electronically.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

## **APPENDIX 10**

### **INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010 AND ENVIRONMENT PROTECTION (AIR QUALITY) POLICY 2016**

#### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

#### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>INSTRUMENT</b>	<b>SUB DELEGATION</b>
<b>1. Appointment of authorised officers</b>	
1.1 The power pursuant to Section 85(3) of the Environment Protection Act 1993 (the Act), to appoint authorised officers for the purposes of the Act.	<b>GMAD, GMCB, GMSC</b>
1.2 The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	<b>GMAD, GMCB, GMSC</b>
1.3 The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	<b>GMAD, GMCB, GMSC</b>
<b>2. Site contamination assessment orders</b>	
2.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the <i>Natural Resources Management Act 2004</i> , be required under that Act, and where the Council is the authority under the <i>Natural Resources Management Act 2004</i> to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	

<b>3. Site Remediation Orders</b>	
3.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the <i>Natural Resources Management Act 2004</i> , be required under that Act, and where the Council is the authority under the <i>Natural Resources Management Act 2004</i> to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.	

**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION  
(WASTE TO RESOURCES) POLICY 2010**

4. The requirement pursuant to Clause 17(2) of the <i>Environment Protection (Waste to Resources) Policy 2010</i> to comply with prescribed requirements in respect of medical waste received by the Council.	<b>GMCB, MCS, EHL</b>
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**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION  
(AIR QUALITY) POLICY 2016**

5. Burning Permit 5.1 The power to issue a burning permit under clause 6(1) 5.2 The power to determine the manner and form for apply for a burning permit.	<b>GMCB</b>
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## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil



**APPENDIX 11**

**INSTRUMENT OF DELEGATION UNDER THE  
ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

INSTRUMENT	SUB DELEGATION
1 The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the Act.	GMSC, MDS
2. The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	GMSC, MDS
3. The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate under the circumstances.	GMSC, MDS
4. The power pursuant to Section 17(4)(a) of the Act to make application to the Court to:  4.1 dismiss or determine any proceedings that appear:  (a) to be frivolous or vexatious; or (b) to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose;  4.2 after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent;  4.3 give summary judgement against a party:  (a) who obstructs or unnecessarily delays the proceedings; or (b) who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or (c) who fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.	GMSC, MDS

5.	The power pursuant to Section 17(4b) to settle costs between parties in accordance with the scale prescribed for the purpose.	<b>GMSC, MDS</b>
6.	The power pursuant to Section 28B of the Act to consent to mediation to achieve a negotiated settlement of the matter.	<b>GMSC, MDS</b>
7	The power pursuant to Section 28B(6) of the Act to permit evidence of anything said or done in the course of processes to be admissible in proceedings before the Court	<b>GMSC, MDS</b>
8.	The power pursuant to Section 29(2) to apply for an adjournment of the hearing of the proceedings if appropriate and necessary.	<b>GMSC, MDS</b>
9.	The power pursuant to Section 30(4) of the Act to appeal against any judgement given in those proceedings	<b>GMSC, MDS</b>
10.	The power pursuant to Section 43(1) of the Act where a judgement or order is made by the Court to make application to the registrar for a certified copy of the judgement or order.	<b>GMSC, MDS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**APPENDIX 12**

**INSTRUMENT OF DELEGATION UNDER THE  
EXPIATION OF OFFENCES ACT 1996**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Certain offences may be expiated</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 5(1) of the <i>Expiation of Offences Act 1996</i> (the Act) to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.	<b>ACSO, CSO, CSOL, GMCB, MDS, EHL, MCS</b>
<b>2. Expiation notices</b>	
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	
<b>3. Review of notices on ground that offence is trifling</b>	
3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:	<b>ACSO, CSO, CSOL, GMCB, MDS, EHL, MCS</b>
3.1.1 to provide further information; and	
3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	

3.2	The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	<b>ACSO, CSO, CSOL, GMCB, MDS, MCS, EHL</b>
3.3	The function pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	<b>ACSO, CSO, CSOL, MCS, GMCB, MDS, EHL, EHO</b>
3.4	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under Section 22 of the <i>Fines and Enforcement Debt Recovery Act 2017</i> is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
<b>4. Expiation reminder notices</b>		
4.1	The power pursuant to Section 11(1) of the Act to give an expiation reminder notice in the prescribed form to the alleged offender.	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
<b>5. Expiation enforcement warning notices</b>		
5.1	The power pursuant to Section 11A(1) to issue an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
<b>6. Late payment</b>		
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation fee at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
<b>7. Withdrawal of Expiation Notices</b>		
7.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
7.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	

7.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	
7.1.3 the notice is defective; or	
7.1.4 in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or	
7.1.5 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	
7.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	<b>GMCB, MDS, MCS</b>
7.3 The power pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
7.4 The function pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under this Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
<b>8. Provision of Information</b>	
8.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:	<b>ACSO, CSO, CSOL GMCB, GMSC, MCD, MCS, MDS, EHL, EHO</b>
8.1.1 The manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	
8.1.2 The manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**APPENDIX 13**

**INSTRUMENT OF DELEGATION UNDER THE  
FENCES ACT 1975**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Notice of intention to perform fencing work</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 5(1) to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	<b>GMAD, ME, SPMID</b>
1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.	<b>GMAD, ME, SPMID</b>
<b>2. Cross-notice</b>	
2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and determine criteria under Section 6(2) of the Act, a cross-notice on an adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	<b>GMAD, ME, SPMID</b>
2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.	<b>GMAD, ME, SPMID</b>
<b>3. Agreement upon proposals and counter-proposals</b>	
3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).	<b>GMAD, ME, SPMID</b>
<b>4. Performance of fencing work</b>	
4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.	<b>GMAD, ME, SPMID</b>



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## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**APPENDIX 14**

**INSTRUMENT OF DELEGATION UNDER THE  
FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegate to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Amounts due under expiation notices may be treated as part of pecuniary sum</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 9(2) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.	<b>GMCB, MCS,</b>
<b>2. Arrangements as to manner and time of payment</b>	
2.1 The power pursuant to section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.	<b>ACSO, GMCB, MCS,</b>
2.2 The power pursuant to Section 20(18) to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the Chief Recovery Officer is to give the Council notice of the termination and the amount outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).	<b>ACSO, CSO, GMCB, MCS,</b>
<b>3. Enforcement Determination</b>	
3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery Officer relating to: (a) the alleged offender; and (b) the offence or offences that remain unexpiated; and (c) the amount due under the notice; and (d) compliance by the Council with the requirements of the Act and any other Act.	<b>ACSO, GMCB, MCS,</b>
3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.	<b>ACSO, GMCB, MCS</b>

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## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
<b>Nil</b>	<b>Nil</b>

**INSTRUMENT OF DELEGATION TO THE  
CHIEF EXECUTIVE OFFICER UNDER THE  
FIRE AND EMERGENCY SERVICES ACT 2005 AND THE  
FIRE AND EMERGENCY SERVICES REGULATIONS 2021**

In exercise of the powers contained in section 20 of the *Fire and Emergency Services Act 2005*, the powers and functions under the *Fire and Emergency Services Act 2005* and the *Fire and Emergency Services Regulations 2021* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **[Insert Date]** to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) and such powers and functions may be delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.
3. In this instrument 'SACFS' means the South Australian Country Fire Service.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Areas of urban bushfire risk	SUB DELEGATION
1.1 The power pursuant to Section 4A(3) of the <i>Fire and Emergency Services Act 2005</i> (the Act), to consult with and make submissions to the Commission before the Commission publishes a notice in the Gazette designating an area within a fire district as an area of urban bushfire risk pursuant to Section 4A(1) of the Act, varies an area designated under Section 4A(1) of the Act or revokes the designation of an area under Section 4A(1) of the Act.	<b>REMAINS WITH COUNCIL</b>
2. Use of facilities – State Bushfire Coordination Committee	
2.1 The power pursuant to Section 71C of the Act to make arrangements with the State Bushfire Co-ordination Committee for the State Bushfire Co-ordination Committee to make use of the services of the staff, equipment or facilities of the Council.	<b>GMCB, MCS</b>

<b>3. Use of facilities – Bushfire Management Committee</b>		
3.1	The power pursuant to Section 72D of the Act to make arrangements with a Bushfire Management committee for the Bushfire Management Committee to make use of the services of the staff, equipment or facilities of the Council.	<b>GMCB</b>
<b>4. Bushfire Management Area Plans</b>		
4.1	The power pursuant to Section 73A(7) of the Act, in relation to a proposal of a Bushfire Management Committee to create or amend a Bushfire Management Area Plan for its area, to consult with and make submissions to the Bushfire Management Committee where the Council's area is wholly or partly within the relevant bushfire management area.	<b>REMAINS WITH COUNCIL</b>
<b>5. Fire control officers</b>		
5.1	The power pursuant to Section 103(1) of the Act to request that the Chief Officer of the SACFS appoint a person as fire control officer for a designated area of the State (whether inside or outside a council area).	
5.2	The power pursuant to Section 103(2) of the Act to consult with and make submissions to the Chief Officer of the SACFS before the Chief Officer of the SACFS of his or her own initiative appoints a person as a fire control officer for a designated area of the State (whether inside or outside a council area) in relation to the proposed appointment.	
<b>6. Interpretation</b>		
6.1	The power pursuant to Section 105A of the Act to authorise for the purposes of Part 4A of the Act an authorised person appointed by the Council under the Local Government Act 1999.	
<b>7. Fire prevention officers</b>		
7.1	The power pursuant to Section 105B(1) of the Act and subject to Sections 105B(2) and 105B(3) of the Act, to appoint at least one person as a fire prevention officer for the Council's area.	
7.2	The power pursuant to Section 105B(3) of the Act to -	
7.2.1	In determining the number of fire prevention officers to appoint under Section 105B(1) of the Act and	

7.2.2	in assessing the qualifications or experience of a person for the purposes of Section 105B(2) of the Act,  take into account any policy developed by SACFS for the purposes of Section 105B of the Act.	
7.3	The power pursuant to Section 105B(4) of the Act to apply to the Chief Officer of the SACFS for an exemption for the Council from the requirement to appoint a fire prevention officer under Section 105B of the Act.	
<b>8. Reports</b>		
8.1	The power pursuant to Section 105E of the Act to, where required by written notice from the Commission, the State Bushfire Safety Co-ordination Committee or a Bushfire Management Committee in whose bushfire management area the Council's area is wholly or partly located, provide (within a period stated in the notice or at stated intervals) any report, or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the Council's area, as the Commission, the State Bushfire Co-ordination Committee or the Bushfire Management Committee (as the case may be) thinks fit.	<b>REMAINS WITH COUNCIL</b>
<b>9. Private land</b>		
9.1	The power pursuant to Section 105F(5) of the Act, if the Delegate believes on reasonable grounds –	<b>CSO, GMCB, MCS, CSOL</b>
9.1.1	That an owner of private land has failed to comply with Section 105F(1) of the Act; or	
9.1.2	That measures should be taken in respect of particular private land for the purpose of -	<b>CSO, GMCB, MCS, CSOL</b>
9.1.2.1	Preventing or inhibiting the outbreak of fire on the land; or	
9.1.2.2	Preventing or inhibiting the spread of fire through the land; or	
9.1.2.3	Protecting property on the land from fire, to, by notice in writing that complies with any requirements set out in the regulations, require the owner of the private land to take specified action to remedy the default or to protect the land or property on the land, within such time as may be specified in the notice.	

9.2	The power pursuant to Section 105F(6) of the Act and without limiting the operation of Section 105F(5) of the Act, to include in a notice under Section 105F(5) of the Act directions -	<b>CSO, GMCB, MCS, CSOL</b>
9.2.1	To trim or remove vegetation on the land; or	
9.2.2	To remove flammable or combustible materials or substances, or to store flammable or combustible materials or substances in a specified manner; or	
9.2.3	To eliminate a potential ignition source; or	
9.2.4	To create, establish or maintain fire breaks or fuel breaks.	
9.3	The power pursuant to Section 105F(9) of the Act to give a notice under Section 105(5) of the Act -	<b>CSO, GMCB, MCS, CSOL, ACSO</b>
9.3.1	personally; or	
9.3.2	by post; or	
9.3.3	if the delegate cannot, after making reasonable inquiries, ascertain the name and address of the person to whom the notice is to be given -	
9.3.3.1	by publishing the notice in a newspaper circulating in the locality of the land; and	
9.3.3.2	by leaving a copy of the notice in a conspicuous place on the land.	
9.4	The power pursuant to Section 105F(10) of the Act to, by further notice in writing, vary or revoke a notice under Section 105(5) of the Act.	<b>CSO, GMCB, MCS</b>
<b>10. Council land</b>		
10.1	The power pursuant to Section 105G(5) of the Act to consult with and respond to the Minister on the referral of a matter under Section 105G(4) of the Act.	
<b>11. Additional provision in relation to powers of authorised persons</b>		
11.1	The power pursuant to Section 105J(1) of the Act, for a purpose related to the administration, operation or enforcement of Part 4A of the Act, to -	<b>GMCB, MCS,</b>
11.1.1	At any reasonable time, after giving reasonable notice to the occupier of the land, enter the land; or	

11.1.2	With the authority of a warrant issued by a magistrate, or in circumstances in which the delegate reasonably believes that immediate action is required,  use reasonable force to break into or open any part of, or anything in or on, the land.	
11.2	The power pursuant to Section 105J(3) of the Act to apply for a warrant -	<b>GMCB, MCS</b>
11.2.1	either personally or by telephone; and	
11.2.2	in accordance with any procedures prescribed by the regulations.	
11.3	The power pursuant to Section 105J(4) of the Act, in exercising a power under Part 4A of the Act, to -	<b>CSO, GMCB, MCS, CSOL</b>
11.3.1	Give directions with respect to the stopping, securing or movement of a vehicle, plant, equipment or other thing;	
11.3.2	Take photographs, films, audio, video or other recordings;	
11.3.3	Give any other directions reasonably required in connection with the exercise of the power.	
11.4	The power pursuant to Section 105J(5) of the Act, in exercising a power under Part 4A of the Act, to be accompanied by such assistants as may reasonably be required in the circumstances.	<b>CSO, GMCB, MCS, CSOL, ACSO</b>
11.5	The power pursuant to Section 105J(6) of the Act, if an owner of land refuses or fails to comply with the requirements of a notice under Section 105F(5) of the Act, to proceed to carry out those requirements.	<b>CSO, GMCB, MCS, CSOL, ACSO</b>
11.6	The power pursuant to Section 105J(7) of the Act to authorise a person for the purposes of Section 105J(6) of the Act, to take action under Section 105J(6) of the Act on the Council's behalf.	<b>CSO, GMCB, MCS, CSOL, ACSO</b>
11.7	The power pursuant to Section 105J(8) of the Act, to recover the reasonable costs and expenses incurred by an authorised person in taking action under Section 105J(6) of the Act as a debt from the person who failed to comply with the requirements of the relevant notice, if the relevant notice was given by the Council or a fire prevention officer or an authorised person appointed by the Council and authorised for the purposes of Part 4A of the Act.	<b>GMCB, MCS</b>



11.8	The power pursuant to Section 105J(9) of the Act, if an amount is recoverable from a person by the Council under Section 105J(8) of the Act, to recover the amount as if it were rates in arrears.	<b>GMCB, MCS, MF</b>
<b>12. Power to provide sirens</b>		
12.1	The power pursuant to Section 129 of the Act to erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of a fire or the occurrence or threat of an emergency, and the power to test and use the siren.	

### **DELEGATIONS UNDER FIRE AND EMERGENCY SERVICE REGULATIONS 2021**

<b>13. Fires permitted under section 79(2) of the Act</b>		
13.1	The power pursuant to Regulation 30(4) of the <i>Fire and Emergency Services Regulations 2021</i> (the Regulations) to consult with and make submissions to the Chief Officer before the Chief Officer makes a notice under Regulation 32A of the Regulations.	
<b>14. Special provision relating to gas and electric cooking appliances</b>		
14.1	The power pursuant to Regulation 32(3), in addition to Regulation 32(1) and Regulation 32(2), by notice in the Gazette, to declare part of the Council area to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban in accordance with Regulation 32(4) of the Regulations, and such notice:	
14.1.1	Shall be in the form set out in Schedule 5; and	
14.1.2	May be limited in its operation to particular times of the day, and to particular days of the year; and	
14.1.3	Will operate subject to the prescribed conditions.	
14.1.4	Will operate subject to such other conditions (if any) as may be specified by the Council or the Chief Officer of the SACFS (as the case may be); and	
14.1.5	May be varied or revoked by further notice in the Gazette.	

<b>15. Roadside fire protection</b>	
15.1 The power pursuant to Regulation 49(1) of the Regulations, where the Council has the care, control and management of a road in the country, or roadside vegetation in the country, for the purpose of providing fire protection on a road, or the verge of a road, to -	
15.1.1 Light a fire on the road, or on the verge of the road; and	
15.1.2 While the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road;  subject to Regulation 49(2) of the Regulations.	
<b>16. Coronial inquests</b>	
16.1 The power pursuant to Regulation 64(b) of the Regulations to make representations to the South Australian Fire and Emergency Services Commission or an emergency services organisation that a coronial inquest should be held in relation to a fire or other emergency.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
1 - 16	That the power be exercised subject to the delegate complying with any relevant powers under the Act.

## **INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001**

In exercise of the power contained in section 91 of the *Food Act 2001* the powers and functions under the *Food Act 2001* are, subject to the conditions, limitations and provisos contained hereunder, hereby delegated this **[Insert Date]** to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) (the head of the enforcement agency) subject to the conditions or limitations indicated in the Schedule of Conditions contained in the Instrument of Delegation under the *Food Act 2001* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Seizure</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 42(2) of the <i>Food Act 2001</i> (the Act) to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	<b>EHO, GMCB, MCS, EHL</b>
1.2 The power pursuant to Section 42(3)(a) of the Act to authorise -	<b>GMCB, MCS, EHL, EHO</b>
1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from who it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions under Section 42(3)(b)(i)(B) of the Act; or	
1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council.	

1.3	The power pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated-	EHO, GMCB, MCS, EHL
1.3.1	if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and	
1.3.2	not make payment of any compensation in respect of the food or other perishable thing.	
1.4	The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	EHO, GMCB, MCS, EHL
2. Review of decision to refuse certificate of clearance		
2.1	The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the decision, to respond to the review body on behalf of the Council.	GMCB, MCS, EHL
3. Review of order		
3.1	The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act, is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> for a review of the determination, to respond to that review body on behalf of Council.	GMCB, MCS, EHL
4. Auditing and reporting		
4.1	The power pursuant to Section 79(1) of the Act to determine:	EHO, GMCB, MCS, EHL
4.1.1	the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and	
4.1.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business.	
In accordance with Section 79(2) of the Act.		

4.2	The power pursuant to section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.	<b>EHO, GMCB, MCS, EHL</b>
<b>5. Appointment of Authorised Officers</b>		
5.1	The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the function upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	<b>GMAD, GMCB, GMSC</b>
<b>6. Certificates of Authority</b>		
6.1	The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	<b>GMAD, GMCB, GMSC</b>
<b>7. Offences</b>		
7.1	The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences -	<b>GMCB, MCS</b>
<b>Section</b>		<b>Offence</b>
Section 13(1)	Handling food intended for sale in a manner that the person knows will render or is likely to render, the food unsafe.	
Section 13(2)	Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.	
Section 14(1)	Selling food that the person knows is unsafe.	
Section 14(2)	Selling food that the person ought reasonably to know is unsafe.	
Section 16(1)	Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.	
Section 16(2)	Selling food that is unsafe.	
Section 17(1)	Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.	
Section 17(2)	Selling food that is unsuitable.	

Section 21(1)	Failing to comply with any requirement imposed by a provision of the foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.	
Section 21(2)	Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.	
Section 39	Failure, without reasonable excuse, to comply with a requirement of an authorised officer.	
Section 40	Providing information or producing any document that the person knows is false or misleading in a material particular.	
Section 41(1)	Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.	
Section 41(2)	Impersonating an authorised officer.	
Section 42(2)	Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.	
Section 50	Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.	
Section 86(1)	Failure to notify of a food business before the business is conducted.	
Section 86(2)	Failure to notify of a food business that is being conducted.	
Section 86(3)	Failure to notify of a food business that is transferred or which has changed its name or address.	
7.2 The power pursuant to Section 29(2) of the Act to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.		<b>GMCB, MCS</b>
7.3 The power pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence		<b>GMCB, MCS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil



**INSTRUMENT OF DELEGATION UNDER THE  
FREEDOM OF INFORMATION ACT 1991 AND  
THE FREEDOM OF INFORMATION (FEES AND CHARGES)  
REGULATIONS 2018**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**Note conditions and limits apply to all positions as follows:**

The Chief Executive Officer must ensure that an Accredited FOI officer deals with an application for access to Council documents in accordance with this Act.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Availability of information statement and policy documents</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 10(2) of the Act to delete information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise then by virtue of Clause 9 or 10 of Schedule 1 to the Act.	<b>GMSC, SGL</b>
<b>2. Transfer of application</b>	
2.1 The power pursuant to Section 16(1) of the Act to transfer an application for access to Council's documents to another agency if the document to which it relates:	<b>GMSC, SGL</b>
2.1.1 is not held by the Council but is, to the knowledge of the Council, held by the other agency; or	
2.1.2 is held by the Council but is more closely related to the functions of the other agency.	
2.2 The power pursuant to Section 16(5) of the Act not to include in a notice under Section 16(3) any matter which by its inclusion would result in the notice being an exempt document.	<b>GMSC, SGL</b>

<b>3. Council may require advance deposits</b>	
3.1 The power pursuant to Section 17(1) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the application fee, and to request the applicant to pay such reasonable amount, by way of advance deposit, as the Delegate may determine.	<b>GMSC, SGL</b>
3.2 The power pursuant to Section 17(2) of the Act to form the opinion that the cost of dealing with an application is likely to exceed the sum of the application fee and of any advance deposits paid in respect of the application and, to request the applicant to pay such reasonable amount, by way of further advance deposit as the Delegate may determine.	<b>GMSC, SGL</b>
<b>4. Council may refuse to deal with certain applications</b>	
4.1 The power pursuant to Section 18(1) of the Act to refuse to deal with an application if it appears to the Delegate that the nature of the application is such that the work involved in dealing with it (within the period allowed under Section 14 of the Act or, within any reasonable extension of that period under Section 14A of the Act) would, if carried out, substantially and unreasonably divert the Council's resources from their use by the Council in the exercise of its functions.	<b>GMSC, SGL</b>
4.2 The power pursuant to Section 18(2a) of the Act to refuse to deal with an application if the Delegate forms the opinion that the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.	<b>GMSC, SGL</b>
4.3 The power pursuant to Section 18(3) of the Act to refuse to continue dealing with an application if:	<b>GMSC, SGL</b>
4.3.1 the Delegate has requested payment of an advance deposit in relation to the application; and	
4.3.2 payment of the deposit has not been made within the period specified in the request.	
4.4 The power pursuant to Section 18(7) of the Act not to include in a notice under Section 18(5) of the Act any matter which by its inclusion would result in the notice being an exempt document.	<b>GMSC, SGL</b>
<b>5. Determination of applications</b>	
5.1 The power pursuant to Section 19(1) of the Act, after considering an application for access to the Council's documents, to determine:	<b>GMSC, SGL</b>

5.1.1	whether access to the document is to be given (either immediately or subject to deferral) or refused; and	
5.1.2	if access to the document is to be given, any charge payable in respect of the giving of access; and	
5.1.3	any charge payable for dealing with the application.	
5.2	The power pursuant to Section 19(2a) of the Act to make a determination to give access to a document on an application after the period within which the Delegate was required to deal with the application.	<b>GMSC, SGL</b>
<b>6. Refusal of access</b>		
6.1	The power pursuant to Section 20(1) of the Act to refuse access to a document:	<b>GMSC, SGL</b>
6.1.1	if it is an exempt document;	
6.1.2	if it is a document that is available for inspection at the Council or some other agency (whether as a part of a public register or otherwise) in accordance with Part 2 of the Act, or in accordance with a legislative instrument other than the Act, whether or not inspection of the document is subject to a fee or charge;	
6.1.3	if it is a document that is usually and currently available for purchase;	
6.1.4	if it is a document that:	
6.1.4.1	was not created or collated by the Council itself; and	
6.1.4.2	genuinely forms part of library material held by the Council; or	
6.1.5	subject to the exceptions listed at Section 20(2) of the Act if it is a document that came into existence before 1 January 1987.	
<b>7. Deferral of access</b>		
7.1	The power pursuant to Section 21(1) of the Act to defer access to a document:	<b>GMSC, SGL</b>
7.1.1	if it is a document that is required by law to be published but is yet to be published;	
7.1.2	if it is a document that has been prepared for presentation to Parliament, but is yet to be presented; or	

7.1.3	if it is a document that has been prepared for submission to a particular person or body, but is yet to be submitted.	
<b>8.</b>	<b>Forms of access</b>	
8.1	The power pursuant to Section 22(1) of the Act to give a person access to a document by –	<b>GMSC, SGL</b>
(a)	giving the person a reasonable opportunity to inspect the document; or	
(b)	giving the person a copy of the document; or	
(c)	in the case of a document from which sounds or visual images are capable of being reproduced, whether or not with the aid of some other device by making arrangements for the person to hear or view those sounds or visual images; or	
(d)	in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of sound by giving the person a written transcript of the words recorded in the document; or	
(e)	in the case of a document in which words are contained in the form of shorthand writing or in encoded form-by giving the person a written transcript of the words contained in the document; or	
(f)	in the case of a document in which words are recorded in a manner in which they are capable of being reproduced in the form of a written document-by giving the person a written document so reproduced.	
8.2	The power pursuant to Section 22(2) of the Act to give an applicant access to a document in a particular way requested by the applicant unless giving access as requested:	<b>GMSC, SGL</b>
8.2.1	would unreasonably divert the resources of the Council (or, if the document is in the custody of State Records, the resources of State Records) from their use for other official purposes; or	
8.2.2	would be detrimental to the preservation of the document or (having regard to the physical nature of the document) would otherwise not be appropriate; or	
8.2.3	would involve an infringement of copyright in matter contained in a document,	
	in which case access may be given in some other way.	

8.3	The power pursuant to Section 22(3) of the Act where an applicant has requested that access to a document be given in a particular way and access is given in some other way, not to require the applicant to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay had access been given as requested.	<b>GMSC, SGL</b>
8.4	The power pursuant to Section 22(4) of the Act but subject to Section 22(2a) of the Act to agree with the applicant the particular way access to a document is to be given.	<b>GMSC, SGL</b>
8.5	The power pursuant to Section 22(5) of the Act to refuse to give access to a document if a charge payable in respect of the application, or giving access to the document, has not been paid.	<b>GMSC, SGL</b>
<b>9. Notices of determination</b>		
9.1	The power pursuant to Section 23(3) of the Act where an applicant applies for access to a document that is an exempt document for reasons related to criminal investigation or law enforcement, to give notice to the applicant in the form that neither admits or denies the existence of the document and, if disclosure of the existence of the document could prejudice the safety of a person, the function to ensure that notice is given in that form.	<b>GMSC, SGL</b>
9.2	The power pursuant to Section 23(4) of the Act not to include in a notice under this Section any matter which by its inclusion would result in the notice being an exempt document.	<b>GMSC, SGL</b>
<b>10. Documents affecting inter-governmental or local governmental relations</b>		
10.1	The power pursuant to Section 25(2) of the Act not to give access under the Act to a document which contains matter concerning the affairs of the Government of the Commonwealth or of another State or a council (including a council constituted under a law of another State) unless the Council has taken such steps as are reasonably practicable to obtain the views of the Government or council concerned as to whether or not the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act.	<b>GMSC, SGL</b>
10.2	The power pursuant to Section 25(3) of the Act, if:	
10.2.1	the Delegate determines, after having sought the views of the Government or council concerned, that access to a document to which Section 25(2) of the Act applies is to be given; and	<b>GMSC, SGL</b>

10.2.2	the views of the Government or council concerned are that the document is an exempt document by virtue of Clause 5 of Schedule 1 to the Act,	
	to forthwith give written notice to the Government or council concerned:	
10.2.3	that the Council has determined that access to the document is to be given; and	
10.2.4	of the rights of review and appeal conferred by the Act in relation to the determination; and	
10.2.5	of the procedures to be followed for the purpose of exercising those rights; and	
	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	
<b>11. Documents affecting personal affairs</b>		
11.1	The power pursuant to Section 26(2) of the Act not to give access under the Act to a document which contains information concerning the personal affairs of any person (whether living or dead) except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act.	<b>GMSC, SGL</b>
11.2	The power pursuant to Section 26(3) of the Act, if:	<b>GMSC, SGL</b>
11.2.1	the Delegate determines, after having sought the views of the person concerned, that access to a document to which Section 26(2) of the Act applies is to be given; and	
11.2.2	the views of the person concerned are that the document is an exempt document by virtue of Clause 6 of Schedule 1 to the Act; or	
11.2.3	after having taken reasonable steps to obtain the views of the person concerned, the Delegate is unable to obtain the views of the person and determines that access to the documents should be given,	
	to forthwith give written notice to the person concerned:	

11.2.4	that the Delegate has determined that access to the document is to be given; and	
11.2.5	of the rights of review conferred by the Act in relation to the determination; and	
11.2.6	of the procedures to be followed for the purpose of exercising those rights; and	
	defer giving access to the document until after the expiration of the period within which an application for review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	
11.3	The power pursuant to Section 26(4) of the Act where:-	<b>GMSC, SGL</b>
11.3.1	an application is made to the Council for access to a document to which Section 26 of the Act applies; and	
11.3.2	the document contains information of a medical or psychiatric nature concerning the applicant; and	
11.3.3	the Delegate is of the opinion that disclosure of the information to the applicant may have an adverse effect on the physical or mental health or emotional state, of the applicant; and	
11.3.4	the Delegate decides that access to the document is to be given,	
	to give access to the document to a registered medical practitioner nominated by the applicant.	
<b>12. Documents affecting business affairs</b>		
12.1	The power pursuant to Section 27(2) of the Act not to give access under the Act to a document which contains:	<b>GMSC, SGL</b>
12.1.1	information concerning the trade secrets of any person; or	
12.1.2	information (other than trade secrets) that has a commercial value to any person; or	
12.1.3	any other information concerning the business, professional, commercial or financial affairs of any person;	
	except to the person concerned, unless the Council has taken such steps as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act.	

12.2 The power pursuant to Section 27(3) of the Act, if:	<b>GMSC, SGL</b>
12.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 27(2) of the Act applies is to be given; and	
12.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 7 of Schedule 1 to the Act,	
to forthwith give written notice to the person concerned:	
12.2.3 that the Council has determined that access to the document is to be given; and	
12.2.4 of the rights of review conferred by the Act in relation to the determination; and	
12.2.5 of the procedures to be followed for the purpose of exercising those rights; and	
defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	
<b>13. Documents affecting the conduct of research</b>	
13.1 The power pursuant to Section 28(2) of the Act not to give access under the Act to a document which contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person except to the person concerned, unless such steps have been taken as are reasonably practicable to obtain the views of the person concerned as to whether or not the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act.	<b>GMSC, SGL</b>
13.2 The power pursuant to Section 28(3) of the Act, if:	<b>GMSC, SGL</b>
13.2.1 the Delegate determines, after seeking the views of the person concerned, that access to a document to which Section 28(2) of the Act applies is to be given; and	
13.2.2 the views of the person concerned are that the document is an exempt document by virtue of Clause 8 of Schedule 1 to the Act,	
to forthwith give written notice to the person concerned:	



13.2.3	that the Council has determined that access to the document is to be given; and	
13.2.4	of the rights of review and appeal conferred by the Act in relation to the determination; and	
13.2.5	of the procedures to be followed for the purpose of exercising those rights; and	
	defer giving access to the document until after the expiration of the period within which an application for a review under the Act may be made or, if such an application is made, until after the application has been finally disposed of.	
<b>14. Internal review</b>		
14.1	The power pursuant to Section 29(3) of the Act, where an application for review of a determination is made under Part 3 of the Act and in accordance with Section 29(2) of the Act, to confirm, vary or reverse the determination under review.	<b>GMSC, SGL</b>
<b>15. Determination of applications</b>		
15.1	The power pursuant to Section 34 of the Act to determine within thirty (30) days of its receipt an application for amendment of the Council's records by amending the Council's records in accordance with the application or, by refusing to amend the Council's records.	<b>GMSC, SGL</b>
<b>16. Refusal to amend records</b>		
16.1	The power pursuant to Section 35 of the Act to refuse to amend the Council's records in accordance with an application:	<b>GMSC, SGL</b>
(a)	if the Delegate is satisfied that the Council's records are not incomplete, incorrect, out of date or misleading in a material respect; or	
(b)	if the Delegate is satisfied that the application contains a matter that is incorrect or misleading in a material respect; or	
(c)	if the procedures for amending the Council's records are prescribed by or under the provisions of a legislative instrument other than the Act, whether or not amendment of those records is subject to a fee or charge.	

<b>17. Notices of determination</b>	
17.1 The power pursuant to Section 36(3) of the Act not to include in a notice given under Section 36(1) of the Act any matter which by its inclusion would result in the notice being an exempted document.	<b>GMSC, SGL</b>
<b>18. Notations to be added to records</b>	
18.1 The power pursuant to Section 37(3)(b) of the Act to include in the statement the reason for the Council's refusal to amend its records in accordance with the notation.	<b>GMSC, SGL</b>
<b>19. Internal Review</b>	
19.1 The power pursuant to Section 38(3) of the Act, where an application for review of a determination is made under Part 4 of the Act and in accordance with Section 38(2) of the Act to, confirm, vary or reverse the determination under review.	<b>GMSC, SGL</b>
<b>20. Review by Ombudsman</b>	
20.1 The power pursuant to Section 39(5)(b)(i) of the Act to sort or compile documents relevant to a review under Section 39 of the Act or to undertake consultation.	<b>GMSC, SGL</b>
20.2 The power pursuant to Section 39(5)(b)(ii) of the Act to attend at a time and place specified by the relevant review authority (as defined by the Act) for the purposes of sorting or compiling documents relevant to a review under Section 39 of the Act or to undertake consultation.	<b>GMSC, SGL</b>
20.3 The power to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act; and to participate in and effect a settlement conducted under Section 39(5)(c)(i) of the Act.	<b>GMSC, SGL</b>
20.4 The power pursuant to Section 39(7) to cooperate in a process proposed by the relevant review authority (as defined by the Act) for the purposes of the conduct of a review under Section 39 of the Act (including any attempt of the relevant review authority to effect a settlement between the participants) and to do all such things as are reasonably required to expedite the process.	<b>GMSC, SGL</b>
<b>21. Reviews by SACAT</b>	
21.1 The power pursuant to Section 40(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> of the determination by SACAT on a question of law.	<b>GMSC, SGL</b>

<b>22. Consideration of restricted documents</b>	
22.1 The power pursuant to Section 41(1) of the Act and with the permission of SACAT, to apply for a review under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of the determination by SACAT on a question of law.	<b>GMSC, SGL</b>
<b>23. Fees and charges</b>	
23.1 The power pursuant to Section 53(2a) of the Act, as the Delegate thinks fit, to waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.	<b>GMSC, SGL</b>
23.2 The power pursuant to Section 53(3) of the Act, where the Delegate determines a fee or charge, to review the fee or charge on request of the person required to pay the same, and if the Delegate thinks fit, reduce it.	<b>GMSC, SGL</b>
23.3 The power pursuant to Section 53(5) of the Act to recover a fee or charge as a debt due and owing to the Council.	<b>GMSC, SGL</b>
<b>24. Documents containing confidential material</b>	
24.1 The power pursuant to clause 13(2)(b)(iii) of Schedule 1 of the Act to approve a term for inclusion in a contract that the disclosure of the matter in the contract would constitute a breach of the contract or found an action for breach of confidence.	<b>GMSC, SGL</b>

**DELEGATIONS UNDER THE FREEDOM OF INFORMATION**  
**(FEES AND CHARGES) REGULATIONS 2018**

<b>25. Fees and charges</b>	<b>SUB DELEGATION</b>
25.1 The power pursuant to Regulation 5 of the <i>Freedom of Information (Fees and Charges) Regulations 2018</i> to waive or remit the fee or charge where a person, liable to pay a fee or charge to the Council under the Act, satisfies the delegate that: <ul style="list-style-type: none"> <li>(a) he or she is a concession cardholder; or</li> <li>(b) payment of the fee would cause financial hardship to the person.</li> </ul>	<b>GMSC, SGL</b>
25.2 The power pursuant to Regulation 6 of the <i>Freedom of Information (Fees and Charges) Regulations 2018</i> to provide a Member of Parliament, who applies for access to Council documents under the Act, access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1 of the Act) totalling more than \$1,000.	<b>GMSC, SGL</b>

## **SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013**

In exercise of the powers contained in section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **[Insert Date]** to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions or limitations indicated in the Schedule of Conditions contained in the Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Deciding request for consent generally	SUB DELEGATION
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 the give the consent:	<b>GMAD, ME, SPMID, TOT, TTL</b>
1.1.1 Within:	
1.1.1.1 28 days after the request is made, or 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.	

1.2	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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
1.3	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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
1.5 The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	<b>GMAD, ME, SPMID, TOT, TTL</b>
1.6 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:	<b>GMAD, ME, SPMID, TOT, TTL</b>
1.6.1 For a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	
1.6.2 For a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisation.	
1.7 The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>2. Action pending consultation with third party</b>	
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).	<b>GMAD, ME, SPMID, TOT, TTL</b>
2.2 The power pursuant to Section 158(4) of the Act, if:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	

<b>3. Deciding request for consent if route assessment required</b>	
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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
3.2 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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>4. Imposition of road conditions</b>	
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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
4.2 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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>5. Imposition of travel conditions</b>	
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>



<b>6. Imposition of vehicle conditions</b>	
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>7. Expedited procedure for road manager's consent for renewal of mass or dimension authority</b>	
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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
<b>8. Granting limited consent for trial purposes</b>	
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>9. Renewal of limited consent for trial purposes</b>	
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>10. Amendment or cancellation on Regulator's initiative</b>	
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.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>11. Amendment of cancellation on request by relevant road manager</b>	
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:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	
<b>12. Amendment or cancellation on application by permit holder</b>	
12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	<b>GMAD, ME, SPMID, TOT, TTL</b>
<b>13. Amendment or cancellation on request by relevant road manager</b>	
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, has:	<b>GMAD, ME, SPMID, TOT, TTL</b>
13.1.1 caused, or is likely to cause, damage to road infrastructure; or	
13.1.2 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 posed or is likely to pose, significant risk to public safety arising from heavy vehicle use incompatible with road infrastructure or traffic conditions.	

13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:	<b>GMAD, ME, SPMID, TOT, TTL</b>
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.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

DELEGATED POWER	SUB DELEGATION
1. The power pursuant to Section 12(1) of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> (the Act) within eight clear business days after receiving a request for information under this Section, to provide the applicant with information reasonably required as to -	<b>GMAD, MDS</b>
1.1 any charge or prescribed encumbrance over land within the Council's area of which the Council has the benefit; or	
1.2 insurance under Division 3 of Part 5 of the <i>Building Work Contractors Act 1995</i> , in relation to a building on land within the Council's area.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
LANDSCAPE SOUTH AUSTRALIA ACT 2019 AND  
LANDSCAPE SOUTH AUSTRALIA (GENERAL) REGULATIONS 2020**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

DELEGATED POWER	SUB DELEGATION
<b>1. Special Vesting of Infrastructure</b>	
1.1 The power pursuant to Section 32(7) of the <i>Landscape South Australia Act 2019 (the Act)</i> to consent in writing to the Governor making a proclamation under Sections 32(1), (2) or (6) of the Act in relation to infrastructure or land vested in or under the care, control or management of the Council.	
<b>2. Power of Delegation</b>	
2.1 The power pursuant to Section 37(1)(c) of the Act to approve a regional landscape board delegating a function or power of the board under the Act or any other Act to the Council or an officer of the Council.	
<b>3. Use of Facilities</b>	
3.1 The power pursuant to Section 41 of the Act to make arrangements with a regional landscape board for the regional landscape board to make use of the services of the staff, equipment or facilities of the Council.	
<b>4. Key Features of Plan</b>	
4.1 The power pursuant to Section 47(7) of the Act to, when performing functions or exercising powers under the <i>Local Government Act 1999</i> or any other Act, have regard to any regional landscape plan that applies within the relevant area and in particular to give consideration to the question	

whether the Council should implement changes to the manner in which, or the means by which, it performs a function or exercises a power or undertakes any other activity that has been identified in the plan as requiring change.	
<b>5. Annual Business Plan</b>	
5.1 The power pursuant to Section 51(5)(b) of the Act, if a regional landscape board is intending to include in its annual business plan any proposal referred to in Section 51(4) of the Act, which relates to the payment (or proposed payment) of contributions by the Council under Part 5 Division 1 Subdivision 1 of the Act, to make submissions to the regional landscape board to the extent required by the regulations.	
<b>6. Payment of Contributions by Councils</b>	
6.1 The power pursuant to Section 67(1) of the Act, subject to Section 67(2) of the Act to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in each year to which the contribution relates.	<b>GMSC, MF</b>
6.2 The power pursuant to Section 67(2) of the Act, if notice of a regional landscape levy imposed by the Council in respect of a financial year could not be included in the notice of general rates for that year because the regional landscape board's annual business plan was not finalised (and, if necessary, approved by the Minister) on or before 1 June preceding that year, to pay the Council's share in approximately equal instalments on 31 December, 31 March and 30 June in that year.	<b>GMSC, MF</b>
<b>7. Imposition of Levy by Councils</b>	
7.1 The power pursuant to Section 69(10) of the Act, if the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a regional landscape levy) under Section 143 of the <i>Local Government Act 1999</i> , to apply to the regional landscape board in accordance with the regulations, for a refund of an amount equal to the amount of the levy (not including any related interest) that has been written off.	<b>GMSC, MF</b>
<b>8. Board May Declare a Levy</b>	
8.1 The power pursuant to Section 72(6) of the Act to arrange with a regional landscape board for service of a notice to be affected as part of any other notice served by the Council and arrange with a regional landscape board for collection of a levy to be affected by the Council.	<b>GMSC, MF</b>



<b>9. Declaration of Prescribed Water Resources</b>	
9.1 The power pursuant to Section 101(6) of the Act to make submissions to the Minister in accordance with the notice served by the Minister on the Council.	
<b>10. Authorised Officers</b>	
10.1 The power pursuant to Section 202(4) of the Act to agree to the Minister appointing an officer of the Council as an authorised officer under Section 202 of the Act.	<b>GMAD, GMCB, GMSC</b>
<b>11. Management Agreements</b>	
11.1 The power pursuant to Section 219(3) of the Act to make submissions to the Minister within a period specified by the Minister in relation to a proposal to provide for the remission of any Council rates under Section 219(2)(j) of the Act.	

**LANDSCAPE SOUTH AUSTRALIA (GENERAL)**  
**REGULATIONS 2020**

<b>DELEGATED POWER</b>	<b>SUB DELEGATION</b>
<b>12. Refunds to Councils in Relation to Unpaid Regional Landscape Levies (Section 69(10) of the Act)</b>	
12.1 The power pursuant to Regulation 13(3) of the <i>Landscape South Australia (General) Regulations 2020</i> if:	<b>GMSC, MF</b>
12.1.1 the Council writes off a debt constituted by an unpaid regional landscape levy (or part of a levy); and	
12.1.2 a refund is made to the Council under Section 69(10) of the Act in relation to the unpaid levy; and	
12.1.3 the Council subsequently recovers an amount with respect to the unpaid levy as part of steps taken by the Council to recover rates in arrears under the <i>Local Government Act 1999</i> ,	
to pay the relevant amount to the regional landscape board that made the refund under Section 69(10) of the Act.	

<b>13. Cost of Councils (Section 70 of the Act)</b>	
13.1 The power pursuant to and subject to Regulation 14(4) of to recover establishment costs the amount being:	<b>GMSC, MF</b>
13.1.1 fair costs incurred by the Council with respect to:	
13.1.1.1 consulting with the relevant regional landscape board in relation to the basis for the regional landscape levy; and	
13.1.1.2 establishing the ability of the Council's rating system to deal with the regional landscape levy; and	
13.1.1.3 making any amendments to the Council's rating system on account of the imposition of the regional landscape levy; and	
13.1.1.4 conducting any tests involving the Council's rating system on account of the imposition of the regional landscape levy; and	
13.1.1.5 setting up and assigning codes within the Council's rating system on account of the imposition of the regional landscape levy; and	
13.1.1.6 obtaining any new assessment or valuation information on account of the imposition of the regional landscape levy; and	
13.1.1.7 confirming the imposition of the appropriate levy with respect to rateable land in the area of the Council; or	
13.1.2 \$10,848 (indexed), plus 71 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary under Regulation 14(6) of the General Regulations.	
13.2 The power pursuant to and subject to Regulation 14(7) to recover as ongoing costs the amount being:	<b>GMSC, MF</b>
13.2.1 fair costs as described in Regulation 14(3)(b); or	
13.2.2 \$2,532 (indexed), plus 25 cents (indexed) for each assessment of levy against a piece of rateable land.	

<p>13.3 The power pursuant to Regulation 14(9) and subject to Regulation 14(11), if the Council is seeking to recover any costs with respect to a particular financial year, other than the 2020/2021 financial year, to as a preliminary step, furnish to the relevant regional landscape board or boards, a reasonable estimate of the costs that the Council expects to claim under Regulation 14.</p>	<p><b>GMSC, MF</b></p>
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## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
LIQUOR LICENSING ACT 1997**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Application for review of Commissioner's decision</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the <i>Liquor Licensing Act 1997</i> (the Act), to apply to the Court for a review of the Commissioner's decision.	<b>DOP, GMSC, MDS, DAL</b>
<b>2. Extension of trading area</b>	
2.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	<b>DOP, GMSC, MDS, DAL</b>
<b>3. Rights of intervention</b>	
3.1 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.	<b>DOP, GMSC, MDS, DAL</b>
<b>4. General right to make written submissions</b>	
4.1 The power pursuant to Section 77(1) of the Act, subject to Section 77(2) of the Act, for the Council to make written submissions to the Commissioner in response to an application that has been advertised.	<b>DOP, GMSC, MDS, DAL</b>

<b>5. Right to make submissions in relation to application for small venue licence</b>	
5.1 The power pursuant to Section 77A(1) of the Act for the Council, by notice in the prescribed form lodge with the Commissioner at least 7 days before the day appointed for the hearing of the application, make submissions to the Commissioner in respect of the application.	<b>DOP, GMSC, MDS, DAL</b>
<b>6. Variation of objections</b>	
6.1 The power pursuant to Section 79 of the Act, subject to the permission of the licensing authority, for the Council to vary an objection it has made in respect of an application any time before the proceedings of the application are determined.	<b>DOP, GMSC, MDS, DAL</b>
<b>7. Noise</b>	
7.1 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).	<b>DOP, GMSC, MDS, DAL</b>
7.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	<b>DOP, GMSC, MDS, DAL</b>
7.3 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).	<b>DOP, GMSC, MDS, DAL</b>
<b>8. Disciplinary action before the Court</b>	
8.1 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.	<b>DOP, GMSC, MDS, DAL</b>
<b>9. Commissioner's power to suspend or impose conditions pending disciplinary action</b>	
9.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	<b>DOP, GMSC, MDS, DAL</b>

<b>9A. Preparation of draft local liquor accords</b>		
9A.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.	<b>DOP, GMSC, MDS, DAL</b>
9A.2	The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:	<b>DOP, GMSC, MDS, DAL</b>
9A.2.1	the name of each party to the draft	
9A.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);	
9A.2.3	the proposed accord area;	
9A.2.4	any other details prescribed by the regulations	
<b>9B. Terms of local liquor accords</b>		
9B.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:	<b>DOP, GMSC, MDS, DAL</b>
9B.1.1	to cease or restrict either or both of the following on their licensed premises:	
9B.1.1.1	the sale of liquor on those premises (including the sale of liquor for consumption off premises)	
9B.1.1.2	allowing the consumption of liquor on those premises;	
9B.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;	
9B.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	
<b>9C. Approval of local liquor accords</b>		
9C.1	The power pursuant to section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).	<b>DOP, GMSC, MDS, DAL</b>
9C.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.	<b>DOP, GMSC, MDS, DAL</b>

9C.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.	<b>DOP, GMSC, MDS, DAL</b>
9C.4	The power pursuant to Section 128H(7) of the Act to:	<b>DOP, GMSC, MDS, DAL</b>
9C.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	
9C.4.2	consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.	
<b>10. Control of consumption etc of liquor in public places</b>		
10.1	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.	<b>DOP, GMSC, MDS, DAL</b>
10.2	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.	<b>DOP, GMSC, MDS, DAL</b>
10.3	The power pursuant to Section 131(1c)(c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.	<b>DOP, GMSC, MDS, DAL</b>



## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
LOCAL GOVERNMENT ACT 1999**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Composition and wards</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 12(1) of the <i>Local Government Act 1999</i> (the Act) to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	<b>REMAINS WITH COUNCIL</b>
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.	
1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to:	<b>REMAINS WITH COUNCIL</b>
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).	
1.3 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the function to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	<b>GMSC</b>

1.4	At the conclusion of public consultation under Section 12(7), the function pursuant to Section 12(11) of the Act to prepare a report, covering those matters in Section 12(11a).	<b>GMSC</b>
1.5	With respect to a proposal within the ambit of Section 12(11a), the function to refer the report to the Electoral Commissioner.	<b>GMSC</b>
1.6	Where a report has been referred to the Electoral Commissioner under Section 12(11a) of the Act, and referred back to the Council pursuant to Section 12(11d), the function pursuant to section 12(11e) of the Act to:	<b>GMSC, MSG</b>
1.6.1	undertake such action as is necessary so that the report proposes an alteration in the composition of the Council so that it is constituted of a number of Members equal to or less than the Member cap; and	
1.6.2	The function to refer the report back to the Electoral Commissioner pursuant to subsection (12).	
1.7	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.	<b>GMSC, MSG</b>
1.8	The power pursuant to Section 12(16)(a) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power pursuant to section 12(16)(b) of the Act to refer the report back to the Electoral Commissioner.	<b>GMSC, MSG</b>
1.9	Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the function pursuant to Section 12(17) of the Act to comply with the requirements of Section 12(7) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.	<b>GMSC, MSG</b>
<b>2. Status of a Council or Change of Various Names</b>		
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.	
2.2 The function, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:	<b>GMSC, MSG</b>
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.	
<b>3 Commission to receive proposals</b>	
3.1 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.	<b>REMAINS WITH COUNCIL</b>
3.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:	
3.2.1 set out in general terms the nature of the proposal; and	
3.2.2 comply with any requirements of the proposal guidelines	
<b>3A. Inquiries – general proposals</b>	
3A.1 The power pursuant to Section 31(2) of the Act to make a submission to the South Australian Local Government Boundaries Commission (the <b>Commission</b> ) on the proposed appointments of investigations to conduct inquiries under Section 31 of the Act.	
3A.2 The power pursuant to section 31(10) of the Act to request the Minister consult with the relevant councils about the matter	

<b>4 General powers and capabilities</b>	
4.1 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.	<b>Refer to APPENDIX 22A</b>
4.2 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.	<b>AMC, GMA, GMAD, GMCB, GMSC</b>
4.3 The power pursuant to Section 36(2) of the Act to act outside the Council's area to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or in order to provide services to an unincorporated area of the State.	<b>GMA, GMAD, GMCB, GMSC</b>
<b>5 Provision relating to contract and transactions</b>	
5.1 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.	<b>Refer to APPENDIX 22A</b>
<b>6 Committees</b>	
6.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.	<b>REMAINS WITH COUNCIL</b>
6.2 The power pursuant to Section 41(3) of the Act to determine the membership of a Committee.	<b>REMAINS WITH COUNCIL</b>
6.3 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.	<b>REMAINS WITH COUNCIL</b>
6.4 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.	<b>REMAINS WITH COUNCIL</b>
6.5 The power and function 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.	<b>REMAINS WITH COUNCIL</b>
<b>7 Principal office</b>	
7.1 The power 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.	<b>REMAINS WITH COUNCIL</b>

7.2	The power pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the function to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	
7.3	The power pursuant to Section 45(3) of the Act to undertake public consultation 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.	<b>GMSC</b>
<b>8</b>	<b>Commercial activities</b>	
8.1	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').	
8.2	The power pursuant to Section 46(2) of the Act, to, in connection with a commercial project:	
8.2.1	Establish a business;	
8.2.2	Participate in a joint venture, trust, partnership or other similar body.	
<b>9</b>	<b>Interests in companies</b>	
9.1	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.	
<b>10</b>	<b>Prudential requirements for certain activities</b>	
10.1	The power and function pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -.	<b>GMSC, MSG</b>
10.1.1	Acts with due care, diligence and foresight; and	
10.1.2	Identifies and manages risks associated with a project; and	
10.1.3	Makes informed decisions; and	
10.1.4	Is accountable for the use of Council and other public resources.	

10.3	Without limiting Section 48(aa1) of the Act, the power 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:	<b>GMSC</b>
10.3.1	engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):	
10.3.1.1	where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20% of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or	
10.3.1.2	where the expected capital cost of the project over the ensuring five years is likely to exceed \$4,000,000.00 (indexed) or	
10.3.1.3	where the Council or delegate considers that it is necessary or appropriate.	
<b>11</b>	<b>Contracts and tender policies</b>	
11.1	The power pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards: 11.1.1 obtaining value in the expenditure of public money; and 11.1.2 providing for ethical and fair treatment of participants; and 11.1.3 ensuring probity, accountability and transparency in procurement operations.	<b>GMSC, MSG</b>
11.2	Without limiting Section 49(a1) of the Act the power and function pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders, including policies on the following:	<b>GMSC, MSG</b>
11.2.1	the contracting out of services; and	
11.2.2	competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	
11.2.3	the use of local goods and services; and	

11.2.4	the sale or disposal of land or other assets.	
11.3	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).	
<b>12</b>	<b>Public consultation policies</b>	
12.1	The power pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy in accordance with the Act.	<b>GMCB, MCE</b>
12.2	The function pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.	<b>GMCB, MCE</b>
12.3	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.	<b>GMCB, MCE</b>
12.4	Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the function pursuant to Section 50(6) of the Act to -	<b>GMCB, MCE</b>
12.4.1	prepare a document that sets out its proposal in relation to the matter; and	
12.4.2	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;	
12.4.3	consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	
12.5	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.	<b>GMCB, MCE</b>
12.6	The function pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	<b>GMCB, MCE</b>



<b>13 Register of Interests</b>	
13.1 The power under Section 68(3b) to apply to SACAT for an order disqualifying a Member of the Council from the Office of Member under the Act.	
<b>14 Council behavioural support policies</b>	
14.1 The power under section 75F(1) to prepare and adopt a behavioural support policy.	<b>REMAINS WITH COUNCIL</b>
14.2 The power under section 75F(5) to alter or substitute a behavioural support policy.	<b>REMAINS WITH COUNCIL</b>
14.3 The function under section 75F(6) to undertake public consultation before adopting, altering or substituting a behavioural support policy council.	
14.4 The power under section 75F(7)(a) to review the operation of the behavioural support policies and consider whether to adopt additional behavioural support policies.	<b>REMAINS WITH COUNCIL</b>
14.5 The power under section 75F(7)(b) to review within 6 months of a periodic election any behavioural support policy in place and consider whether to adopt additional behavioural support policies.	
<b>15 Reimbursement of expenses</b>	
13.1 The power pursuant to Section 77(1)(b) of the Act to reimburse to Members of the Council expenses of a kind prescribed for these purposes 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.	<b>EO &amp; A MAYOR</b>
<b>16 Insurance of members</b>	
16.1 The power 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.	<b>GMSC</b>
<b>17 Training and development</b>	
17.1 The function pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	<b>EO &amp; A MAYOR</b>

17.2 The requirement to suspend a Member from Office of Member of the Council under Section 80A(2b) for failure to comply with the prescribed mandatory training requirements.	<b>REMAINS WITH COUNCIL</b>
17.3 The power to revoke the suspension under Section 80A(2e) if satisfied the Member has complied with the prescribed mandatory requirements and give public notice of the revocation.	<b>REMAINS WITH COUNCIL</b>
17.4 The power under section 80A(2f) to apply to SACAT for an order disqualifying the Member from Office of Member of the Council.	<b>REMAINS WITH COUNCIL</b>
17.5 The power under section 80A(3) Alter or substitute a Training and Development Policy for Members	<b>REMAINS WITH COUNCIL</b>
<b>18 Suspension of member subject to an order</b>	
18.1 The power under Section 80B(1)(a) to suspend a Member subject to a relevant interim intervention order from the Office of Member of the Council where person protected by the order is another Member.	<b>REMAINS WITH COUNCIL</b>
18.2 The power to revoked a suspension under Section 80B(3).	<b>REMAINS WITH COUNCIL</b>
18.3 The power under section 80B(9) to apply to SACAT for an order disqualifying the Member from the Office of Member of the Council.	<b>REMAINS WITH COUNCIL</b>
<b>19 Calling and timing of committee meetings</b>	
19.1 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.	<b>AMC – AMC Meetings</b>
<b>20 Access to meetings and documents – code of practice</b>	
20.1 The function pursuant to Section 92(5) of the Act to ensure that before the Council adopts, alters or substitutes a Code of Practice that public consultation is undertaken.	<b>EO &amp; A MAYOR</b>
<b>21 Meetings of electors</b>	
21.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors in the area or part of the area of the Council.	
21.2 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	

<b>22. Obstructing meetings</b>	
22.1 The power pursuant to Section 95 of the Act to take proceedings under this 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.	<b>GMSC</b>
<b>23. Certain period of service to be regarded as continuous</b>	
23.3 The power pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council in accordance with the Regulations.	<b>GMA, MFA, MPCA, GMSC, MF, MAL, MPC</b>

<b>24. Application of Division</b>	
24.1 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.	
<b>25. Strategic management plans</b>	
25.1 The function pursuant to Section 122(6) of the Act to undertake public consultation in the Council's development and review of its strategic management plans.	<b>GMSC, MF, MSG, GMAD, ME</b>
<b>26. Annual business plans and budget documents</b>	
26.1 Before the Council adopts an annual business plan, the function pursuant to Section 123(3) of the Act to, -	<b>GMSC, MF, MSG</b>
26.1.1 prepare a draft annual business plan; and	
26.1.2 follow the relevant steps set out in the Council's public consultation policy.	
26.2 After the Council has adopted an annual business plan and a budget, the function pursuant to Section 123(9) of the Act, to ensure is complies with the Act.	
26.2.1 that a summary of the annual business plan is prepared 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	
26.2.2 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.	

<b>27. Accounting records to be kept</b>		
27.1	The power pursuant to Section 124(1) of the Act to:	<b>GMSC, MF</b>
27.1.1	keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	
27.1.2	keep the Councils accounting records in such manner as will enable –	
27.1.2.1	the preparation and provision of statements that fairly present financial and other information; and	
27.1.2.2	the financial statements of the Council to be conveniently and properly audited.	
27.2	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.	
<b>28. Internal control policies</b>		
28.1	The power pursuant to Section 125(1) of the Act and subject to Section 125(2) 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.	<b>GMSC, MF</b>
<b>29. Audit committee</b>		
29.1	The power pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126 of the Act.	<b>REMAINS WITH COUNCIL</b>
29.2	If an audit committee is appointed by the Delegate of the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	<b>REMAINS WITH COUNCIL</b>
<b>30. Financial statements</b>		
30.1	The function pursuant to Section 127(1) of the Act to prepare for each financial year:	<b>GMSC, MF</b>
30.1.1	financial statements and notes in accordance with standards prescribed by the regulations; and	

30.1.2	other statements and documentation referring to the financial affairs of the Council required by the Regulations.	
30.2	The function pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act -	<b>GMSC, MF</b>
30.2.1	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	
30.2.2	comply with standards and principles prescribed by the Regulations; and	
30.2.3	include the information required by the Regulations.	
30.3	The function pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.	<b>GMSC, MF</b>
30.4	The function pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	<b>GMSC, MF</b>
<b>31. The auditor</b>		
31.1	The power and function pursuant to and in accordance with Section 128(2) of the Act to appoint an auditor on the recommendation of the relevant audit committee.	
31.2	The function 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.	<b>GMSC, MF</b>
31.3	The function pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:	<b>GMSC, MF</b>
31.3.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between -	
31.3.1.1	remuneration payable for the annual audit of the Council's financial statements; and	
31.3.1.2	other remuneration;	

31.3.2	if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	
<b>32. Conduct of audit</b>		
32.1	The function pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	<b>GMSC, MF</b>
<b>33. Investigations</b>		
33.1	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.	
33.2	Unless Section 130A(7) of the Act applies, the function pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:	
33.2.1	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;	
33.2.2	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.	

<b>34. Annual report to be prepared and adopted</b>		
34.1	The function pursuant to Section 131(5) of the Act to submit a copy of the annual report to:	<b>GMSC, MSG</b>
34.1.1	the Presiding Member of both Houses of Parliament; and	
34.1.2	to the persons or body prescribed by the Regulations,	
	on or before the date determined under the Regulations.	
34.2	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.	<b>GMSC, MSG</b>
<b>35. Access to documents</b>		
35.1	The function pursuant to Section 132(1) of the Act to:	<b>GMA, GMAD, GMCB, GMSC, BFM, EO&amp;PA MAYOR, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MF, MIT, MPCA, MPC, MPRUD, MRSA, MSG</b>
35.1.1	publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and	
35.1.2	on request, provide a person with a printed copy of a document referred to in Schedule 5 (on payment of a fee (if any) fixed by the Council).	
35.2	The function, in accordance with Section 132(3a) of the Act, to, when an order under section 91(7) of the Act expires or ceases to apply in relation to a document (or part thereof) ensure that the document (or part thereof) requires) is published on the website determined by the chief executive officer (in accordance with subsection (1)(a)).	<b>GMA, GMAD, GMCB, GMSC, BFM, EO&amp;PA MAYOR, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MF, MIT, MPCA, MPC, MPRUD, MRSA, MSG</b>
<b>36. Related administrative standards</b>		
36.1	The power and function pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order -	<b>GMA, GMAD, GMCB, GMSC, BFM, EO&amp;PA MAYOR, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MF, MIT, MPCA, MPC, MPRUD, MRSA, MSG</b>
36.1.1	to ensure compliance with any statutory requirements; and	
36.1.2	to achieve and maintain standards of good public administration.	

<b>37. Sources of funds</b>		
37.1	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 this or another Act.	<b>GMSC, GMA, MFA, MF, MAL</b>
<b>38. Ability of a council to give security</b>		
38.1	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:	<b>GMSC, GMA, MFA, MF, FAL</b>
38.1.1	guarantees (including guarantees relating to the liability of a subsidiary of the Council);	<b>GMSC, GMA, MFA, MF, FAL</b>
38.1.2	debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	<b>GMSC, GMA, MFA, MF, FAL</b>
38.1.3	bills of sale, mortgages or other charges (including to support a guarantee provided under Section 235(1)(a) of the Act.	<b>GMSC, GMA, MFA, MF, FAL</b>
38.2	The power and function 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:	<b>GMSC, GMA, MFA, MF, FAL</b>
38.2.1	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	<b>GMSC, GMA, MFA, MF, FAL</b>
38.2.2	if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	<b>GMSC, GMA, MFA, MF, FAL</b>
<b>39. Expenditure of funds</b>		
39.1	Subject to the Act or another Act the power pursuant to Section 137 of the Act to expend 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.	<b>Refer to APPENDIX 22A</b>
<b>40. Investment powers</b>		
40.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	<b>GMA, MFA, GMSC, MF</b>
40.2	The function pursuant to Section 139(2) of the Act in exercising the power of investment, to:	<b>GMA, MFA, GMSC, MF</b>



40.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and	
40.2.2	avoid investments that are speculative or hazardous in nature.	
40.3	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.	<b>GMA, MFA, GMSC, MF</b>
<b>41. Review of investment</b>		
41.1	The function pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	<b>GMSC, MF</b>
<b>42. Gifts to a council</b>		
42.1	Within the confines of Section 44(3) of the Act:	
42.1.1	the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	<b>GMSC, EO &amp; A MAYOR</b>
42.1.2	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;	
42.1.3	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;	
42.1.4	where a variation is sought in the terms of a trust, the function pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and	
42.1.5	the function 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.	
<b>43. Function to insure against liability</b>		
43.1	The power pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	<b>GMSC, MF, MAL, GMA, MFA</b>

<b>44. Writing off bad debts</b>		
44.1	The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council –	<b>AMC, GMSC, MF</b> <b>Refer to APPENDIX 22A</b>
44.1.1	if the Council has no reasonable prospect of recovering the debts; or	
44.1.2	if the costs of recovery are likely to equal or exceed the amount to be recovered.	
44.2	The power pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified –	<b>AMC, GMSC, MF</b>
44.2.1	reasonable attempts have been made to recover the debt; or	<b>AMC, GMSC, MF</b>
44.2.2	the costs of recovery are likely to equal or exceed the amount to be recovered.	<b>AMC, GMSC, MF</b>
<b>45. Recovery of amounts due to council</b>		
45.1	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.	<b>AMC, GMSC, MF</b>
45.2	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.	<b>AMC, GMSC, MF</b>
<b>46. Land against which rates may be assessed</b>		
46.1	The power and function 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.	<b>GMSC, MF, RS</b>
<b>47. Basis of rating</b>		
47.1	Before the Council -	<b>GMSC, MF</b>
47.1.1	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	
47.1.2	changes the basis on which land is valued for the purposes of rating; or	
47.1.3	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 function pursuant to Section 151(5)(d) and (e) of the Act to:	
47.1.4	prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	
47.1.5	undertake public consultation in accordance with the Act.	
<b>48. General rates</b>		
48.1	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.	<b>GMSC, MF</b>
<b>49. Service rates and service charges</b>		
49.1	The power 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.	<b>GMSC, MF</b>
49.2	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.	<b>GMSC, MF</b>
<b>50. Basis of differential rates</b>		
50.1	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	<b>GMSC, MF, RS, MAL</b>

	differential rate and to decide objections to any of those attributions.	
50.2	The function 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 -	<b>GMSC, MF</b>
50.2.1	prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	<b>GMSC, MF</b>
50.2.2	undertake public consultation in accordance with the Act.	<b>GMSC, MF</b>
50.3	The function pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	<b>GMSC, MF</b>
<b>51. Notice of differentiating factors</b>		
51.1	If the Council declares differential rates, the function pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	<b>GMSC, MF, RS, MAL</b>
<b>52. Preliminary</b>		
52.1	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.	<b>GMSC, MF</b>
52.2	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).	<b>GMSC, MF, MAL, RA</b>
52.3	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%.	<b>GMSC, MF</b>
52.4	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.	<b>GMSC, MF, RS, MAL</b>

<b>53. Rebate of rates – community services</b>		
53.1	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 –	<b>GMSC, MF, MAL, RS</b>
53.1.1	is incorporated on a not-for-profit basis for the benefit of the public; and	
53.1.2	provides community services without charge or for charge that is below the cost to the body of providing their services; and	
53.1.3	does not restrict its services to persons who are members of the body.	
<b>54. Rebate of rates – educational purposes</b>		
54.1	The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land –	<b>GMSC, MF, MAL, RS</b>
54.1.1	occupied by a Government school under a lease or license and being used for educational purposes; or	
54.1.2	occupied by a non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or	
54.1.3	land being used by a University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	
<b>55. Discretionary rebates of rates</b>		
55.1	The function pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):	<b>GMSC, MF, MAL, RS</b>
55.1.1	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	
55.1.2	the community need that is being met by activities being carried out on the land for which the rebate is sought; and	

55.1.3	the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	<b>GMSC, MF, MAL, RS</b>
55.1.4	any other matter considered relevant by the Council or the Delegate.	
55.2	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:	
55.2.1	where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	
55.2.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area;	
55.2.3	where the rebate will be conducive to the preservation of buildings or places of historic significance;	
55.2.4	where the land is being used for educational purposes;	
55.2.5	where the land is being used for agricultural, horticultural or floricultural exhibitions;	
55.2.6	where the land is being used for a hospital or health centre;	
55.2.7	where the land is being used to provide facilities or services for children or young persons;	
55.2.8	where the land is being used to provide accommodation for the aged or disabled;	
55.2.9	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;	
55.2.10	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;	
55.2.11	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;	
	55.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:	
	55.2.12.1 a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	
	55.2.12.2 a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.	
	55.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:	
	55.2.13.1 a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	
	55.2.13.2 liability that is unfair or unreasonable;	
	55.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	
	55.2.15 where the rebate is contemplated under another provision of the Act.	
55.3	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:	<b>GMSC, MF, MAL, RS</b>
55.3.1	where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	
55.3.2	where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	
55.3.3	where the rebate relates to common property or land vested in a community corporation under the <i>Community Titles Act 1996</i> over which the public has a free and unrestricted right of access and enjoyment.	

55.4	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.	<b>GMSC, MF, MAL, RS</b>
<b>56. Valuation of land for the purposes of rating</b>		
56.1	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.	<b>REMAINS WITH COUNCIL</b>
56.2	For the purpose of adopting a valuation of land for rating, the function pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt -	<b>GMSC, MAL, RS</b>
56.2.1	valuations made, or caused to be made, by the Valuer-General; or	
56.2.2	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.	
56.3	The function pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the <i>Gazette</i> , within 21 days after the date of the adoption.	<b>GMSC, MF, MAL, RS</b>
<b>57. Valuation of land</b>		
57.1	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).	<b>GMSC, MF, MAL, RS</b>
57.2	The function pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	<b>GMSC, MF, MAL, RS</b>
57.3	The power and function pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	<b>GMSC, MF, MAL, RS</b>
<b>58. Objections to valuations made by Council</b>		
58.1	The power 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 –	<b>GMSC, MF, MAL, RS</b>



58.1.1	the objection does not involve a question of law; and	
58.1.2	the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	
58.1.3	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).	
58.2	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.	<b>GMSC, MF, MAL, RS</b>
58.3	The function pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is –	<b>GMSC, MF, MAL, RS</b>
58.3.1	in the prescribed manner and form;	
58.3.2	made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	
58.3.3	accompanied by the prescribed fee.	
58.4	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	<b>GMSC, MF, MAL, RS</b>
<b>59. Notice of declaration of rates</b>		
59.1	The function pursuant to Section 170 of the Act to ensure public notice of declaration of a rate or service charge is provided in accordance with the Act within 21 days after the date of the declaration.	<b>GMSC, MF, MAL, RS</b>
<b>60. Alterations to assessment record</b>		
60.1	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.	<b>GMSC, MF, MAL, RS</b>
60.2	The function pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	<b>GMSC, MF, MAL, RS</b>

<b>61. Inspection of assessment record</b>	
61.1 The function 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.	<b>GMSC, MF, MAL, RS, FORP</b>
<b>62. Liability for rates</b>	
62.1 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 -	<b>GMSC, MF, MAL, RS, FORP</b>
62.1.1 the principal ratepayer; or	
62.1.2 any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	
62.1.3 any other person who was at the time of the declaration of the rates an owner or occupier of the land.	
62.2 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.	<b>GMSC, MF, MAL, RS</b>
62.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	<b>GMSC, MF, MAL, RS</b>
62.4 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.	<b>GMSC, MF, MAL, RS</b>
<b>63. Liability for rates if land is not rateable for the whole of the financial year</b>	
63.1 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.	<b>REMAINS WITH COUNCIL</b>
63.2 The function pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	<b>REMAINS WITH COUNCIL</b>

<b>64. Service of rate notice</b>		
64.1	The function pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after –	<b>GMSC, MF, MAL, RS, FORP</b>
64.1.1	the declaration of a rate; or	
64.1.2	the imposition of a service charge; or	
64.1.3	a change in the rates liability of land.	
<b>65. Payment of rates – general principles</b>		
65.1	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.	<b>GMSC, MF, MAL, RS</b>
65.2	If the Council declares a general rate for a particular financial year after 15 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).	<b>GMSC, MF, MAL, RS</b>
65.3	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.	<b>GMSC, MF, MAL, RS</b>
65.4	The function pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act –	<b>GMSC, MF, MAL, RS</b>
65.4.1	the amount of the instalment; and	
65.4.2	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.	
65.5	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.	<b>GMSC, MF, MAL, RS</b>

65.6	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.	<b>GMSC, MF, MAL, RS, FORP</b>
65.7	The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage -	<b>GMSC, MF, MAL, RS</b>
65.7.1	the payment of instalments of rates in advance; or	
65.7.2	prompt payment of rates.	
65.8	The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	<b>GMSC, MF, MAL, RS</b>
65.9	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.	<b>GMSC, MF, MAL, RS</b>
65.10	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 –	<b>GMSC, MF, MAL, RS</b>
65.10.1	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	
65.10.2	the Delegate must give at least 30 days' notice before an instalment falls due.	
<b>66. Remission and postponement of payment of rates</b>		
66.1	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 –	<b>GMSC, MF, MAL, RS</b>
66.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or	
66.1.2	remit the rates in whole or in part.	

66.2	The power pursuant to Section 182(2) of the Act on a postponement of rates –	<b>GMSC, MF, MAL, RS</b>
66.2.1	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);	
66.2.2	to grant the postponement on other conditions determined by the Delegate; and	
66.2.3	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).	
66.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates –	<b>GMSC, MF, MAL, RS</b>
66.3.1	to assist or support a business in the Council's area; or	
66.3.2	to alleviate the effects of anomalies that have occurred in valuations under the Act.	
66.4	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 <i>Land Tax Remission Act 1986</i> , (such remissions will be in addition to the remissions that are available under that Act).	<b>GMSC, MF, MAL, RS</b>
66.5	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.	<b>GMSC, MF, MAL, RS</b>
66.6	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).	<b>GMSC, MF, MAL, RS</b>
<b>67. Postponement of rates - Seniors</b>		
67.1	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.	<b>GMSC, MF, MAL, RS</b>

67.2	The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to -	<b>GMSC, MF, MAL, RS</b>
67.2.1	reject an application for the postponement of rates; or	
67.2.2	impose conditions on the postponement of rates,	
	but only in accordance with the Regulations.	
<b>68. Application of money in respect of rates</b>		
68.1	The power and the function to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	<b>GMSC, MF, MAL, RS</b>
<b>69. Sale of land for non-payment of rates</b>		
69.1	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.	
69.2	The function pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record –	<b>GMSC, MF</b>
69.2.1	stating the period for which the rates have been in arrears; and	
69.2.2	stating the amount of the total liability for rates presently outstanding in relation to the land; and	
69.2.3	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.	
69.3	The function pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act -	<b>GMSC, MF</b>
69.3.1	to any owner of the land who is not the principal ratepayer; and	
69.3.2	to any registered mortgagee of the land; and	
69.3.3	to the holder of any caveat over the land; and	
69.3.4	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.	
69.4	If -	
69.4.1	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	<b>GMSC, MF</b>
69.4.2	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 –	<b>GMSC, MF</b>
69.4.3	placing a copy of the notice in a newspaper circulating throughout the State; and	
69.4.4	leaving a copy of the notice in a conspicuous place on the land.	
69.5	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 under Section 184(2) of the Act.	<b>GMSC, MF</b>
69.6	The function pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power 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 <i>Crown Lands Act 1929</i> grants consent to sale by public auction.	<b>GMSC, MF</b>
69.7	The function pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	<b>GMSC, MF</b>
69.8	The function pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	<b>GMSC, MF</b>
69.9	The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	<b>GMSC, MF</b>

69.10	The power and function to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	<b>GMSC, MF</b>
69.11	The function pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the <i>Unclaimed Moneys Act 1981</i> .	<b>GMSC, MF</b>
<b>70. Recovery of rates not affected by an objection or review</b>		
70.1	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 –	<b>GMSC, MF, RA, MAL</b>
	70.1.1 to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or	
	70.1.2 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.	
<b>71. Certificate of liabilities</b>		
71.1	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:	<b>GMSC, MF, MAL, RA, FORP</b>
	71.1.1 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 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 ); and	
	71.1.2 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.	



<b>72. Investigation by Ombudsman</b>		
72.1	The function pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to-	<b>GMSC, MSG</b>
72.1.1	the Ombudsman; and	
72.1.2	if relevant, the person who made the complaint.	
72.2	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.	<b>GMSC, MF</b>
<b>73. Fees and charges</b>		
73.1	The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges –	<b>GMA, GMAD, GMCB, GMSC, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA</b>
73.1.1	for the use of any property or facility owned, controlled, managed or maintained by the Council;	
73.1.2	for services supplied to a person at his or her request;	
73.1.3	for carrying out work at a person's request;	
73.2	The power pursuant to Section 188(3) of the Act to provide for (in respect of 188(1) (a),(b) & (c)) –	<b>ASCO, FORP, GMSC, GMA, GMAD, GMCB, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA, RA</b>
73.2.1	specific fees and charges;	
73.2.2	maximum fees and charges and minimum fees and charges;	
73.2.3	annual fees and charges;	
73.2.4	the imposition of fees or charges according to specified conditions or circumstances;	
73.2.5	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	
73.2.6	the reduction, waiver or refund, in whole or in part, of any fees and charges.	

73.3	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.	<b>CSO, GMSC, GMA, GMAD, GMCB, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA</b>
73.4	The function pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, to 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.	<b>CSO, GMSC, GMA, GMAD, GMCB, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA</b>
<b>74. Acquisition of land by agreement</b>		
74.1	The power pursuant to Section 190 of the Act to acquire land by agreement.	
<b>75. Compulsory acquisition of land</b>		
75.1	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.	
75.2	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.	
<b>76. Assumption of care, control and management of land</b>		
76.1	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.	
76.2	The function pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the <i>Gazette</i> .	<b>GMSC, MDS</b>
<b>77. Classification</b>		
77.1	The function pursuant to Section 193(6) of the Act to give public notice as required by the Act of a resolution –	<b>GMSC, MDS</b>

77.1.1	to exclude land from classification as community land under Section 193(4) of the Act; or	
77.1.2	to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	
<b>78. Revocation of classification of land as community land</b>		
78.1	The function pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to –	<b>GMSC, MDS</b>
78.1.1	prepare and make publicly available a report on the proposal containing –	
78.1.1.1	a summary of reasons for the proposal; and	
78.1.1.2	a statement of any dedication, reservation or trust to which the land is subject; and	
78.1.1.3	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	
78.1.1.4	an assessment of how implementation of the proposal would affect the area and the local community; and	
78.1.1.5	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	
78.1.2	undertake public consultation in accordance with the Act.	
78.2	After complying with the requirements of Section 194(2) of the Act, the function pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	<b>GMSC, MDS</b>
78.3	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.	<b>GMSC, MDS</b>

<b>79. Effect of revocation of classification</b>	
<p>79.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the function pursuant 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.</p>	<b>GMSC, MDS</b>
<b>80. Management plans</b>	
<p>80.1 The power and function pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt a management plan or management plans for the Council's community land, for which a management plan must be prepared, that –</p>	<b>GMSC, MDS</b>
<p>80.1.1 identifies the land to which it applies; and</p>	
<p>80.1.2 states the purpose for which the land is held by the Council; and</p>	
<p>80.1.3 states the Council's objectives, policies (if any) and proposals for the management of the land; and</p>	
<p>80.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.</p>	
<p>80.2 If a management plan relates to land that is not in the Council's ownership, the power and function pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must –</p>	<b>GMSC, MDS</b>
<p>80.2.1 identify the owner of the land; and</p>	
<p>80.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and</p>	
<p>80.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.</p>	
<p>80.3 The function pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.</p>	<b>GMSC, MDS</b>

<b>81. Public Consultation on proposed management plan</b>		
81.1	Before the Council adopts a management plan for community land, the function pursuant to undertake public consultation in accordance with the Act.	<b>GMSC, MDS</b>
81.2	The function pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	<b>GMSC, MDS</b>
<b>82. Amendment or revocation of management plan</b>		
82.1	The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	
82.2	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.	<b>GMSC, MDS</b>
82.3	The function 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.	<b>GMSC, MDS</b>
<b>83. Effect of management plan</b>		
83.1	The function pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land.	<b>GMSC, MDS</b>
<b>84. Use of community land for business purposes</b>		
84.1	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.	<b>CS, GMAD, GMCB, GMSC, MCA, MCS, PO, MDS, EHO, EHL, ACSO, CSOL</b>
<b>85. Sale or disposal of local government land</b>		
85.1	The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:	
85.1.1	vested in the Council in fee simple; or	
85.1.2	vested in the Council as lessee.	
85.2	The power pursuant to Section 201(2)(d) and (e) of the Act to:	

85.2.1	grant an easement (including a right of way) over community land; and	<b>GMCS, MDS</b>
85.2.2	grant an easement (excluding a right of way) over a road or part of a road.	<b>GMCS, MDS</b>
<b>86. Alienation of community land by lease or licence</b>		
86.1	The power pursuant to Section 202(1) and (5) of the Act, and subject to Section 202(2)-(3), (6) and (7) of the Act, inclusive, 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 –	<b>GMSC, MDS</b>
86.1.1	the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	
86.1.2	the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);	
86.1.3	any other matter relevant to the use or maintenance of the land.	
86.2	The function pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to undertake public consultation in accordance with the Act, unless –	<b>GMSC, MDS</b>
86.2.1	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	
86.2.2	the Regulations provide, in the circumstances of the case, for an exemption from compliance with undertaking public consultation.	
86.3	The power pursuant to Section 202(4) of the Act, and subject to Section 202(4a) (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.	<b>GMSC, MDS</b>
86.4	The function pursuant to Section 202(6) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	<b>GMSC, MDS</b>

<b>87. Register</b>		
87.1	The function pursuant to Section 207(1) of the Act to keep a register of all community land in the Council's area.	<b>GMSC, MDS</b>
87.2	The function pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register -	
87.2.1	contains the information required by the Regulations; and	
87.2.2	contains copies of current management plans.	
87.3	The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	<b>GMSC, MDS</b>
<b>88. Ownership of public roads</b>		
88.1	The function pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3) of the Act, to be published in the <i>Gazette</i> .	<b>GMAD, ME, SPMID</b>
<b>89. Ownership of fixtures and equipment installed on public roads</b>		
89.1	The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	<b>GMAD, ME, SPMID</b>
<b>90. Conversion of private road to public road</b>		
90.1	The function pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	<b>GMAD, ME, SPMID</b>
90.2	The function 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:	<b>GMAD, ME, SPMID</b>
90.2.1	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	
90.2.2	if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and	

90.2.3	to give public notice of the proposed declaration.	
90.3	The function pursuant to Section 210(5) to publish in the <i>Gazette</i> a declaration of the Council made in accordance with Section 210(1) of the Act.	<b>GMAD, ME, SPMID</b>
90.4	The function pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	<b>GMAD, ME, SPMID</b>
<b>91. Highways</b>		
91.1	The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	<b>GMAD, ME, SPMID</b>
<b>92. Power to carry out roadwork</b>		
92.1	The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	<b>GMAD, ME, SPMID</b>
92.2	The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that –	<b>GMAD, ME, SPMID</b>
92.2.1	the roadwork is carried out in compliance with any relevant requirement under the <i>Road Traffic Act 1961</i> ; and	
92.2.2	before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and	
92.2.3	the roadwork in relation to a private road is only carried out if –	
92.2.3.1	the owner agrees; or	
92.2.3.2	the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or	



92.2.3.3	the identity or whereabouts of the owner is unknown; and	
92.2.4	the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	
<b>93. Recovery of cost of roadwork</b>		
93.1	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.	<b>GMAD, ME, SPMID</b>
93.2	Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from –	<b>GMAD, ME, SPMID</b>
93.2.1	the person who caused the damage; or	
93.2.2	in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.	
93.3	If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	<b>GMAD, ME, SPMID</b>
<b>94. Contribution between councils where road is on boundary between council areas</b>		
94.1	Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	<b>GMAD, ME, SPMID</b>
<b>95. Special provisions for certain kinds of roadwork</b>		
95.1	If the Council changes the level of a road, the function pursuant to Section 215(1) of the Act to –	<b>GMAD, ME, MFS, SPMID</b>
95.1.1	ensure that adjoining properties have adequate access to the road; and	
95.1.2	construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	

95.2	The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion –	<b>GMAD, ME, MFS, SPMID</b>
95.2.1	there is no significant risk of damage to the adjoining property; or	
95.2.2	the road work does not significantly increase the risk of damage to adjoining property.	
95.3	The function pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	<b>GMAD, ME, MFS, SPMID</b>
<b>96. Power to order owner of Private Road to carry out specific roadwork</b>		
96.1	The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	<b>GMAD, ME, SPMID</b>
96.2	The function pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to any proposal to make an order; and if an order is made, any order, under Section 216(1) of the Act.	<b>GMAD, ME, SPMID</b>
<b>97. Power to order owner of infrastructure on road to carry out specified maintenance or repair work</b>		
97.1	The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment installed in, on, across, under or over a road, to require the owner –	<b>APO, GMAD, ME, SPMID</b>
97.1.1	to carry out specified work by way of maintenance or repair; or	
97.1.2	to move the structure or equipment in order to allow the Council to carry out roadwork.	
97.2	Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	<b>APO, GMAD, ME, SPMID</b>

<b>98. Power to require owner of adjoining land to carry out specific work</b>	
98.1 The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work.	<b>APO, GMAD, ME, SPMID</b>
98.2 The function pursuant to Section 218(2) of the act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to any proposal to make an order; and if an order is made, any order, under Section 218(1) of the Act.	<b>APO, GMAD, ME, SPMID</b>
<b>99. Power to assign a name, or change the name of a road or public place</b>	
99.1 The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	<b>GMSC, MDS</b>
99.2 The function pursuant to Section 219(1a) to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	<b>GMSC, MDS</b>
99.3 Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the function pursuant to Section 219(2) of the Act to –	<b>GMSC, MDS</b>
99.3.1 give the adjoining council at least 2 months' notice of the proposed change; and	
99.3.2 consider any representations made by the adjoining council in response to that notice.	
99.4 The function pursuant to Section 219(3) of the Act to –	<b>GMSC, MDS</b>
99.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and	
99.4.2 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.	
99.5 The function pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	<b>GMSC, MDS</b>
99.6 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.	<b>GMSC, MDS</b>

99.7	The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	<b>GMSC, MDS</b>
99.8	The function pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a Policy under Section 219 of the Act.	<b>GMSC, MDS</b>
<b>100. Numbering of premises and allotments</b>		
100.1	The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	<b>GMSC, MDS</b>
100.2	The function 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.	<b>GMSC, MDS</b>
100.3	The function pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of this subsection 220(1b) of the Act.	<b>GMSC, MDS</b>
100.4	The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	<b>GMSC, MDS</b>
100.5	The function 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.	<b>GMSC, MDS</b>
100.6	The function pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system under section 220 of the Act.	<b>GMSC, MDS</b>
100.7	The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	<b>GMSC, MDS</b>
<b>101. Alteration of Road</b>		
101.1	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	<b>GMAD, ME, MFS, SPMID, TTL, APO, SUFO, OSL, UFO</b>
101.1.1	altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	

101.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or	
101.1.3 changing or interfering with the construction, arrangement or materials of the road; or	
101.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	
101.1.5 planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	
101.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the function pursuant to Section 221(4) of the Act to give consideration as to whether the structure will –	<b>GMAD, ME, MFS, SPMID, TTL, APO</b>
101.2.1 unduly obstruct the use of the road; or	
101.2.2 unduly interfere with the construction of the road; or	
101.2.3 have an adverse effect on road safety.	
101.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act –	<b>GMAD, GMCB, MCS, ME, MFS, SPMID, TTL, APO</b>
101.3.1 for a particular act or occasion; or	
101.3.2 for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	
<b>102. Permits for business purposes</b>	
102.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
102.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>

102.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
<b>103. Public consultation</b>	
103.1 The function pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to undertake public consultation in accordance with the Act, if the Delegate proposes to grant an authorisation or permit –	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
103.1.1 that confers a right of exclusive occupation; or	
103.1.2 that would have the effect of restricting access to a road; or	
103.1.3 in relation to a use or activity for which public consultation is required under the Regulations.	
103.2 The function 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.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
<b>104. Conditions of authorisation or permit</b>	
104.1 The power pursuant to Section 224 of the Act subject to Section 224(2) of the Act to grant an authorisation or permit on conditions which comply with any requirements prescribed by regulation.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
<b>105. Cancellation of Authorisation or Permit</b>	
105.1 The power pursuant to Section 225(1) of the Act and subject to sections 225(2) and 225(3) of the Act to cancel the authorisation or permit for a breach of a condition.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
105.2 The function pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to -	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
105.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and	

105.2.2 consider any representations made in response to the notice.	
105.3 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.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL, ACSO, CSOL, CSO</b>
<b>106. Register</b>	
106.1 The power and function pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which -	<b>GMAD, GMCB, ME, SPMID,</b>
106.1.1 includes the information required by regulation; and	
106.1.2 may consist (if the Delegate so decides) of a computer record of the relevant information.	
<b>107. Trees</b>	
107.1 The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement) –	<b>GMAD, ME, MFS, SUFO, SPMID</b>
107.2 giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -	
107.2.1 environmental and aesthetic issues; and	
107.2.2 the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and	
107.2.3 road safety matters; and	
107.2.4 other matters (if any) considered relevant by the Delegate; and	
107.3 where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.	

<b>108. Damage</b>	
108.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	<b>GMAD</b>
<b>109. Council's power to remove objects from roads</b>	
109.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if -	<b>ACSO, CSO, GMAD, GMCB, MCS, ME, SPMID, MFS</b>
109.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or	
109.1.2 an authorisation or permit has been granted but has later expired or been cancelled.	
109.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	<b>GMAD, GMCB, MCS, ME, SPMID, MFS</b>
109.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	<b>GMAD, GMCB, MCS, ME, SPMID, MFS</b>
<b>110. Abandonment of vehicles and farm implements</b>	
110.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle or farm implement abandoned on a public road or public place.	<b>GMAD, GMCB, MCS, ME, SPMID, MFS</b>
<b>111. Removal of vehicles</b>	
111.1 The function pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:	<b>ACSO, CSO, CSOL, GMAD, GMCB, MCS, ME, SPMID</b>
111.1.1 by written notice in the prescribed form •served on the owner personally; or by the use of person-to-person registered post as soon as practicable after the removal of the vehicle; or -	



111.1.2 if the owner is unknown or cannot be found by public notice in accordance with the Act within 14 days after the removal of the vehicle	
111.2 If the owner of a removed vehicle does not within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and function pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	<b>GMAD,GMCB, MCS, ME, SPMID, ACSO, CSO, CSOL</b>
111.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	<b>GMAD,GMCB, MCS, ME, SPMID</b>
111.3.1 the vehicle is offered for sale but not sold; or  111.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.	
111.4 The function pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:	<b>GMAD,GMCB, MCS, ME, SPMID</b>
111.4.1 firstly, in payment of the costs of and incidental to the sale;  111.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;  111.4.3 thirdly, in payment of the balance to the owner of the vehicle.	
111.5 The function pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the function to pay the balance of the proceeds of sale to the Council.	<b>GMAD,GMCB, MCS, ME, SPMID, ACSO, CSO, CSOL</b>
111.6 The function pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the function to deal with the property as unclaimed goods under the <i>Unclaimed Goods Act 1987</i> as if the Council were the bailee of those goods.	<b>GMAD,GMCB, MCS, ME, SPMID, ACSO, CSO, CSOL</b>

<b>112. Time limits for dealing with certain applications</b>		
112.1	Where the power to decide upon certain applications to which the Section applies has been delegated, the function pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	<b>GMA, GMAD, GMCB, GMSC</b>
112.2	The function pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	<b>GMA, GMAD, GMCB, GMSC</b>
<b>113. Registrar-General to issue certificate of title</b>		
113.1	The function 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 <i>Real Property Act 1896</i> , where land vests for an estate in fee simple in the Council under this Act.	<b>GMSC, GMAD</b>
113.2	The function pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:	<b>GMSC, GMAD</b>
113.2.1	in a manner and form approved by the Registrar-General; and	
113.2.2	accompanied by -	
	<ul style="list-style-type: none"><li>any surveys of the land and other materials that the Registrar-General may reasonably require; and</li></ul>	
	<ul style="list-style-type: none"><li>a fee fixed by the Registrar-General.</li></ul>	
<b>114. Liability for injury, damage or loss caused by certain trees</b>		
114.1	The power pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	<b>GMAD, ME, SPMID, MFS, SUFO</b>

<b>115. Council may require bond or other security in certain circumstances</b>	
<p>115.1 Subject to Section 245A of the Act, if,</p> <p>115.1.1 a person has approved to carry out development under the <i>Planning, Development and Infrastructure Act 2016</i>; and</p> <p>115.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,</p> <p>the power, pursuant to Section 245A of the Act, to, by notice in writing served on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.</p>	<b>GMSC, GMAD, MDS</b>
<p>115.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the <i>Planning, Development and Infrastructure Act 2016</i> 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.</p>	<b>GMSC, MDS</b>
<b>116. Power to make by-laws</b>	
<p>116.1 The function pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that the Council gives public notice of the alteration in accordance with the Act.</p>	<b>GMCB, MCS</b>
<b>117. Passing by-laws</b>	
<p>117.1 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 function pursuant to Section 249(1) of the Act to make copies of the proposed by law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public.</p>	<b>GMCB, MCS</b>
<p>117.2 Before the Council makes a by-law, the function pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner –</p>	<b>GMCB, MCS</b>

117.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and	
117.2.2 the by-law is not in conflict with the Act.	
117.3 The function pursuant to Section 249(5) of the Act to publish a by-law in the <i>Gazette</i> .	<b>GMCB, MCS</b>
117.4 The function pursuant to Section 249(7) to give public notice in accordance with the Act.	<b>GMCB, MCS</b>
<b>118. Model by-laws</b>	
118.1 The function pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the <i>Gazette</i> .	<b>GMCB, MCS</b>
118.2 The function pursuant to Section 250(7) to give public notice in accordance with the Act.	<b>GMCB, MCS</b>
<b>119. Register of by-laws and certified copies</b>	
119.1 The function pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council, including a copy of any code, standard or other document referred to or incorporated.	<b>GMCB, MCS</b>
119.2 The function pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	<b>GMCB, MCS</b>
<b>120. Power to make orders</b>	
120.1 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.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
<b>121. Procedures to be followed</b>	
121.1 The function 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 -	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and	

121.1.2 stating the reasons for the proposed action; and	
121.1.3 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).	
121.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.3 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 –	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.3.1 to make an order in accordance with the terms of the original proposal; or	
121.3.2 to make an order with modifications from the terms of the original proposal; or	
121.3.3 to determine not to proceed with an order.	
121.4 The power pursuant to Section 255(5) of the Act to -	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.4.1 include two or more orders in the same instrument;	
121.4.2 direct two or more persons to do something specified in the order jointly.	
121.5 The function pursuant to Section 255(6) of the Act to ensure that the order -	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and	
121.5.2 states the reasons for the order.	
121.6 The function pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.7 If an order is directed to a person who is not the owner of the relevant land, the function pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.8 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	<b>ACSO, CSO, GMCB, MCS, CSOL</b>

initiative, or to revoke an order if satisfied that it is appropriate to do so.	
121.9 If the Delegate, in the circumstances of a particular case, considers -	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
121.9.1 that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or	
121.9.2 that an emergency situation otherwise exists,	
the Delegate has the power pursuant to Section 255(12) of the Act to -	
121.9.3 Proceed immediately to make an order under this Section without giving notice under Section 255(1); and	
121.9.4 require immediate compliance with an order despite Section 255(6)(a).	
<b>122. Rights of review of an order</b>	
122.1 The function pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.	<b>GMCB, MCS, CSOL</b>
<b>123. Action on non-compliance</b>	
123.1 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.	<b>GMCB, MCS</b>
123.2 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.	<b>GMCB, MCS</b>
123.3 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.	<b>GMCB, MCS</b>
123.4 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	<b>GMCB, MCS</b>

amount must be paid and, if the amount is not paid by the person within that period -	
123.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and	<b>GMCB, MCS</b>
123.4.2 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.	<b>GMCB, MCS</b>
<b>124. Councils to develop policies</b>	
124.1 The power 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.	<b>GMCB, MCS, MSG</b>
124.2 The function pursuant to Section 259(2) of the Act to prepare a draft of a policy and undertake public consultation in accordance with the Act.	<b>GMCB, MCS, MSG</b>
124.3 The function pursuant to Section 259(3) of the Act to consider any submission made on the proposed policy in response to an invitation under Section 259(2) of the Act.	<b>GMCB, MCS, MSG</b>
124.4 The power pursuant to Section 259(4) of the Act to amend a policy at any time.	<b>GMCB, MCS, MSG</b>
124.5 The function 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.	<b>GMCB, MCS, MSG</b>
124.6 The function pursuant to Section 259(8) of the Act in considering whether to make an order, to deal with the particular case on its merits and take into account any relevant policy under this Division.	<b>GMCB, MCS, MSG</b>
<b>125. Appointment of Authorised Persons</b>	
125.1 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.	<b>GMAD, GMCB, GMSC</b>
125.2 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.	<b>GMAD, GMCB, GMSC</b>
125.3 The power and function pursuant to Section 260(3) of the Act to issue to an authorised person an identity card –	<b>GMCB, MCS, MSG, SGL</b>

125.3.1 containing a photograph of the authorised person; and	
125.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.	
125.4 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.	
<b>126. Member Behaviour</b>	
126.1 The power under Section 262B(1) to prepare and adopt a behavioural management policy.	<b>REMAINS WITH COUNCIL</b>
126.2 The power under section 262B(6) to alter or substitute a behavioural management policy.	<b>REMAINS WITH COUNCIL</b>
126.3 The function under section 262B(7) to review the operation of the behavioural management policy within 12 months of the conclusion of each periodic election.	<b>REMAINS WITH COUNCIL</b>
126.4 The function under Section 262D of the Act to provide a complainant with written reasons for refusal or determination to take no action.	
126.5 The function under Section 262W(3)(b)(ii) to provide a report to the Panel detailing a Member's compliance with the Panel's requirement; or Council's compliance with Panel's requirement.	
<b>127. Procedures for review of decisions and requests for services</b>	
127.1 The power and function 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:	<b>GMSC, MSG</b>
127.1.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and	
127.1.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.	
127.2 The power and function 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:	<b>GMSC, MSG</b>
127.2.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and	



127.2.2	using information gained from the Council's community to improve its services and operations.	
127.3	Without limiting Sections 270(a1) and (a2) of the Act the power and function pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions under this Section.	<b>GMSC, MSG</b>
127.4	The power allow an application made more than 6 months of the making of the decision under Section 270(2a).	<b>GMSC, MSG</b>
127.5	The power pursuant to Section 270(3a) of the Act to reduce, waive or refund (in whole or part) the fee under Section 270(3) of the Act.	<b>GMSC, MSG</b>
127.6	The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if -	<b>GMSC, MSG</b>
127.6.1	the application was made by an employee of the Council and relates to an issue concerning his or her employment; or	
127.6.2	it appears that the application is frivolous or vexatious; or	
127.6.3	the applicant does not have a sufficient interest in the matter; or	
127.6.4	the Council or Delegate or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the Council or an investigation, inquiry or review by another authority.	
127.8	The power pursuant to Section 270(6) of the Act, from time to time to amend the policies, practices and procedures established under Section 270 of the Act.	<b>GMSC, MSG</b>
127.9	The power pursuant to Section 270(8) of the Act to initiate and consider a report that relates to -	<b>GMSC, MSG</b>
127.9.1	the number of applications for review made under Section 270; and	
127.9.2	the kinds of matters to which the applications relate; and	
127.9.3	the outcome of applications under this Section; and	
127.9.4	such other matters as may be prescribed by the Regulations.	

127.10	The power pursuant to Section 270(9) of the Act on an application for the provision of relief or concession with respect to the payment of rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	
<b>128. Mediation, conciliation and neutral evaluation</b>		
128.1	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.	<b>GMSC, MSG</b>
128.2	The function pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, to deal with a dispute under a Scheme established under Section 271(1) of the Act.	<b>GMSC, MSG</b>
<b>129. Provision of information to the Minister</b>		
129.1	The power and function, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	
129.2	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:	
	126.2.1 the information was given to the Council in confidence; or 126.2.2 is held on a confidential basis under Chapter 6 Part 4.	
<b>130. Minister may refer investigation of a council to Ombudsman</b>		
130.1	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.	
130.2	The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	
<b>131. Action on a report</b>		
131.1	The power pursuant to Section 273(3) of the Act to make submissions to the Minister on any report on which the action is based under this Section.	

<b>132. Investigation of a subsidiary</b>	
132.1 The power to investigate and report to the Minister under section 274.	
<b>133. Action on a report</b>	
133.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	
<b>134. Special jurisdiction</b>	
134.1 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 –	
134.1.1 proceedings to try the title of a member to an office;	
134.1.2 proceedings to try the right of a person to be admitted or restored to an office;	
134.1.3 proceedings to compel restoration or admission;	
134.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;	
134.1.5 proceedings to try the validity of a rate or service charge;	
134.1.6 proceedings to try the validity of a by-law;	
134.1.7 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.	
<b>135. Service of documents by councils etc</b>	
135.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and function to effect service in accordance with and pursuant to Section 279 of the Act.	<b>GMA, GMAD, GMCB, GMDC, MCS</b>
<b>136. Service of documents on councils</b>	
136.1 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.	<b>GMA, GMAD, GMCB, GMDC, MCS</b>

<b>137. Recovery of amounts from lessees or licensees</b>	
137.1 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.	<b>GMSC, MDS</b>
<b>138. Ability of occupiers to carry out works</b>	
138.1 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.	<b>GMAD, ME, MDS</b>
<b>139. Power to enter and occupy land in connection with an activity</b>	
139.1 The function pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours' notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	<b>GMAD, GMSC, ME, MDS</b>
139.2 The function pursuant to Section 294(3) of the Act:	<b>GMAD, GMSC, ME, MDS, MF</b>
139.2.1 to pay 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	
139.2.2 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	
139.2.3 within 6 months of ceasing to occupy the land – <ul style="list-style-type: none"> <li>remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and</li> <li>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.</li> </ul>	
139.3 The function pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable	

quality and design between the occupied land and the adjoining land.	
<b>140. Reclamation of land</b>	
140.1 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.	<b>GMAD, GMSC, MDS</b>
140.2 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.	<b>GMAD, GMSC, MDS</b>
140.3 The function pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	<b>GMAD, GMSC, MDS</b>
140.4 The function pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	<b>GMAD, GMSC, MDS</b>
<b>141. Property in rubbish</b>	
141.1 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.	<b>GMAD, GMCB, MCS, ME, SPMID, CSO, MFS, ACSO, CSOL</b>
<b>142. Power to act in an emergency</b>	
142.1 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.	<b>AMC, GMA, GMAD, GMCB, GMSC, MCS, ME, SPMID, MFS</b>
<b>143. Costs of advertisements</b>	
143.1 The function pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	<b>GMA, GMAD, GMCB, GMSC, MCE</b>

<b>144. Use of facilities</b>	
144.1 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.	<b>GMA, GMAD, GMCB, GMSC,</b>
<b>145. Preparation of stormwater management plans by councils</b>	
145.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:  145.1.1 complies with the guidelines issued by the Authority; and 145.1.2 is prepared in consultation with the relevant regional NRM board or boards; and 145.1.3 is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	<b>GMAD, ME</b>
<b>146. Authority may issue order</b>	
146.1 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.	<b>GMAD</b>
146.2 The power pursuant to Clause 20(6) of Schedule 1A, 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 provisions of this clause.	<b>GMAD</b>
<b>147. Special powers in relation to land</b>	
147.1 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	<b>GMAD</b>
147.1.1 enter and occupy any land; and	
147.1.2 construct, maintain or remove any infrastructure; and	
147.1.3 excavate any land; and	
147.1.4 inspect, examine or survey any land and for that purpose –	

	<p>(a) fix posts, stakes or other markers on the land; and</p> <p>(b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and</p> <p>(c) remove samples for analysis;</p>	
	147.1.5 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	
	147.1.6 hold any water in a watercourse or lake or by any other means; and	
	147.1.7 divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and	
	147.1.8 deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and	
	147.1.9 undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and	
	147.1.10 undertake any testing, monitoring or evaluation; and	
	147.1.11 undertake any other activity of a prescribed kind.	
147.2	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 <i>Land Acquisition Act 1969</i> and any other applicable laws.	<b>GMAD</b>
<b>148. Entry and occupation of land other than council land</b>		
148.1	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.	<b>GMAD</b>
148.2	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.	<b>GMAD</b>

<b>149. Vesting in infrastructure etc</b>	
149.1 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.	<b>GMAD</b>
<b>150. Building upgrade agreement</b>	
150.1 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 ( <i>a building upgrade agreement</i> ) under which:	<b>CAN ONLY BE DELEGATED TO CEO</b>
150.1.1 the building owner agrees to undertake upgrade works in respect of the building; and	
150.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and	
150.1.3 the Council agrees:	
150.1.3.1 to levy a charge on the relevant land ( <i>a building upgrade charge</i> ), 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	
150.1.3.2 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).	
150.2 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.	



150.3	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.	
<b>151. Variation or termination of agreement</b>		
151.1	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.	<b>CAN ONLY BE DELEGATED TO CEO</b>
<b>152. Contents of agreement</b>		
152.1	The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:	<b>CAN ONLY BE DELEGATED TO CEO</b>
152.1.1	the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and	
152.1.2	the amount of money to be advanced by the finance provider under the agreement; and	
152.1.3	the amount of the building upgrade charge to be levied by the Council under the agreement; and	
152.1.4	the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and	
152.1.5	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	
152.1.6	any prescribed matters	
150.2	The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	
150.2.1	provide for the early repayment of any amount payable under the agreement; and	
150.2.2	include and agree to other provisions	
<b>153. Declaration of building upgrade charge</b>		
153.1	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).	<b>CAN ONLY BE DELEGATED TO CEO</b>

153.2	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:	
153.2.1	the name and address of the building owner; and	
153.2.2	a description of the relevant land in respect of which the building upgrade charge is being levied; and	
153.2.3	the building upgrade agreement under which the building upgrade charge is being levied; and	
153.2.4	the amount for which the building owner is liable; and	
153.2.5	the manner of payment of the amount; and	
153.2.6	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	
153.2.7	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	
153.2.8	any prescribed matters.	
153.3	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.	
<b>154. Payment of building upgrade charge</b>		
1541	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.	<b>GMSC, MF</b>
154.2	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	<b>GMSC, MF</b>

building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	
154.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and	
154.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	
<b>155. Sale of land for non-payment of building upgrade charge</b>	
155.1 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 the building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.	
155.2 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:	<b>GMSC, MF</b>
155.2.1 firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;	
155.2.2 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);	
155.2.3 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;	
155.2.4 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;	
155.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;	
155.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;	
155.2.7 seventhly – in payment to the owner of the land.	

155.3	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 <i>Unclaimed Moneys Act 1891</i> .	<b>GMSC, MF</b>
<b>156. Repayment of advances to finance provider</b>		
156.1	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:	<b>GMSC, MF</b>
156.1.1	adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and	
156.1.2	give the building owner written notice of the adjustment	
156.2	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:	<b>GMSC, MF</b>
156.2.1	the building owner has made payment in respect of the charge in excess of the adjusted amount; and	
156.2.2	the excess amount has been paid by the Council to the finance provider,	
	to refund the building owner the excess amount paid.	
<b>157. Register of building upgrade agreements</b>		
157.1	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.	<b>GMSC, MDS</b>
157.2	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).	<b>GMSC, MDS</b>

## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
139	The power of the General Manager Alwyndor ( <b>GMA</b> ) to invest money under the Council's control is to be read in conjunction with the Council's Investment Policy, including as amended from time to time.
152	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the <i>Local Government Act 1999</i> , be subdelegated by the Chief Executive Officer
153	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the <i>Local Government Act 1999</i> , be subdelegated by the Chief Executive Officer
154	The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the <i>Local Government Act 1999</i> , be subdelegated by the Chief Executive Officer
155	The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the <i>Local Government Act 1999</i> , be subdelegated by the Chief Executive Officer

**FINANCIAL DELEGATIONS UNDER THE  
LOCAL GOVERNMENT ACT 1999**

Amount \$	Position	Management Team	Department	Conditions for Coles/Bunnings Cards
<b>Unlimited</b>	Chief Executive Officer	Chief Executive Officer	Chief Executive Officer	N/A
<b>\$350,000.00</b>	GM Assets & Delivery	General Manager	Assets & Delivery	N/A
<b>\$350,000.00</b>	GM Community & Business	General Manager	Community & Business	N/A
<b>\$350,000.00</b>	GM Strategy & Corporate	General Manager	Strategy & Corporate	N/A
<b>\$150,000.00</b>	Manager Engineering	Engineering	Assets & Delivery	N/A
<b>\$150,000.00</b>	Senior Project Manager Infrastructure Delivery	Engineering	Assets & Delivery	N/A
<b>\$80,000.00</b>	Buildings & Facilities Manager	Buildings & Facilities	Assets & Delivery	N/A
<b>\$50,000.00</b>	Manager Financial Services	Financial Services	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager People & Culture	People & Culture	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager Development Services	Development Services	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager Public Realm & Urban Design	Public Realm & Urban Design	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager Field Services	Field Services	Assets & Delivery	N/A
<b>\$50,000.00</b>	Project Manager Civil	Engineering	Assets & Delivery	N/A
<b>\$50,000.00</b>	Manager Community Wellbeing	Community Wellbeing	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager Customer Experience & Library Services	Customer Experience & Library Services	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager Communications & Engagement	Communications & Engagement	Community & Business	N/A

<b>\$50,000.00</b>	Manager Innovation & Technology Services	Innovation & Technology	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Manager City Activation	City Activation	Community & Business	N/A
<b>\$50,000.00</b>	Jetty Road Development Coordinator	City Activation	Community & Business	N/A
<b>\$50,000.00</b>	Manager Strategy & Governance	Strategy & Governance	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Asset Management Lead	Engineering	Assets & Delivery	N/A
<b>\$50,000.00</b>	Manager Community Safety	Community Safety	Community & Business	N/A
<b>\$50,000.00</b>	Development Administration Lead	Development Services	Strategy & Corporate	N/A
<b>\$50,000.00</b>	Project Manager Capital Renewal Delivery	Engineering	Assets & Delivery	N/A
<b>\$20,000.00</b>	Business Development Partner	City Activation	Community & Business	N/A
<b>\$20,000.00</b>	Project Officer Capital Renewal Delivery	Engineering	Assets & Delivery	N/A
<b>\$20,000.00</b>	Operations & Fleet Support Officer	Field Services	Assets & Delivery	Coles card \$500 per transaction
<b>\$20,000.00</b>	Buildings & Facilities Project Officer	Building & Facilities	Assets & Delivery	N/A
<b>\$20,000.00</b>	Buildings & Facilities Technical Officer	Building & Facilities	Assets & Delivery	N/A
<b>\$20,000.00</b>	Traffic & Transport Lead	Engineering	Assets & Delivery	N/A
<b>\$20,000.00</b>	Environment & Coast Lead	Engineering	Assets & Delivery	N/A
<b>\$20,000.00</b>	Event Lead	City Activation	Community & Business	N/A
<b>\$20,000.00</b>	Project Manager Public Realm & Urban Design	Public Realm & Urban Design	Strategy & Corporate	N/A



<b>\$20,000.00</b>	Civil Works Lead	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$20,000.00</b>	Open Space Lead	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$20,000.00</b>	Recreation & Sport Planning Lead	Public Realm & Urban Design	Strategy & Corporate	N/A
<b>\$20,000.00</b>	Rapid Response/City Cleansing Lead	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$20,000.00</b>	Commercial Specialist	City Activation	Community & Business	N/A
<b>\$20,000.00</b>	Project Manager Recreation & Sport	Public Realm & Urban Design	Strategy & Corporate	N/A
<b>\$15,000.00</b>	Urban Greening Officer	Engineering	Assets & Delivery	N/A
<b>\$10,000.00</b>	Snr Urban Forest Officer	Field Services	Assets & Delivery	N/A
<b>\$10,000.00</b>	Environmental Officer	Engineering	Assets & Delivery	N/A
<b>\$10,000.00</b>	Project Delivery Lead	Innovation & Technology	Strategy & Corporate	N/A
<b>\$10,000.00</b>	Curator - Exhibitions & History	City Activation	Community & Business	Coles card \$500 per transaction
<b>\$10,000.00</b>	Community Recreation & Sport Coordinator	Public Realm & Urban Design	Strategy & Corporate	N/A
<b>\$10,000.00</b>	Community Development Coordinator	Community Wellbeing	Community & Business	N/A
<b>\$10,000.00</b>	Team Leader Information & Technology	Innovation & Technology	Strategy & Corporate	N/A
<b>\$10,000.00</b>	Property Officer	Development Services	Strategy & Corporate	N/A
<b>\$10,000.00</b>	EO & Assistant to the Mayor	Office of Chief Executive	Office of Chief Executive	N/A

<b>\$10,000.00</b>	Event Coordinator	City Activation	Community & Business	N/A
<b>\$5,000.00</b>	Information Management Specialist	Innovation & Technology	Strategy & Corporate	N/A
<b>\$5,000.00</b>	Library Officer Systems	Customer Experience & Library Services	Community & Business	N/A
<b>\$5,000.00</b>	Tourism Development Coordinator	City Activation	Community & Business	N/A
<b>\$5,000.00</b>	Management Accountant Lead	Financial Services	Strategy & Corporate	N/A
<b>\$5,000.00</b>	Library Collections Lead	Customer Experience & Library Services	Community & Business	N/A
<b>\$5,000.00</b>	Library Operations Lead	Customer Experience & Library Services	Community & Business	N/A
<b>\$5,000.00</b>	Library Learning Lead	Customer Experience & Library Services	Community & Business	N/A
<b>\$5,000.00</b>	Digital Engagement Partner	Communications & Engagement	Community & Business	N/A
<b>\$5,000.00</b>	Marketing & Design Advisor	Communications & Engagement	Community & Business	N/A
<b>\$5,000.00</b>	Community Youth & Recreation Coordinator	Community Wellbeing	Community & Business	N/A
<b>\$5,000.00</b>	Financial Accountant Lead	Financial Services	Strategy & Corporate	N/A
<b>\$5,000.00</b>	EA to GM Assets & Delivery	Office of Chief Executive	Office of Chief Executive	N/A
<b>\$5,000.00</b>	Technical Officer Traffic	Engineering	Assets & Delivery	N/A
<b>\$5,000.00</b>	Communications Advisor	Communications & Engagement	Community & Business	N/A
<b>\$5,000.00</b>	Arts & Culture Coordinator	City Activation	Community & Business	N/A
<b>\$3,000.00</b>	Operations Planner	Field Services	Assets & Delivery	N/A
<b>\$1,000.00</b>	Community Centre Support Officer	Community Wellbeing	Community & Business	N/A
<b>\$1,000.00</b>	Executive Support Officer	Office of Chief Executive	Office of Chief Executive	N/A

<b>\$1,000.00</b>	EA to CEO / GM Strategy and Corporate	Office of Chief Executive	Office of Chief Executive	Coles card \$500 per transaction
<b>\$1,000.00</b>	Senior ICT Infrastructure Officer	Innovation & Technology	Strategy & Corporate	N/A
<b>\$1,000.00</b>	People & Capability Advisor	People & Culture	Strategy & Corporate	N/A
<b>\$1,000.00</b>	Function & Venue Coordinator Partridge House	City Activation	Community & Business	Coles card \$500 per transaction
<b>\$1,000.00</b>	Community Wellbeing Intake Support Officer	Community Wellbeing	Community & Business	N/A
<b>\$1,000.00</b>	Strategic Planner (Policy)	Strategy & Governance	Strategy & Corporate	N/A
<b>\$1,000.00</b>	Senior Field Worker - Civil	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Senior Field Worker - Rapid Response/City Cleansing	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Senior Field Worker - Open Space	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Operations Support Officer	Field Services	Assets & Delivery	N/A
<b>\$1,000.00</b>	Fieldworker - Builder	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Electrician	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Fieldworker - Rapid Response/City Cleansing	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction

<b>\$1,000.00</b>	Fieldworker Irrigation Technician - Open Space	Field Services	Assets & Delivery	Bunnings card \$1,000 per transaction
<b>\$1,000.00</b>	Caretaker	Field Services	Assets & Delivery	Coles card \$500 per transaction
<b>\$1,000.00</b>	Volunteering Services Coordinator	Community Wellbeing	Community & Business	N/A
<b>\$1,000.00</b>	Community Transport Coordinator	Community Wellbeing	Community & Business	N/A
<b>\$1,000.00</b>	Marketing & Design Assistant	Communications & Engagement	Community & Business	N/A
<b>\$1,000.00</b>	EA to GM Community & Business	Community & Business	Community & Business	Coles card \$500 per transaction

## ALWYNDOR FINANCIAL DELEGATIONS

## APPENDIX 22A

Amount \$	Position	Department	Management Team
<b>350,000</b>	General Manager Alwyndor	General Manager Alwyndor	General Manager Alwyndor
<b>50,000</b>	Community Connections Manager	Community Connections	Community Connections
<b>50,000</b>	Residential Services Manager	Residential Services	Residential Services
<b>20,000</b>	Finance Manager	Finance	Finance
<b>20,000</b>	People & Culture Manager	People & Culture	People & Culture
<b>10,000</b>	Catering Services Manager	Residential Services	Residential Services
<b>10,000</b>	Team Leader Gardening & Maintenance	Property & Infrastructure	Property Maintenance

<b>10,000</b>	Information & Technology Manager	Innovation & Technology	Innovation & Technology
<b>5,000</b>	Team Leader Community Connections	Community Connections	Community Connections
<b>5,000</b>	Gardening Coordinator	Property & Infrastructure	Property Maintenance
<b>5,000</b>	Team Leader Technology Operations	Innovation & Technology	Innovation & Technology
<b>2,000</b>	Lifestyle Coordinator	Community Connections	Community Connections
<b>2,000</b>	Customer Care Team Leader	Community Connections	Community Connections
<b>2,000</b>	Personal Assistant to General Manager	General Manager Alwyndor	General Manager Alwyndor
<b>1,000</b>	Support at Home Community Participation	Community Connections	Community Connections
<b>1,000</b>	Community Participation Officer	Community Connections	Community Connections
<b>1,000</b>	Support At Home Coordinators	Community Connections	Community Connections

**INSTRUMENT OF DELEGATION UNDER THE  
LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting held on **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Authorised officers	SUB DELEGATION
<p>1.1 The power pursuant to Section 12(3) of the <i>Local Nuisance and Litter Control Act 2016 (the Act)</i>, to appoint:</p> <p>1.1.1 specified officers or employees of the Council; or</p> <p>1.1.2 a specified class of officers or employees of the Council,</p> <p>to be authorised officers for the purposes of the Act.</p>	GMAD, GMCB, GMSC
1.2 The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	GMAD, GMCB, GMSC
1.3 The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	GMAD, GMCB, GMSC
2. Identity cards	
<p>2.1 The function pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:</p> <p>2.1.1 containing the person's name and a recent photograph of the person; and</p> <p>2.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p> <p>2.1.3 specifying the name of the Council.</p>	GMAD, GMCB, GMSC, MCS, SGL

2.2	The function pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	<b>GMCB, MCS, SGL</b>
<b>3.</b>	<b>Limit of area of authorised officers appointed by councils</b>	
3.1	The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	<b>GMAD, GMCB, GMSC, MCS</b>
<b>4.</b>	<b>Provisions relating to seizure</b>	
4.1	The function pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3 of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.	<b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b>
4.2	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	<b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b>
4.3	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	<b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b>
4.4	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	<b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b>
<b>5.</b>	<b>Exemptions from application of section 18</b>	
5.1	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	<b>GMCB, MCS, MDS, EHL, CSOL, MDS</b>
5.2	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	<b>GMAD, GMCB, MCS, MDS</b>
5.3	The function pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	<b>GMAD, GMCB, MCS, MDS</b>

5.3.1	there are exceptional circumstances that justify the making of the declaration; and	
5.3.2	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.	
5.4	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:	<b>GMAD, GMCB, MCS, MDS</b>
5.4.1	the permitted times or periods of time for carrying on the activity; or	
5.4.2	the manner of carrying on the activity.	
5.5	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	<b>GMAD, GMCB, MCS, MDS</b>
5.6	The:	
5.6.1	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and	<b>GMAD, GMCB, MCS, MDS</b>
5.6.2	function pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	<b>GMAD, GMCB, MCS, MDS</b>
<b>6.</b>	<b>Disposing of litter</b>	
6.1	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	<b>CSO, GMCB, MCS, EHL, CSOL, EHO</b>
6.2	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	<b>CSO, GMCB, MCS, EHL, CSOL, EHO</b>



<b>7. Liability of vehicle owners</b>		
7.1	The function pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the <i>Expiation of Offences Act 1996</i> to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:	<b>GMCB, MCS, CSO, CSOL, ACSO</b>
7.1.1	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or	
7.1.2	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).	
7.2	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	<b>GMCB, MCS</b>
7.3	The function pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:	<b>GMCB, MCS</b>
7.3.1	setting out particulars of the alleged principal offence; and	
7.3.2	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)( and (b).	
7.4	The function pursuant to Section 26(9) of the Act, if:	<b>GMCB, MCS, CSOL, ACSO, CSO</b>
7.4.1	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or	
7.4.2	proceedings are commenced against such a person,	

<p>to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.</p>	
<p>7.5 The function pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.</p>	<p><b>GMCB, MCS, , CSOL, ACSO, CSO</b></p>
<p><b>8. Notification to EPA of serious or material environmental harm</b></p>	
<p>8.1 The function pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the <i>Environment Protection Act 1993</i>, to, as soon as practicable, notify the Environment Protection Authority of that belief.</p>	<p><b>EHO, GMCB, MCS, EHL</b></p>
<p><b>9. Nuisance and litter abatement notices</b></p>	
<p>9.1 The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.</p>	<p><b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b></p>
<p>9.2 The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.</p>	<p><b>CSO, EHO, GMCB, MCS, EHL, CSOL, MDS</b></p>
<p>9.3 The:</p>	
<p>9.3.1 function pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:</p>	<p><b>CSO, EHO, GMCB, GMSC, MCS, MDS, EHL, CSOL</b></p>
<p>9.3.1.1 is in the form of a written notice served on the person to whom it is issued; and</p>	
<p>9.3.1.2 specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and</p>	
<p>9.3.1.3 specifies the purpose for which it is issued; and</p>	

9.3.2	power pursuant to Section 30(2)(d) and (e) of the Act, in relation to a notice under Section 30 of the Act, to:	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
9.3.2.1	direct two or more persons to do something specified in the notice jointly; and	
9.3.2.2	impose a requirement that the person do one or more of the following:	
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	
(b)	not carry on a specified activity except at specified times or subject to specified conditions;	
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;	
(d)	furnish to the Council specified results or reports within a specified period;	
(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	
(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;	

	(h) take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	
	(i) in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:	
	A. preventing the escape of litter from business premises; or	
	B. keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	
	(j) impose any other requirement prescribed by regulation; and	
	(k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.	
9.4	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
9.5	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
9.5.1	the owner or occupier of the premises; or	
9.5.2	a person who has the management or control of the premises; or	
9.5.3	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	

9.6	The function pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development Court.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
9.7	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
<b>10. Action on non-compliance with notice</b>		
10.1	The power pursuant to Section 31(1) of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
10.2	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
10.3	The function pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
10.4	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
10.5	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.	<b>CSO, CSOL, EHO, GMCB, GMSC, MCS, MDS, EHL</b>
<b>11. Civil remedies</b>		
11.1	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.1.1	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;	

11.1.2	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;	
11.1.3	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;	
11.1.4	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;	
11.1.5	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;	
11.1.6	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.	
11.2	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.3	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.4	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.5	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.6	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>

11.7	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
11.8	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
<b>12.</b>	<b>Minister or council may recover civil penalty in respect of contravention</b>	
12.1	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the Delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development Court an amount as a civil penalty in respect of the contravention.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
12.2	The function pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
12.3	The function pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:	<b>GMAD, GMCB, GMSC, MCS, MDS</b>
	12.3.1 unless the Council or the Delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or	
	12.3.2 if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.	
12.4	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	<b>GMCB, MCS</b>

12.5	The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	<b>GMCB, MCS</b>
12.6	The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	<b>GMCB, MCS</b>
12.7	The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	<b>GMCB, MCS</b>
<b>13. Statutory declaration</b>		
13.1	The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	<b>GMCB, MCS, EHL, RHO, CSO, CSOL, ACSO, EHO</b>
<b>14. Orders in respect of contraventions</b>		
14.1	The power pursuant to Section 45(1) of the Act, if the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:	<b>GMCB, MCS, MDS</b>
14.1.1	an order the person to take specified action to make good any damage and, to take specified action to prevent or mitigate further damage;	
14.1.2	an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;	
14.1.3	if the Council has incurred costs or expenses in taking action to prevent, mitigate or make good any damage (including taking action to remove or clean up, and lawfully dispose of litter); an order the person pay	



the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.	
14.2 The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	<b>GMCB, MCS MDS</b>
14.3 The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	<b>GMCB, MCS MDS</b>
<b>15. Recovery of administrative and technical costs associated with contraventions</b>	
15.1 The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:	<b>GMCB, MCS MDS</b>
15.1.1 has taken action to:	
15.1.1.1 investigate the contravention; or	
15.1.1.2 issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or	
15.1.1.3 ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or	
15.1.2 has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,	
to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.	
15.2 The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	<b>GMCB, MCS MDS</b>

15.3	The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:	<b>GMCB, MCS MDS</b>
15.3.1	extend the time for payment of an amount payable in accordance with the notice; or	
15.3.2	waive payment of such an amount or reduce the amount payable.	
15.4	The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with Section 48 of the Act to recover the amount as a debt.	<b>GMCB, MCS MDS</b>
<b>16. Assessment of reasonable costs and expenses</b>		
16.1	The function pursuant to Section 49 of the Act, to assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	<b>GMCB, MCS MDS</b>
<b>17. Evidentiary provisions</b>		
17.1	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:	<b>GMCB, MCS</b>
17.1.1	the appointment or non-appointment of a person as an authorised officer under the Act; or	
17.1.2	a delegation or authority under the Act; or	
17.1.3	a notice, requirement or direction of the Council or an authorised officer under the Act; or	
17.1.4	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	
17.2	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	<b>GMCB, MCS</b>

**DELEGATIONS UNDER LOCAL NUISANCE AND  
LITTER CONTROL REGULATIONS 2017**

<b>18. Exemptions from application of section 18</b>	<b>SUB DELEGATION</b>
18.1 The power pursuant to Regulation 6(2) of the <i>Local Nuisance and Litter Control Regulations 2017</i> (the Regulations) to refuse to consider an application lodged pursuant to Section 19(2) of the Act if the application is not lodged as required by Regulation 6(1)(a)(ii) of the Regulations.	<b>GMAD, GMCB, MCS, MDS</b>
<b>19. Action on Non-compliance with Notice</b>	
19.1 The power pursuant to Regulation 13(2)(a) of the Regulations, to: <ul style="list-style-type: none"> <li>19.1.1 for the purposes of creating the charge on land, give the Registrar General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General;</li> <li>19.1.2 setting out the amount recoverable under Section 31 of the Act; and</li> <li>19.1.3 setting out the land in relation to which the relevant action was taken; and</li> <li>19.1.4 requesting the Registrar-General to make a notation under Regulation 13(2) in relation to the relevant land.</li> </ul>	<b>GMAD, GMCB, MCS, CSOL, EHL, MDS</b>
19.2 The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.	<b>GMAD, GMCB, MCS, RA, MF</b>
19.3 The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling a charge under Regulation 13 from the owner of the land in accordance with Section 144 of the <i>Local Government Act 1999</i> .	<b>GMCB, MCS, MF</b>
<b>20. Payment of fees by instalments</b>	
20.1 The power pursuant to regulation 15(1) of the Regulations to allow the payment of a fee in instalments.	<b>GMCB, MCS</b>
<b>21. Waiver or refund of fees</b>	
21.1 The power pursuant to Regulation 16 to waive or refund a fee or other amount payable under the Act or Regulations.	<b>GMCB, MCS</b>
<b>22. Recovery of fees</b>	
22.1 The power pursuant to Regulation 17 to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.	<b>GMCB, MCS</b>

## **SCHEDULE OF CONDITIONS**

**CONDITIONS OR LIMITATIONS  
APPLICABLE TO DELEGATIONS  
CONTAINED IN THIS INSTRUMENT**

[

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND  
INFRASTRUCTURE ACT 2016 AND PLANNING, DEVELOPMENT AND  
INFRASTRUCTURE (GENERAL) REGULATIONS 2017**

Except where otherwise specified, in the exercise of the powers contained in Section 44 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the resolution made by the City of Holdfast Bay (the Council) on the [insert date] the following powers and functions provided in this document are delegated by the Council to the person occupying the office of the Chief Executive Officer of the Council (the Delegate) and extend to any person appointed to act in the position of Chief Executive Officer and the Delegate is authorised to further delegate these powers and functions in accordance with Section 44 and Section 101 of the *Local Government Act 1999* and section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this Instrument of Delegation.

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting held on [Insert Date].

**POWERS AND FUNCTIONS SUB-DELEGATED IN THIS INSTRUMENT**

1. Planning regions and Greater Adelaide	SUB-DELEGATION
1.1 The power pursuant to Section 5(5)(b) of the Act to make submissions to the Minister on a proposed proclamation under Section 5 of the Act.	<b>REMAINS WITH COUNCIL</b>
2. Subregions	
2.1 The power pursuant to Section 6(3)(b) of the Act to make submissions to the Minister on the Minister's proposed course of action.	<b>REMAINS WITH COUNCIL</b>

<b>3. Environment and food production areas – Greater Adelaide</b>	
3.1 The power pursuant to Section 7(5) of the Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:	
3.1.1 to seek the concurrence of the State Planning Commission in the granting of the authorisation;	
3.1.2 to concur in the granting of the development authorisation to the development;	
3.2 The power pursuant to section 7(5)(d) of the Act to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	
<b>4. Planning agreements</b>	
4.1 The power pursuant to Section 35(1)(a) of the Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.	<b>REMAINS WITH COUNCIL</b>
4.2 The power pursuant to Section 35(3) of the Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	<b>REMAINS WITH COUNCIL</b>
4.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and	
4.2.2 the constitution of a joint planning board including, in relation to such a board:	
4.2.2.1 the membership of the board, being between 3 and 7 members (inclusive); and	
4.2.2.2 subject to Section 35(4) of the Act, the criteria for membership; and	
4.2.2.3 the procedures to be followed with respect to the appointment of members; and	
4.2.2.4 the terms of office of members; and	

4.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and	
4.2.2.6	the appointment of deputy members; and	
4.2.2.7	the procedures of the board; and	
4.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and	
4.2.4	the staffing and other support issues associated with the operations of the joint planning board; and	
4.2.5	financial and resource issues associated with the operations of the joint planning board, including:	
4.2.5.1	the formulation and implementation of budgets; and	
4.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	
4.2.6	such other matters as the Delegate thinks fit.	
4.3	The power pursuant to Section 35(5)(a) of the Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	<b>REMAINS WITH COUNCIL</b>
4.4	The power pursuant to Section 35(5)(b) of the Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	<b>REMAINS WITH COUNCIL</b>
<b>5.</b>	<b>Community Engagement Charter</b>	
5.1	The power pursuant to Section 44(6)(a) of the Act, to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 (unless the proposal has been initiated by the Council).	

<b>6. Preparation and amendment of Charter</b>	
6.1 The power pursuant to Section 45(2)(c) of the Act to make representations (in writing or via the SA Planning Portal) on a proposal to prepare or amend the Charter.	
<b>7 Preparation and amendment</b>	
7.1 The power pursuant to Section 73(2)(b)(iv) of the Act to initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.	
7.2 The power pursuant to Section 73(6) of the Act where the Council is authorised or approved under Section 73 of the Act, and after all of the requirements of Section 73 have been satisfied:	<b>GMSC, MDS</b>
7.2.1 to prepare a draft of the relevant proposal; and	
7.2.2 to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and	
7.2.3 to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board and	
7.2.4 to the extent that paragraph (b) of Section 73(6) of the Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	
7.2.4.1 an owner or occupier of the land; and	
7.2.4.2 an owner or occupier of each piece of adjacent land,	
A notice in accordance with the regulations; and	



7.2.5	to consult with any person or body specified by the State Planning Commission and any other person or body as the delegate things fit; and	
7.2.6	to carry out such investigations and obtain such information specified by the State Planning Commission; and	
7.2.7	to comply with any requirement prescribed by the regulations.	
7.3	The function pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the Act, ensure a copy of the report is published on the SA Planning Portal in accordance with a practice direction that applies for the purposes of Section 73 of the Act.	<b>GMSC, MDS</b>
7.4	The power pursuant to Section 73(9) of the act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the Act (subject to the requirements to charge costs under Section 73(4)(b) of the Act (if relevant)).	<b>GMSC, MDS</b>
<b>8</b>	<b>Parliamentary scrutiny</b>	
8.1	The power pursuant to Section 74(8) of the Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	<b>GMSC, MDS</b>
<b>9</b>	<b>Entities constituting relevant authorities</b>	
9.1	The power pursuant to Section 82(d) of the Act, subject to the Act, to appoint an assessment panel.	<b>REMAINS WITH COUNCIL</b>
<b>10</b>	<b>Panels established by joint planning boards or councils</b>	
10.1	The power pursuant to Section 83(1) of the Act in relation to an assessment panel appointed by the Council under Division 1 and Part 6 of the Act, to:	<b>REMAINS WITH COUNCIL</b>

10.1.1	appoint more than 1 assessment panel and if the delegate does so to clearly specify which class of development each assessment panel is to assess;	
10.1.2	determine:	
	10.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	
	10.1.2.2 the procedures to be followed with respect to the appointment of members; and	
	10.1.2.3 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and	
	10.1.2.4 the appointment of deputy members; and	
	10.1.2.5 who will act as the presiding member of the panel and the process for appointing an acting presiding member.	
10.2	The power pursuant to Section 83(1)(h) of the Act to arrange the staffing and support required for the purposes of the operations of the panel.	
10.3	The power pursuant to Section 83(1)(i) of the Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the State Planning Commission under Section 86 of the Act.	

10.4	The power pursuant to Section 83(2) of the Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	
<b>11</b>	<b>Panels established by Minister</b>	
11.1	The power pursuant to Section 84(1)(c)(ii)(B) of the Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council (or part of the area).	
<b>12</b>	<b>Substitution of local panels</b>	
12.1	The power pursuant to Section 86(2)(a) of the Act to make submissions to the State Planning Commission in relation to an inquiry.	
<b>13.</b>	<b>Determination of relevant authority</b>	
13.1	The power pursuant to section 99(1)(b) of the Act to determine to act under section 99(1)	
13.2	The power pursuant to section 99(1)(c) of the Act and (d) to refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken or to require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	
13.3	The power pursuant to section 99(2)(a) of the Act to assess the development against and, if appropriate, granting a consent in respect of, the relevant provisions of the Building Rules and, if appropriate, granting development approval.	
13.4	The power pursuant to section 99(2)(b) of the Act to grant development approval where the subject development is to be undertaken in the Council's area and a building certifier acts as the relevant authority for the purposes of assessing the development against and, if appropriate, granting a consent in respect of, the relevant provisions of the Building Rules.	

13.5	The power pursuant to section 99(3) of the Act to grant development approval after all elements of the development have been approved by 1 or more relevant authorities under section 99.	
<b>14.</b>	<b>Matters against which development must be assessed</b>	
14.1	The power, pursuant to section 102(1)(b) of the Act, as a relevant authority to assess a development against and grant or refuse consent in respect of the provisions of the Building Rules.	<b>DOB</b>
14.2	The power pursuant to section 102(1)(c)(iv) of the Act to consent to the vesting of land in the Council.	
14.3	The power pursuant to section 102(1)(d)(iv) of the Act to consent to the vesting of land in the Council.	
14.4	The power pursuant to section 102(8) of the Act, when all relevant consents have been granted, to grant full development approval to a development application.	<b>DOB, DOP, DAL</b>
<b>15.</b>	<b>EIS Process</b>	
15.1	The power pursuant to section 113(5)(a)(iii) of the Act to comment and report on an EIS.	
<b>16.</b>	<b>Application and provision of information</b>	
16.1	The power pursuant to section 119(3) of the Act, subject to section 119(4) and (5) of the Act, to request an applicant:	<b>DOB, DOP, DAL, MDS</b>
16.1.1	to provide such additional documents, assessments or information (including calculations and technical details) as may reasonably be required to assess the application;	
16.1.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	
16.1.3	to consult with an authority of body prescribed by the Regulations;	
16.1.4	to comply with any other requirement prescribed by the Regulations.	

16.2	The power pursuant to section 119(6)(b)(i) of the Act, to refuse an application if a request for additional information in accordance with section 119(3) of the Act is not complied with within the specified timeframe.	<b>DOB, DOP, DAL, MDS</b>
16.3	The power pursuant to section 119(9) of the Act to:	<b>DOB, DOP, DAL, MDS</b>
16.3.1	permit an applicant to vary an application;	
16.3.2	permit an applicant to vary any plans, drawings, specifications or other documents that accompanied an application,	
	(provided that the essential nature of the proposed development is not changed);	
16.3.3	permit an applicant to lodge an application without the provision or any information or document required by the regulations;	
16.3.4	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	
16.3.5	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the Act (whether by an applicant or other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	
<b>17.</b>	<b>Referrals to other authorities or agencies</b>	
17.1	The power pursuant to section 122(10) of the Act to, on application by the applicant and subject to section 122(11) of the Act, defer referral until a particular stage in assessment.	<b>DOB, DOP, DAL, MDS</b>
<b>18.</b>	<b>Time within which a decision must be made</b>	

18.1	The power pursuant to section 125(1) of the Act to determine an application within the prescribed timeframe in the Regulations.	<b>DOB, DOP, DAL, MDS</b>
18.2	The power pursuant to section 125(4) of the Act to, subject to section 125(3) of the Act and receipt of a deemed consent notice, within ten (10) business days, grant planning consent itself or subject to conditions.	<b>DOP, DAL, MDS</b>
18.3	The power pursuant to section 125(6) of the Act to, where the delegate believes that consent should have been refused, apply to the Court within one (1) month for an order quashing the deemed planning consent.	<b>DOP, DAL, MDS</b>
<b>19.</b>	<b>Conditions</b>	
19.1	The power pursuant to section 127(1)(a) of the Act to, subject to section 127(2)(a) of the Act and in accordance with section 127(3) of the Act, impose conditions on an authorisation.	<b>DOB, DOP, DAL, MDS</b>
<b>20.</b>	<b>Variation of authorisation</b>	
20.1	The power pursuant to section 128 of the Act to grant consent to a variation application.	<b>DOB, DOP, DAL, MDS</b>
<b>21.</b>	<b>Essential infrastructure – alternative assessment process</b>	
21.1	The power pursuant to section 130(6) of the Act to report to the State Planning Commission on matters contained within a notice under section 130(5).	<b>DOB, DOP, DAL, MDS</b>
<b>22.</b>	<b>Development assessment – Crown development</b>	
22.1	The power pursuant to section 131(7) of the Act to report to the State Planning Commission on matters contained within a notice under section 131(6).	
<b>23.</b>	<b>Land division certificate</b>	
23.1	The power pursuant to section 138 of the Act to furnish the State Planning Commission with appropriate information as to compliance with a particular condition, or to comply with any requirement prescribed by the regulations.	<b>DOB, MDS, GMSC</b>
<b>24.</b>	<b>Action if development not completed</b>	

<p>24.1 The power pursuant to section 141(1) of the Act to apply to the Court for an order under section 141.</p>	<p><b>DOB, MDS, GMSC</b></p>
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24.2	The power pursuant to section 141(5) of the Act to cause work contemplated by an order of the Court to be carried out and to recover the costs of that work as a debt from the relevant person.	<b>DOB, MDS, GMSC</b>
24.3	The power pursuant to section 141(6) of the Act to write to the relevant person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate on the amount unpaid; and the amount together with any interest charge so payable is until paid a charge in favour of the Council on any land owned by the person.	
<b>25. Completion of work</b>		
25.1	The power pursuant to section 142(1) of the Act, where approved development has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval, to issue a notice to the owner of the land requiring them to complete the development within a period specified in the notice.	<b>DOB, GMSC, MDS</b>
25.2	The power pursuant to section 142(2) of the Act, if the owner fails to carry out work as required by a notice issued under section 142(1), to cause the necessary work to be carried out.	<b>DOB, GMSC, MDS</b>
25.3	The power pursuant to section 142(3) of the Act and subject to section 143(4) to recover the reasonable costs and expenses incurred in acting under section 142(2).	<b>DOB, GMSC, MDS</b>
25.4	The power pursuant to section 142(5) of the Act to defend an appeal against a notice issued under section 142(1).	<b>DOB, GMSC, MDS</b>
<b>26. Cancellation of development authorisation</b>		
26.1	The power pursuant to section 143(1) of the Act, on application of a person who has the benefit of the development authorisation, cancel a development authorisation previously given by the relevant authority.	<b>DOB, GMSC, MDS</b>
<b>27. Notification during building</b>		
27.1	The power pursuant to section 146 of the Act to direct a person who is carrying out building work to stop building work when a mandatory notification stage has been	<b>DOB, GMSC, MDS</b>



reached pending an inspection by an authorised officer who holds prescribed qualifications.	
<b>28. Classification of buildings</b>	
28.1 The power pursuant to section 151 of the Act to assign a building erected in the Council's area a classification that conforms with the regulations.	<b>DOB, GMSC, MDS</b>
28.2 The power pursuant to section 151 of the Act to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	<b>DOB, GMSC, MDS</b>
<b>29. Certificates of occupancy</b>	
29.1 The power pursuant to section 152(2) of the Act to issue a certificate of occupancy.	<b>DOB, GMSC, MDS</b>
29.2 The power to pursuant to section 152(3) of the Act to require information be included in an application for a certificate of occupancy.	<b>DOB, GMSC, MDS</b>
29.3 The power pursuant to section 152(5) of the Act to consider any report supplied under section 152(4) before deciding an application.	<b>DOB, GMSC, MDS</b>
29.4 The power pursuant to section 152(10) of the Act to refuse an application and to notify the applicant in writing of the refusal, the reasons for the refusal and the applicant's right of appeal.	<b>DOB, GMSC, MDS</b>
29.5 The power pursuant to section 152(13) of the Act to revoke a certificate of occupancy in accordance with the regulations in prescribed circumstances.	<b>DOB, GMSC, MDS</b>
<b>30. Temporary occupation</b>	
30.1 The power pursuant to section 153(1) of the Act to approve the occupation of a building on a temporary basis without a certificate of occupancy.	<b>GMSC, MDS</b>
30.2 The power pursuant to section 153(2) of the Act to impose conditions as to the temporary occupation of a building without a certificate of occupancy.	<b>GMSC, MDS</b>
30.3 The power pursuant to section 153(3) of the Act to refuse an application for temporary occupation and notify the	<b>GMSC, MDS</b>

applicant in writing of the refusal, the reasons for the refusal and the applicant's right of appeal under this Act.	
<b>31. Emergency orders</b>	
31.1 The power pursuant to section 155 of the Act to cause the necessary work required by an emergency order to be carried out where an owner fails to carry out the work required by the emergency order.	<b>DOB, GMSC, MDS</b>
31.2 The power pursuant to section 155(6) of the Act to recover the reasonable costs and expenses incurred by the Council in acting under section 155 as a debt due from the owner subject to the requirements of section 155(7) of the Act.	<b>DOB, GMSC, MDS</b>
<b>32. Initiation of scheme</b>	
32.1 The power pursuant to Section 163(3)(b) of the Act to request the Minister initiate a proposal to proceed under Section 163 of the Act.	
32.2 The power pursuant to Section 163(10) of the Act to consult with the Minister in relation to the draft outline.	
<b>33. Consideration of proposed scheme</b>	
33.1 The power pursuant to Section 166(1)(c) of the Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	
<b>34. Adoption of scheme</b>	
34.1 The power pursuant to Section 167(7) of the Act to consult with the Minister in relation to a variation to a scheme.	
<b>35. Funding arrangements</b>	
35.1 The power pursuant to Section 169(2)(b) of the Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the Act to apply for a periodic review of the levels and amounts of those contributions and as part of such review for any matter to be considered or determined by ESCOSA.	
35.2 The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.	

35.3	The power pursuant to Section 169(9) of the Act to consult with the State Planning Commission in relation to a funding arrangement that is specifically relevant to the Council.	
<b>36. Contributions by constituent councils</b>		
36.1	The power pursuant to Section 177(4) of the Act to consult with the Minister in relation to the Council's share.	
36.2	The function pursuant to Section 177(5) of the Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the Act.	
<b>37. Imposition of charge by councils</b>		
37.1	The power pursuant to Section 180(7) of the Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9.	
<b>38. Authorised works</b>		
38.1	The power pursuant to Section 187(1) of the Act, subject to Section 187(3) of the Act, to carry out any infrastructure works if the Council is authorised to so do by or under the Act or any other Act.	
38.2	The power pursuant to Section 187(5) of the Act, subject to Section 187(6) of the Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	
38.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	
38.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	
38.2.3	ensure that proper consideration is given to the views of the road maintenance authority.	

38.3	The power pursuant to Section 187(5)(b) of the Act to consult with the relevant road maintenance authority in relation to the matter.	
38.4	The power pursuant to Section 187(6) of the Act, in a case of emergency, to only comply with Section 187(5) of the Act to such extent as is practicable in the circumstances.	
<b>39. Entry onto land</b>		
39.1	The power pursuant to Section 188(1) of the Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the Act to:	
39.1.1	enter and pass over any land; and	
39.1.2	bring onto any land any vehicles, plant or equipment; and	
39.1.3	temporarily occupy land; and	
39.1.4	do anything else reasonably required in connection with the exercise of the power.	
39.2	The power pursuant to Section 188(4) of the Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the Act.	
<b>40. Acquisition of land</b>		
40.1	The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .	
<b>41. Appointment of authorised officers</b>		
41.1	The power pursuant to Section 210(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act.	<b>GMAD,GMCB, GMSC</b>
41.2	The power pursuant to Section 210(2) of the Act to impose conditions on the appointment of an authorised officer.	<b>GMAD,GMCB, GMSC</b>
41.3	The function pursuant to Section 210(3) of the Act to issue an authorised officer with an identity card.	<b>GMAD,GMCB, GMSC</b>

41.4	The power pursuant to Section 210(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.	<b>GMAD,GMCB, GMSC</b>
<b>42. Enforcement notices</b>		
42.1	The power pursuant to section 213(1) of the Act to, subject to section 213(2) of the Act:	<b>GMSC, MDS</b>
42.1.1	direct a person to refrain, either for a specified period or until further notice, from the act, or course of action, that constitutes the breach;	
42.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;	
42.1.3	to take such urgent action as is required because of any situation resulting from the breach.	
42.2	The power pursuant to section 213(5) of the Act, if a person fails to comply with a direction issued under section 213(1)(b) within the time specified in the notice, to cause the necessary action to be taken.	<b>GMSC, MDS</b>
42.3	The power pursuant to section 213(6) of the Act and subject to section 213(7) of the Act to recover the reasonable costs and expenses of acting under section 213 as a debt due from the person whose failure gave rise to the action.	<b>GMSC, MDS</b>
42.4	The power pursuant to section 213(9) of the Act to respond to an appeal against an enforcement notice.	<b>GMSC, MDS</b>
<b>43. Applications to Court</b>		
43.1	The power pursuant to section 214(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act or the repealed Act (whether or not any right of the Council has been or may be infringed as a consequence of that breach)	<b>GMSC, MDS</b>
43.2	The power pursuant to section 214(10) of the Act, to apply for an interim order.	<b>GMSC, MDS</b>
43.3	If the Court makes an order under section 214(6)(d) of the Act and the respondent fails to comply with the order within the period specified by the Court, the power pursuant to	<b>GMSC, MDS</b>

	section 214(12) of the Act and subject to section 214(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of that work, as a debt, from the respondent.	
43.4	The power pursuant to section 214(17) of the Act to apply to the Court to vary or revoke an order previously made.	<b>GMSC, MDS</b>
43.5	The power pursuant to section 214(19) of the Act to apply to the Attorney-General for an extension of time to commence proceedings under section 214.	<b>GMSC, MDS</b>
<b>44. Review of performance</b>		
44.1	The power pursuant to Clause 3(3) of Schedule 4 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.	<b>GMSC, MDS</b>
44.2	The power pursuant to Clause 3(14) of Schedule 4 of the Act to make submissions to the Minister on the report on which the action to be taken by the Minister under Clause 3(13) of Schedule 4 of the Act is based.	<b>GMSC, MDS</b>
44.3	The power pursuant to Clause 3(15) of Schedule 4 of the Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, consult with the Minister in relation to the directions of the Minister.	<b>GMSC, MDS</b>
44.4	The function pursuant to Clause 3(16) of Schedule 4 of the Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the Act.	
<b>45. General schemes</b>		
45.1	The power pursuant to Clause 30(3) of Schedule 8 of the Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the Act in relation to a scheme.	<b>REMAINS WITH COUNCIL</b>

<b>46. Prosecutions for a breach</b>	
46.1 The power to commence a prosecution against any person for any offence under the Act and to that end, to apply to the Court for any related orders under Part 18 of the Act.	<b>GMSC, MDS</b>

## **PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017**

	<b>SUB DELEGATION</b>
<b>1.Verification of application and determination of nature of development</b>	
<p>1.1 The power pursuant to regulation 31(1) of the Regulations and subject to regulation 31(2) of the Regulations to, upon receipt of an application:</p> <p>1.1.1 determine whether all plans, drawings, specifications and other documents and information required to be lodged with the application have been lodged; and</p> <p>1.1.2 determine whether the Council is the correct entity to assess the application under the Act;</p> <p>1.1.3 if the Council is the correct entity to assess the application (or any part of the application):</p> <p>1.1.3.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>1.1.3.2 confirm the prescribed fees required to be paid at that point; and</p> <p>1.1.3.3 provide an appropriate notice via the SA planning portal;</p> <p>1.1.4 if the Council is not the correct entity to assess the application (or any part of the application)—</p> <p>1.1.4.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that it considers to be the correct relevant authority in accordance with any practice direction;</p>	<b>DOB,DOP, DAL, GMSC, MDS</b>

1.1.4.2	provide an appropriate notice via the SA planning portal.	
<b>2. Withdrawing/lapsing applications</b>		
2.1	The power pursuant to regulation 38(2) of the Regulations to, subject to regulation 38(3) of the Regulations, lapse an application for development authorisation under Part 7 of the Act if at least one year has passed since the date on which the application was lodged.	<b>DOB, DOP, DAL, GMSC, MDS</b>
2.2	The power pursuant to regulation 38(3)(b) of the Regulations to determine the time (the reasonable opportunity) within which an applicant is to be given to make submissions in respect of an action under regulation 38(2) of the Regulations.	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>3. Performance assessed development and restricted development</b>		
3.1	The power pursuant to regulation 47(4)(d) of the Regulations to determine a fee which is considered appropriate to cover the reasonable costs of placing a notice on land the subject of a performance assessed development application	
<b>4. Variation of authorisation</b>		
4.1	The power pursuant to regulation 65 of the Regulations, subject to the criteria expressed within, to approve a minor variation.	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>5. Width of roads and thoroughfares</b>		
5.1	The power pursuant to regulation 81(4) of the Regulations to dispense with a width prescribed by regulation 81(1) or 81(3) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	<b>DOB, DOP, DAL, GMSC, MDS</b>
5.2	The power pursuant to regulation 81(5) to specify dimensions for the road at a head of a proposed cul-de-sac.	<b>DOB, DOP, DAL, GMSC, MDS</b>
5.3	The power to dispense with a requirement under regulation 81(5) if it appears to the delegate that the cul-de-sac is likely to become a through road.	<b>DOB, DOP, DAL, GMSC, MDS</b>





<b>6. Road widening</b>	
6.1 The power pursuant to regulation 82(1) and subject to regulation 82(2), where the delegate considers that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area, to require that the proposed division of land must make provision for that widening.	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>7. Requirement as to forming of roads</b>	
7.1 The power, pursuant to regulation 83(1) and subject to regulation 83(2), to require that the roadway of every proposed road on a plan of division is formed to a width specified by the delegate, and in a manner satisfactory to the delegate.	<b>DOB, DOP, DAL, GMSC, MDS</b>
7.2 The power pursuant to regulation 83(2) to dispense with the requirements under regulation 83(3) if it is of the opinion that the cul-de-sac is likely to become a through road.	<b>DOB, DOP, DAL, GMSC MDS</b>
7.3 The power pursuant to regulation 83(5) and subject to regulation 83(6), to require that every footpath, water-table, kerbing, culvert and drain of every proposed road must be formed in a manner satisfactory to the delegate.	<b>DOB, DOP, DAL, GMSC, MDS</b>
7.4 The power pursuant to regulation 83(6) to dispense with a requirement under regulation 83(5).	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>8. Construction of roads, bridges, drains and services</b>	
8.1 The power, pursuant to regulation 84(1) to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	<b>DOB, DOP, DAL, GMSC, MDS</b>
8.2 The power to require the construction of any footpath, water-table, kerbing, culvert or drain of a proposed road required to be formed by the delegate, to be constructed.	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>9. Supplementary provisions</b>	
9.1 The power, pursuant to regulation 85(4) before the roadway of any proposed road is sealed, to require the applicant to satisfy the delegate that all connections for water supply and sewerage services to any allotment	<b>DOB, DOP, DAL, GMSC, MDS</b>

delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made	
<b>10. General land division</b>	
10.1 The power, pursuant to regulation 87(1) to advise the State Planning Commission that the applicant has entered into a binding arrangement for the satisfaction of requirements.	<b>DOB, DOP, DAL, GMSC, MDS</b>
10.2 The power to require the construction of any footpath, water-table, kerbing, culvert or drain of a proposed road required to be formed by the delegate, to be constructed.	<b>DOB, DOP, DAL, GMSC, MDS</b>
<b>11. Essential safety provisions</b>	
11.1 The power, pursuant to regulation 94(13) to require compliance with regulation 94(10) despite regulation 94(12) if the requirements of regulation 94(13)(a) or 94(13)(b) are met.	<b>DOB, GMSC MDS</b>
11.2 The power to require the construction of any footpath, water-table, kerbing, culvert or drain of a proposed road required to be formed by the delegate, to be constructed.	<b>DOB, GMSC, MDS</b>
<b>12. Certificates of occupancy – Required Documentation</b>	
12.1 The power pursuant to regulation 103A(3) to dispense with the requirement to provide a Statement of Compliance under regulation 103A(2)(a) if the requirements of regulation 103A(3) are met.	<b>DOB, GMSC, MDS</b>
<b>13. Certificates of occupancy – Revocation</b>	
13.1 The power to revoke a certificate of occupancy pursuant to regulation 103F of the regulations.	<b>GMSC, MDS</b>
<b>14. Prosecutions for a breach</b>	
14.1 The power to commence a prosecution against any person for any offence under the Regulations.	<b>GMSC, MDS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
All	The Delegate may only exercise functions and powers in respect of developments that are proposed within the Council area which appointed them.

**INSTRUMENT OF DELEGATION FOR THE CITY OF HOLDFAST BAY COUNCIL**  
**ASSESSMENT PANEL UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE**  
**ACT 2016 AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)**  
**REGULATIONS 2017**

## HEAD DELEGATION

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the resolution made by the City of Holdfast Bay Council Assessment Panel (the 'CAP') on the **[Insert Date]** the following powers and functions are delegated by the CAP to the person occupying the office of the Assessment Manager to the CAP ('the Delegate'). The Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation.

## SUB-DELEGATION

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the decision made by the Assessment Manager of the CAP on the **[Insert Date]** the following powers and functions are sub-delegated by the Assessment Manager to the person occupying the office indicated in the table below and to any person appointed to act in that position ('the Sub-Delegate'). The Sub-Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation.

## NOTES

**Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

### **POWERS AND FUNCTIONS SUB-DELEGATED IN THIS INSTRUMENT**

	SUB DELEGATION
<b>1. Relevant authority – councils and related provisions</b>	
1.1 The power, pursuant to section 99 of the Act to refer the assessment of a development against the Building Rules to the council or a building certifier.	<b>DOP, DAL, MDS</b>



<b>2. Matters against which development must be assessed</b>	
2.1 The power pursuant to section 102(1)(a)(i) of the Act to assess a development against and grant or refuse planning consent to a development application.	<b>DOP, DAL, MDS</b>
<p>2.2 The power pursuant to section 102(3) of the Act and subject to section 102(5) of the Act, when granting a planning consent, to reserve a decision on a specified matter or reserve a decision to grant planning consent until:</p> <p>2.2.1 further assessment of the development under the Act; or</p> <p>2.2.2 further assessment or consideration of the development under another Act; or</p> <p>2.2.3 a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by another authority), under another Act.</p>	<b>DOP, DAL, MDS</b>
2.3 The power pursuant to section 102(7) of the Act, where a development involves two or more elements, to assess and grant planning consent to each element separately.	<b>DOP, DAL, MDS</b>
<b>3. Performance assessed development</b>	
3.1 The power pursuant to section 107(2)(b) of the Act to assess any elements of a development that are not deemed-to-satisfy, on its merits against the Planning and Design Code.	<b>DOP, DAL, MDS</b>
3.2 The power pursuant to section 107(2)(c) of the Act to refuse planning consent if the relevant authority is of the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	<b>DOP, DAL, MDS</b>
<p>3.3 The power pursuant to section 107(3)(a) of the Act, subject to section 107(6) of the Act, to determine, in accordance with the relevant practice direction and the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> ("the Regulations") to give notice of an application for planning consent to:</p> <p>3.3.1 an owner and occupier of each piece of adjacent land; and</p> <p>3.3.2 members of the public by notice placed on the land.</p>	<b>DOP, DAL, MDS</b>

3.4 The power pursuant to section 107(8) of the Act to determine not to grant planning consent on a performance assessed development, even if the development includes one or more elements that are deemed-to-satisfy.	<b>DOP, DAL, MDS</b>
<b>4. Impact assessment by Minister – procedural matters</b>	
4.1 The power pursuant to section 111(2)(a) of the Act to transmit to the Minister any documentation, in accordance with regulation 74(1) of the Regulations, that has been lodged for applications made under Division 4 that relate to development within the ambit of the relevant regulation or declaration by the Minister.	<b>DOP, DAL, DAO, DAA, MDS</b>
<b>5. Application and provision of information</b>	
5.1 The power pursuant to section 119(3) of the Act, subject to section 119(4) and (5) of the Act, to request an applicant:	<b>DOP, DAL, MDS</b>
5.1.1 to provide such additional documents, assessments or information (including calculations and technical details) as may reasonably be required to assess the application;	
5.1.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	
5.1.3 to consult with an authority of body prescribed by the Regulations;	
5.1.4 to comply with any other requirement prescribed by the Regulations.	
5.2 The power pursuant to section 119(6)(b)(i) of the Act, to refuse an application if a request for additional information in accordance with section 119(3) of the Act is not complied with within the specified timeframe.	<b>DOP, DAL, MDS</b>
5.3 The power pursuant to section 119(9) of the Act to:	
permit an applicant to: 5.3.1 vary an application; or 5.3.2 vary plans, drawings, specification or other documents accompanying an application, provided that the variations do not change the essential nature of the application;	<b>DOP, DAL, MDS</b>



5.3.3 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	<b>DOP, DAL, MDS</b>
5.3.4 waive payment of whole or part of the application fee or refund an application fee (in whole or in part);	<b>MDS</b>
5.3.5 if there is an inconsistency between documents lodged for the purpose of section 119 of the Act, return or forward any document to the applicant and determine not to finalise the matter until the matter is resolved, rectified or addressed.	<b>DOP, DAL, MDS</b>
5.4 The power pursuant to section 119(10) of the Act to grant a permission under section 119(9) of the Act unconditionally or subject to such conditions as the delegate sees fit.	<b>DOP, DAL, MDS</b>
<b>6. Outline consent</b>	
6.1 The power pursuant to section 120(1) of the Act, on application, to grant or refuse an outline consent.	<b>DOP, DAL, MDS</b>
6.2 The power pursuant to section 120(3) of the Act to, where an outline consent has been granted and subject to section 120(4) of the Act, grant any consent contemplated by the outline consent and not impose restrictions inconsistent with the outline consent	<b>DOP, DAL, MDS</b>
<b>7. Referrals to other authorities or agencies</b>	
7.1 The power pursuant to section 122(10) of the Act to, on application by the applicant and subject to section 122(11) of the Act, defer referral until a particular stage in assessment.	<b>DOP, DAL, MDS</b>
<b>8. Preliminary advice and agreement</b>	
8.1 The power pursuant to section 123(2)(e) of the Act to, subject to section 123(1) and (2)(a), (b), (c) and (d) and section 132 of the Act, determine that an application accords with an agreement indicated by a prescribed body.	<b>DOP, DAL, MDS</b>
<b>9. Time within which a decision must be made</b>	
9.1 The power pursuant to section 125(4) of the Act to, subject to section 125(3) of the Act and receipt of a deemed consent notice, within ten (10) business days, grant planning consent itself or subject to conditions.	<b>DOP, DAL, MDS</b>

9.2 The power pursuant to section 125(6) of the Act to, where the delegate believes that consent should have been refused, apply to the Court within one (1) month for an order quashing the deemed planning consent.	<b>DOP, DAL, MDS</b>
<b>10. Determination of an application</b>	
10.1 The power pursuant to section 126(3) of the Act to, either on the delegates own initiative or on application by the applicant, extend the operative period of an application.	<b>DOP, DAL, MDS</b>
<b>11. Conditions</b>	
11.1 The power pursuant to section 127(1)(a) of the Act to, subject to section 127(2)(a) of the Act and in accordance with section 127(3) of the Act, impose conditions on an application.	<b>DOP, DAL, MDS</b>
11.2 The power pursuant to section 127(8) of the Act to, subject to the concurrence of the Minister, grant an exemption to the requirement in section 127(4) and (6) of the Act.	<b>DOP, DAL, MDS</b>
<b>12. Saving provisions</b>	
12.1 The power pursuant to section 133(3) of the Act to, subject to section 133(1) and (2) of the Act, extend the limitation period for applications to in order to avoid or reduce hardship.	<b>DOP, DAL, MDS</b>
<b>13. Cancellation of a development authorisation</b>	
13.1 The power pursuant to section 143(1) of the Act to, on application by a person with the benefit of an application, cancel a development authorisation previously given.	<b>DOP, DAL, MDS</b>
13.2 The power pursuant to section 143(2) of the Act to, impose conditions on a cancellation as the delegate thinks fit to impose.	<b>DOP, DAL, MDS</b>
<b>14. Off-setting contributions</b>	
14.1 The power pursuant to section 197(3)(c) of the Act to act under or in connection with section 197(3)(a) or (b) of the Act:  14.1.1 requiring a person who is proposing to undertake development:	<b>MDS</b>

<p>(a) to make a contribution to a fund established for the scheme;</p> <p>(b) to undertake work or to achieve some other goal or outcome (on an “in kind” basis); or</p> <p>(c) to proceed under a combination of (a) and (b) above,</p> <p>in order to provide for or address a particular matter identified by the scheme; and</p> <p>14.1.2 an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme,</p> <p>including where the delegate is not the designated entity that has established the scheme.</p>	
<b>15. Rights of review and appeal</b>	
<p>15.1 The power pursuant to section 202(1)(b) of the Act to respond to any appeal against a decision of the RRAP or a delegate by an applicant for development authorisation.</p> <p>15.2 The power pursuant to section 202(1)(c) of the Act to respond to any appeal against a decision of the RRAP made on a review pursuant to section 202(1)(b)(i)(a) of the Act.</p> <p>15.3 The power pursuant to section 202(1)(g) of the Act to respond to a review against a decision made by the RRAP or a delegate as to the nature of a development under Part 7 Division 2 Subdivision 1, Subdivision 2 or Subdivision 3.</p>	<b>DOP, DAL, MDS</b>
<b>16. Professional advice to be obtained in relation to certain matters</b>	
<p>16.1 The power pursuant to section 235(1) of the Act to rely on a certificate of a person with a prescribed qualification in the exercise of the delegates prescribed functions.</p>	<b>DOP, DAL, MDS</b>

# PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

	DELEGATION
<b>17. Verification of application and determination of nature of development</b>	
<p>17.1 The power pursuant to regulation 31(1) of the Regulations and subject to regulation 31(2) to:</p> <p>17.1.1 to determine the nature of a development; and</p> <p>17.1.2 to determine –</p> <p>(a) whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the Planning and Design Code; and</p> <p>(b) the category or categories of development that apply for the purposes of development assessment; and</p> <p>17.1.3 determine whether the relevant authority is the correct entity to assess the application under the Act; and</p> <p>17.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application)—</p> <p>(a) check that the appropriate documents and information have been lodged with the application; and</p> <p>(b) confirm the prescribed fees required to be paid at that point; and</p> <p>(c) provide an appropriate notice via the SA planning portal; and</p> <p>17.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application)---</p> <p>(a) provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that it considers to be the correct relevant authority in accordance with any practice direction; and</p>	<b>DOP, DAL, MDS</b>

(b) provide an appropriate notice via the SA planning portal.	
<b>18. Site contamination—detailed site investigation report</b>	
18.1 The power, pursuant to regulation 32A(1), in respect of an application to which Schedule 8 clause 2A applies, to request a detailed site investigation report where the grounds set out in regulations 32A(1)(a) – 32A(1)(c) apply.	<b>DOP, DAL, MDS</b>
<b>19. Site contamination—statement of site suitability</b>	
19.1 The power pursuant to regulation 32B, in respect of an application to which Schedule 8 clause 2A applies, to require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.	<b>DOP, DAL, MDS</b>
<b>20. Withdrawing/lapsing applications</b>	
20.1 The power pursuant to regulation 38(2) of the Regulations to, subject to regulation 38(3) of the Regulations, lapse an application for development authorisation under Part 7 of the Act if at least one year has passed since the date on which the application was lodged.	<b>DOP, DAL, MDS</b>
20.2 The power pursuant to regulation 38(3)(b) of the Regulations to determine the time (the “reasonable opportunity”) within which an applicant is to be given to make submissions in respect of an action under regulation 38(2) of the Regulations.	<b>DOP, DAL, MDS</b>
<b>21. Additional information or amended plans</b>	
21.1 The power pursuant to regulation 42(1) of the Regulations to repeat a referral process where the application is amended or additional information is received.	<b>DOP, DAL, MDS</b>
21.2 The power and function pursuant to regulation 42(1) of the Regulations to repeat a referral process where it appears that the amendment or additional information is significant.	<b>DOP, DAL, MDS</b>

<b>22. Response by applicant</b>	
22.1 The power pursuant to regulation 51(1) of the Regulations to extend the time within which as applicant can respond to representations.	<b>DOP, DAL, MDS</b>
<b>23. Variation of authorisation</b>	
23.1 The power pursuant to regulation 65 of the Regulations, subject to the criteria expressed within, to approve a minor variation.	<b>DOP, DAL, MDS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>

**INSTRUMENT OF DELEGATION FOR THE ASSESSMENT MANAGER UNDER THE  
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 AND PLANNING,  
DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017**

Except where otherwise specified, in the exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* and in accordance with the decision made by the Assessment Manager of the City of Holdfast Bay Council Assessment Panel on the **[Insert Date]** the following powers and functions are delegated by the Assessment Manager to the person occupying the office indicated in the table below and to any person appointed to act in that position ('the Delegate'). The Delegate is authorised to further delegate these powers and functions in accordance with Section 100 of the *Planning, Development and Infrastructure Act 2016* as the Delegate sees fit, unless otherwise indicated within this instrument of delegation.

**NOTES**

**Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

**POWERS AND FUNCTIONS SUB-DELEGATED IN THIS INSTRUMENT**

	DELEGATION
<b>1. Relevant authority – councils and related provisions</b>	
1.1 The power, pursuant to section 99 of the Act to refer the assessment of a development against the Building Rules to the council or a building certifier.	<b>DOP, DAL, MDS</b>
<b>2. Matters against which development must be assessed</b>	
2.1 The power pursuant to section 102 of the Act to assess a development against and grant or refuse consent in respect of each of the following matters where the Assessment Manager is the relevant authority under the Act pursuant to sections 93 and 96 of the Act and subject to regulations 22(a) and (e) and 24 of the Regulations:	<b>DOP, DAL, MDS</b>
2.1.1 pursuant to section 102(1)(a)(i) of the Act, the relevant provisions of the Planning Rules and ("planning consent")	



2.1.2	pursuant to section 102(1)(c) of the Act, in relation to a proposed division of land (otherwise than under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> ) on the satisfaction of the conditions specified in section 102(1)(c) of the Act;	
2.1.3	pursuant to section 102(1)(d) of the Act, in relation to a division of land under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> on the satisfaction of the conditions specified in section 102(1)(d) of the Act;	
2.1.4	pursuant to section 102(1)(e) of the Act, the requirement that any encroachment of a building, over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to the provisions made by the Planning and Design Code or a design standard;	
2.1.5	pursuant to section 102(1)(f) of the Act and if relevant, any requirements under Part 15 Division 2 (off-set requirements) of the Act are satisfied	
<b>3.</b>	<b>Deemed-to-satisfy assessment</b>	
3.1	The power pursuant to section 106(2) of the Act, to determine that development is deemed-to-satisfy and to assess it and determine it as such despite 1 or more minor variations.	<b>DOP, DAL, MDS</b>
3.2	The power pursuant to section 106(4) and (5) of the Act to impose conditions on a planning consent for a deemed-to-satisfy development, including a condition that addresses any minor variation in order to make the development consistent with the deemed-to-satisfy requirement(s).	<b>DOP, DAL, MDS</b>
3.3	The power pursuant to section 107(2)(b) of the Act to assess any elements of a development that are not deemed-to-satisfy, on its merits against the Planning and Design Code, subject to the exceptions contained in regulation 22(1)(a)(ii) or the Regulations.	<b>DOP, DAL, MDS</b>
<b>4.</b>	<b>Application and provision of information</b>	
4.1	The power pursuant to section 119(3) of the Act, subject to section 119(4) and (5) of the Act, to request an applicant:	<b>DOP, DAL, MDS</b>

4.1.1	to provide such additional documents, assessments or information (including calculations and technical details) as may reasonably be required to assess the application;	
4.1.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	
4.1.3	to consult with an authority of body prescribed by the Regulations;	
4.1.4	to comply with any other requirement prescribed by the Regulations.	
4.2	The power pursuant to section 119(6)(b)(i) of the Act, to refuse an application if a request for additional information in accordance with section 119(3) of the Act is not complied with within the specified timeframe.	<b>DOP, DAL, MDS</b>
4.3	The power pursuant to section 119(9) of the Act to:	
	<p>permit an applicant to:</p> <p>4.3.1 vary an application; or</p> <p>4.3.2 vary plans, drawings, specification or other documents accompanying an application,</p> <p>provided that the variations do not change the essential nature of the application;</p>	<b>DOP, DAL, MDS</b>
4.3.3	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	<b>DOP, DAL, MDS</b>
4.3.4	waive payment of whole or part of the application fee or refund an application fee (in whole or in part);	<b>MDS</b>
4.3.5	if there is an inconsistency between documents lodged for the purpose of section 119 of the Act, return or forward any document to the applicant and determine not to finalise the matter until the matter is resolved, rectified or addressed.	<b>DOP, DAL, MDS</b>
4.4	The power pursuant to section 119(10) of the Act to grant a permission under section 119(9) of the Act unconditionally or subject to such conditions as the delegate sees fit.	<b>DOP, DAL, MDS</b>

<b>5. Referrals to other authorities or agencies</b>	
5.1 The power pursuant to section 122(10) of the Act to, on application by the applicant and subject to section 122(11) of the Act, defer referral until a particular stage in assessment.	<b>DOP, DAL, MDS</b>
<b>6. Time within which a decision must be made</b>	
6.1 The power pursuant to section 125(1) of the Act to determine an application within the prescribed timeframe in the Regulations.	<b>DOP, DAL, MDS</b>
6.2 The power pursuant to section 125(4) of the Act to, subject to section 125(3) of the Act and receipt of a deemed consent notice, within ten (10) business days, grant planning consent itself or subject to conditions.	<b>DOP, DAL, MDS</b>
6.3 The power pursuant to section 125(6) of the Act to, where the delegate believes that consent should have been refused, apply to the Court within one (1) month for an order quashing the deemed planning consent.	<b>DOP, DAL, MDS</b>
<b>7. Conditions</b>	
7.1 The power pursuant to section 127(1)(a) of the Act to, subject to section 127(2)(a) of the Act and in accordance with section 127(3) of the Act, impose conditions on an application.	<b>DOP, DAL, MDS</b>
<b>8. Rights of review and appeal</b>	
8.1 The power pursuant to section 202(1)(b) of the Act to respond to any appeal against a decision of the Assessment Manager by an applicant for development authorisation.	<b>DOP, DAL, MDS</b>
8.2 The power pursuant to section 202(1)(g) of the Act to respond to a review against a decision made by the Assessment Manager as to the nature of a development under Part 7 Division 2 Subdivision 1, Subdivision 2 or Subdivision 3.	<b>DOP, DAL, MDS</b>

<b>9. Professional advice to be obtained in relation to certain matters</b>	
9.1 The power pursuant to section 235(1) of the Act to rely on a certificate of a person with a prescribed qualification in the exercise of the delegates prescribed functions.	<b>DOP, DAL, MDS</b>

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017

	<b>DELEGATION</b>
<b>10. Verification of application and determination of nature of development</b>	
<p>10.1 <i>The power pursuant to regulation 31(1) of the Regulations and subject to regulation 31(2) to:</i></p> <p>10.1.1 to determine the nature of a development; and</p> <p>10.1.2 to determine –</p> <ul style="list-style-type: none"> <li>(a) whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the Planning and Design Code; and</li> <li>(b) the category or categories of development that apply for the purposes of development assessment; and</li> </ul> <p>10.1.3 determine whether the relevant authority is the correct entity to assess the application under the Act; and</p> <p>10.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application)—</p> <ul style="list-style-type: none"> <li>(a) check that the appropriate documents and information have been lodged with the application; and</li> <li>(b) confirm the prescribed fees required to be paid at that point; and</li> <li>(c) provide an appropriate notice via the SA planning portal; and</li> </ul> <p>10.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application)</p> <ul style="list-style-type: none"> <li>(a) provide the application (or any relevant part of the application), and any relevant plans,</li> </ul>	<b>DOP, DAL, MDS</b>

<p>drawings, specifications and other documents and information in its possession, to the entity that it considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>(b) provide an appropriate notice via the SA planning portal.</p>	
<b>11. Site contamination—detailed site investigation report</b>	
<p>11.1 The power, pursuant to regulation 32A(1), in respect of an application to which Schedule 8 clause 2A applies, to request a detailed site investigation report where the grounds set out in regulations 32A(1)(a) – 32A(1)(c) apply.</p>	<b>DOP, DAL, MDS</b>
<b>12. Site contamination—statement of site suitability</b>	
<p>12.1 The power pursuant to regulation 32B, in respect of an application to which Schedule 8 clause 2A applies, to require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.</p>	<b>DOP, DAL, MDS</b>
<b>13. Withdrawing/lapsing applications</b>	
<p>13.1 The power pursuant to regulation 38(2) of the Regulations to, subject to regulation 38(3) of the Regulations, lapse an application for development authorisation under Part 7 of the Act if at least one year has passed since the date on which the application was lodged.</p>	<b>DOP, DAL, MDS</b>
<p>13.2 The power pursuant to regulation 38(3)(b) of the Regulations to determine the time (the “reasonable opportunity”) within which an applicant is to be given to make submissions in respect of an action under regulation 38(2) of the Regulations.</p>	<b>DOP, DAL, MDS</b>
<b>14. Additional information or amended plans</b>	
<p>14.1 The power pursuant to regulation 42(1) of the Regulations to repeat a referral process where the application is amended or additional information is received.</p>	<b>DOP, DAL, MDS</b>

14.2 The power and function pursuant to regulation 42(1) of the Regulations to repeat a referral process where it appears that the amendment or additional information is significant.	<b>DOP, DAL, MDS</b>
<b>15. Response by applicant</b>	
15.1 The power pursuant to regulation 51(1) of the Regulations to extend the time within which as applicant can respond to representations.	<b>DOP, DAL, MDS</b>
<b>16. Variation of authorisation</b>	
16.1 The power pursuant to regulation 65 of the Regulations, subject to the criteria expressed within, to approve a minor variation.	<b>DOP, DAL, MDS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>

**INSTRUMENT OF DELEGATION UNDER THE  
REAL PROPERTY ACT 1886**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 27 of the <i>Real Property Act 1886</i> (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:	
1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;	
1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.	
1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	
1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts,	



whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	
<b>2. Undivided shares and mortgaged land may not be brought under Act except upon conditions</b>	
2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,	
2.1.1 the Council appears to be entitled to an undivided share of the land; or	
2.1.2 the Council is the mortgagee of the land.	
<b>3. Caveat against bringing land under Act</b>	
3.1 The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat with the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.	
<b>4. Applicant may withdraw his application</b>	
4.1 The power pursuant to Section 41 of the Act, to:	
4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;	
4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.	
<b>5. Proceedings under Caveat</b>	
5.1 The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged with the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.	

<b>6. Priority of instruments</b>	
6.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between two or more registered mortgages or encumbrances.	
6.2 The power pursuant to Section 56(6)(b) of the Act to consent to an application for the variation of an order of priority in accordance with Section 56(5) of the Act where the Council is the holder of a registered mortgage or encumbrance which is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has had priority.	
<b>7. Issue of new certificate on application</b>	
7.1 The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under one or more certificates, to make application to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	
<b>8. Application for Certificate based on possession</b>	
8.1 The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	
<b>9. Caveats</b>	
9.1 The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	
<b>10. Variation and Extinguishment of Easements</b>	
10.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:	
10.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or	

10.1.2	vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or extinguish and easement.	
10.2	The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written consent to the Registrar-General acting under Section 90B(1) of the Act.	
<b>11. Easement subject to existing mortgage etc</b>		
11.1	The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	
<b>12. Person now holding under lease or agreement may surrender</b>		
12.1	The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	
12.2	The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	
<b>13. Execution and registration of Crown Lease</b>		
13.1	The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute the lease for lodgement in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases.	
<b>14. Transfers</b>		
14.1	The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any land to transfer that land and for that purpose, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	



14.2 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the registered proprietor of any right-of-way or other easement intended to be created or transferred, to execute a transfer in the appropriate form set out within section 96(2) of the Act.	
<b>15. Creation of easements by reservation</b>	
15.1 The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate or freehold the granting of an estate or lease under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	
<b>16. Sale under Writ of fieri facias or Decree, Warrant or Order of Court</b>	
16.1 The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	
<b>17 Issue of certificate where land is vested by operation of law</b>	
17.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:	
17.1.1 in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or	
17.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.	
<b>18. Lands, now leased</b>	
18.1 The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	

<b>19. Leases not to bind non-consenting mortgagees or encumbrances</b>	
19.1 The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	
<b>20. Standard terms and conditions of lease</b>	
20.1 The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	
<b>21. Lease may be surrendered by separate instrument</b>	
21.1 The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, signed by the lessee and lessor.	
<b>22. Registrar-General may enter surrender</b>	
22.1 The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent, of his or her intention to give up possession of the land comprised in such lease, to make application in the appropriate form and on production of such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land to make a record in the Register Book of the surrender of the lease.	
<b>23. Surrender where lease subject to mortgage or under lease</b>	
23.1 The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	
<b>24. Registrar-General to note particulars of re-entry in Register Book</b>	
24.1 The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	
<b>25. Mortgage of land</b>	
25.1 The power pursuant to Section 128 and Section 128B of the Act and in accordance with the requirements of Section 129 of the Act:	

25.1.1	whenever the Council is the registered proprietor of land intended to be charged or made security in favour of any person - to execute a mortgage in the appropriate form; and	
25.1.2	whenever the Council is the registered proprietor of land intended to be charged with, or made security for, the payment of an annuity, rent charge or sum of money, in favour of any person - to execute an encumbrance in the appropriate form.	
<b>26. Standard terms and conditions of Mortgage or Encumbrance</b>		
26.1	The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office for filing a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	
<b>27. Nature of Mortgage and Encumbrance and procedure in case of default</b>		
27.1	The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.	
<b>28. Power of sale</b>		
28.1	The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.	

<b>29 Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land</b>	
29.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:	
29.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or	
29.1.2 distrain upon the occupier or tenant of the land; or	
29.1.3 from time to time let the said land for any term not exceeding one year; or	
29.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.	
<b>30. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due</b>	
30.1 The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	
<b>31. Application to Mortgagee to Registrar-General for foreclosure</b>	
31.1 The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	



<b>32. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default</b>	
32.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:	
32.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;	
32.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.	
<b>33. Discharge of Mortgages and Encumbrances</b>	
33.1 The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and signed by the Delegate, a mortgagee or encumbrance held by the Council.	
<b>34. Partial discharge of Mortgage or Encumbrance on Grant of Easement</b>	
34.1 The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	
<b>35. Transfer of Mortgage Lease and Encumbrance</b>	
35.1 The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	

<b>36. Renewal or extension of Mortgage etc</b>	
36.1 The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	
<b>37. Person who intends to lodge an instrument may lodge a priority notice.</b>	
37.1 The power pursuant to Section 154A(1) of the Act to lodge an instrument, on payment of the prescribed fee with the Lands Titles Registration Office, a priority notice (as required under Section 154A(2) of the Act) for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction	
<b>38. Withdrawal of priority notice</b>	
38.1 The power pursuant to Section 154E of the Act to withdraw a priority notice by lodging a notice of withdrawal in the appropriate form with the Lands Titles Registration Office.	
<b>39. Disclaimers</b>	
39.1 The power pursuant to Section 169(1) of the Act, where the Council claims that it has been registered, without its consent, as proprietor of any estate or interest in land, to advise the Registrar-General in writing that the registration occurred.	
39.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	
39.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under paragraph (b) of Section 169(4) or (5) of the Act to apply to the Supreme Court for an order that the Registrar-General take such action as is necessary to give effect to the instrument of disclaimer.	
<b>40. Bankruptcy or assignment of lessee</b>	
40.1 The power pursuant to Section 173(1)(a) of the Act where the Council is a lessor and the registered proprietor of the lease has, or shall, become bankrupt, or has made or shall make, a statutory assignment and if such lease be not mortgaged or encumbered under the provisions of the Act, to apply to the Registrar-General in writing accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment, certifying his or her refusal to	

accept such lease, to make record in the Register Book a note of such refusal;	
40.2 The power pursuant to Section 173(1)(b) of the Act and in accordance with Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory assignment to:	
40.2.1 apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to make record in the Register Book a note of such refusal.	
40.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.	
40.3 The power pursuant to Section 173(1)(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	
40.4 The power pursuant to Section 173(1)(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has or shall become bankrupt or has made or shall make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.	
40.5 The power pursuant to Section 173(1)(d) of the Act where the Council is a lessor and the registered proprietor of the lease has, or shall, become bankrupt, or has made or shall make, a statutory assignment to:	
40.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;	
40.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating	

as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained.	
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40.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinbefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.	
<b>41. Application to be made in such case</b>	
41.1 The power pursuant to Section 176 of the Act where the Council is an executor or administrator before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	
<b>42. Proceedings when executor etc refuse to transfer</b>	
42.1 The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	
<b>43. Registration of survivor of joint proprietors, and of remainderman entitled to estate in possession</b>	
43.1 The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	

<b>44. Caveats</b>	
44.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office.	
44.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	
44.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	
44.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	
44.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	
44.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	
44.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	
44.8 The power pursuant to Section 191(3) of the Act to lodge a caveat under this Section in respect of land for which the Council is the registered proprietor.	
<b>45. Ejectment</b>	
45.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:	
45.1.1 the registered proprietor of a freehold estate in possession;	
45.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;	

45.1.3	the lessor with power to re-enter where rent is in arrears for three months; or	
45.1.4	the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,	
	to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.	
<b>46. Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation</b>		
46.1	The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	
<b>47. Reviews</b>		
47.1	If the Council is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, the power pursuant to Section 221(1a) of the Act to seek a review of the decision by the Tribunal.	
<b>48. Applications for amendment</b>		
48.1	The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:	
48.1.1	the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or	
48.1.2	the description of the land in the certificate is erroneous or imperfect on the face of it.	
48.2	The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the	

certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.	
<b>49. Caveats</b>	
49.1 The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat in the Lands Titles Registration Office forbidding the granting of the application.	
<b>50. Rectification by consent</b>	
50.1 The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	
<b>51. Application for Division of Land</b>	
51.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.	
51.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	
51.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	
<b>52. Application may deal with statutory encumbrances</b>	
52.1 The power pursuant to Section 223LDA of the Act to:	
52.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and	
52.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	



<b>53. Consent to plans of division</b>	
53.1 The power pursuant to Section 223LH(1) of the Act:	
53.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	
53.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	
53.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	
53.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	
<b>54. Amalgamation</b>	
54.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.	
54.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrancee of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	
<b>55. Authority To Register</b>	
55.1 The power pursuant to section 273(1) and (1A) of the Act to provide certification in the appropriate form to deal with or affect land (including by instrument lodged electronically under the Electronic Conveyancing National Law (South Australia))	

## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
25.1	The delegation of the power contained in section 128 of the Act is subject to section 44(3)(c) of the <i>Local Government Act 1999</i> , that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.

**INSTRUMENT OF DELEGATION UNDER THE  
ROADS (OPENING AND CLOSING) ACT 1991**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Commencement of road process</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 (the Act) to commence a road process in relation to a road or proposed road within the area of the Council.	<b>GMAD, ME, MFS, SPMID, TTL</b>
<b>2. Deposit of preliminary plan and statement of persons affected</b>	
2.1 The function pursuant to Section 9(1) of the Act where the Council proposes to commence a road process, to cause to be prepared:	<b>GMAD, ME, SPMID, TTL</b>
2.1.1 a preliminary plan of the land subject to the proposed road process in a form approved by the Surveyor-General; and	
2.1.2 a statement in a form approved by the Surveyor-General containing –	
2.1.2.1 the names and addresses of those persons affected who can be identified by reasonable enquiry; and	
2.1.2.2 such information in relation to the land subject to the proposed road process as is required by the Surveyor-General.	
2.2 The function pursuant to Section 9(2) of the Act where the Council has proposed a road process and a preliminary plan and statement has been prepared pursuant to the requirements of Section 9(1) of the Act, to deposit a copy of	<b>GMAD, ME, SPMID, TTL</b>

the said preliminary plan and statement at the Adelaide office of the Surveyor-General together with the prescribed fee.	
<b>3</b>	<b>Notification of proposed road process</b>
3.1	The function pursuant to Section 10(1) of the Act where the Council commences a road process (where the Council is the relevant authority in relation to the road process) to –
3.1.1	after compliance with the requirements of Section 9 of the Act, give public notice, in accordance with the Regulations, of the proposal; and
3.1.2	at the same time to give notice in writing of the proposal on each person affected who can be identified by reasonable enquiry.
3.2	The function to pursuant to Section 10(2) of the Act to (where the Council is a relevant authority in relation to a proposed road process) as soon as practicable after giving public notice under Section 10(1) of the Act in relation to the process, deposit a copy of the notice at the Adelaide office of the Surveyor-General.
<b>4</b>	<b>Dealings in land after commencement of process for road opening</b>
4.1	The power pursuant to Section 11(a)(ii) of the Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is land which has been brought under the <i>Real Property Act 1886</i> ), to lodge a caveat with the Registrar-General forbidding any dealing with the land without the consent of the Council.
4.2	The power pursuant to Section 11(b)(iii) of Act where the Council commences a road process under which a road is proposed to be opened over land not owned by the Council (where that land is not land that has been brought under the <i>Real Property Act 1886</i> ), to lodge a copy of the notice of the proposed road opening at the General Registry office, and by notice in writing served on any person, require the person to deliver up to the Registrar-General any instrument evidencing the person's interest in the land.
<b>5</b>	<b>Power to make preliminary agreements</b>
5.1	The power pursuant to Section 12(1) of the Act and in accordance with the provisions of Section 12 to make agreements for exchange or transfer in relation to land subject to a proposed road closure with the owner of land adjoining that land.

5.2	The function to pursuant to Section 12(3) of the Act where the Delegate seeks to make an agreement for transfer in relation to land subject to a proposed road closure pursuant to Section 12 of the Act –	<b>GMAD</b>
5.2.1	where adjoining land is owned by a person who owns land subject to a proposed road opening, to first endeavour to secure an agreement for exchange with that person;	
5.2.2	in any case, to first invite offers from the owners of land adjoining the land subject to the proposed road closure.	
<b>6</b>	<b>Meeting to consider objection or application</b>	
6.1	The function pursuant to Section 14(1) of the Act in circumstances where the Council is the relevant authority and where the Council has commenced a road process and a person has made an objection or application in relation to the proposed road process, to notify that person in writing of a time and place at which the Council will meet as the relevant authority to consider all such objections and applications.	<b>GMAD, ME, SPMID, TTL</b>
<b>7</b>	<b>Making of road process order</b>	
7.1	The function pursuant to Section 15(1) of the Act to (as the relevant authority) as soon as practicable after the expiration of the time allowed for the making of objections and applications and after considering all objections and applications (if any) made in relation to a proposed road process -	<b>GMAD, ME, SPMID, TTL</b>
7.1.1	make a road process order in relation to all or part of the land to which the proposed road process relates; or	
7.1.2	determine that no road process order is to be made.	
7.2	The function to pursuant to Section 15(3) of the Act where the Delegate (as the relevant authority) determines that no road process order is to be made, to as soon as practicable give notice in writing of that decision -	<b>GMAD, ME, SPMID</b>
7.2.1	to the Surveyor General; and	
7.2.2	to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	

7.2.3	in addition, in the case of a proposed road opening, to any person who has an interest in land over which the road was proposed to be opened.	
7.3	The function pursuant to Section 16 of the Act when acting as the relevant authority, in determining whether to make a road process order and what order should be made, to have regard to –	<b>GMAD, ME, SPMID</b>
7.3.1	any objections made by any person pursuant to the Act; and	
7.3.2	the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and	
7.3.3	whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and	
7.3.4	alternative uses of the land subject to the road process that would benefit the public or a section of the public; and	
7.3.5	any other matter that the Delegate considers relevant.	
7.4	The function pursuant to Section 17 of the Act where, when acting as the relevant authority, a road process order or a road closure has been made, to as part of that order make one or more of the following orders dealing, or together dealing, with all of the land subject to the road closure:	<b>GMAD, ME, SPMID</b>
7.4.1	if an agreement for exchange or transfer has been made in respect of land subject to the road closure, an order that the land be transferred or added to other land in accordance with the agreement;	
7.4.2	an order that the land be sold by public auction or tender, if the Delegate considers that land subject to the road closure can conveniently be used separately from other land and the power to so form that opinion;	
7.4.3	an order that land subject to the road closure be sold, or transferred, for use for some public, charitable or beneficial community purpose;	

7.4.4	if land subject to the road closure is required by the Council for some purpose - in order that the land be retained by the Council and the Certificate of Title be issued to the Council;	
7.4.5	an order that land subject to the road closure -	
7.4.5.1	be added to adjoining land that is dedicated under the Crown Lands Act 1929; or	
7.4.5.2	be transferred to the proprietor of adjoining land that is alienated in fee simple in trust under the Crown Lands Act 1929; or	
7.4.5.3	be vested in the Crown.	
7.5	The power to pursuant to Section 18(1) of the Act and in accordance with the provisions in Section 18(2) of the Act, when acting as the relevant authority where a road process order for a road closure has been made, to make an order as part of that order for the granting of an easement over land subject to the road closure.	<b>GMAD, ME, SPMID</b>
7.6	The power pursuant to Section 18(2)(d) of the Act, where an application for an easement has been made pursuant to Division 1 of Part 3 of the Act by a person as the owner of adjoining or nearby land, to form the opinion that the persons use or enjoyment of that adjoining or nearby land would be substantially altered if the easement were not granted and therefore make an order for the granting of the easement in favour of that person.	<b>GMAD, ME, SPMID</b>
7.7	The function to pursuant to Section 19 of the Act when acting as the relevant authority to as soon as is practicable after a road process order is made;	<b>GMAD, ME, SPMID</b>
7.7.1	give notice in writing of the order to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	
7.7.2	In addition, in the case of an order for a road opening –	
7.7.2.1	give notice in writing of the order to any person who has an interest in land over which a road is proposed by the order to be opened; and	
7.7.2.2	if the order does not deal with part of the land specified in the public notice of the proposed road opening given pursuant	

	to Division 1 – give notice in writing of the discontinuance of the road process in respect of that land to any person who has an interest in that land; and	
	7.7.2.3 deliver to the Adelaide office of the Surveyor-General a copy of the minutes of all meetings held by it in relation to the proposed road process certified by the Chief Executive Officer of the Council.	
7.8	The function pursuant to Section 20 of the Act, within 3 months after a road process order is made to deposit at the Adelaide office of the Surveyor-General –	<b>GMAD, ME, SPMID</b>
7.8.1	2 copies of the order; and	
7.8.2	survey plans as required by the Registrar-General for the purposes of this Section; and	
7.8.3	in the case of an order for a road closure that includes an order that land be transferred or added to other land in accordance with an agreement for exchange or transfer - a copy of the agreement for exchange or transfer on which is denoted all stamp function payable in respect of the agreement; and	
7.8.4	in the case of an order for a road opening or the narrowing of a road - a statement that the order complies with the requirements of Part 8 of the Act as to the minimum width of roads; and	
7.8.5	any other document required by the Surveyor-General; and	
7.8.6	any fee prescribed by regulation including any fee required to be paid by a person in whom land or an interest in land would be vested on publication in the Gazette of notice of the order and its confirmation by the Minister.	
7.9	The function pursuant to Section 20(3) of the Act in circumstances where a road process lapses by virtue of the provisions of Section 20(2) of the Act to, as soon as practicable, give notice in writing of that fact –	<b>GMAD, ME, SPMID</b>
7.9.1	to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	



7.9.2	in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road is proposed to be opened.	
<b>8</b>	<b>Review and confirmation of road process order</b>	
8.1	The function pursuant to Section 22(2)(i) of the Act as the relevant authority in circumstances where the Surveyor-General has amended a road process order under Section 22(1) of the Act and then provided a written notice of that amendment to the Council, to as soon as practicable give notice in writing of that amendment to any person who was required to be given notice in writing of the road process order under Section 19(a) or (b) of the Act.	<b>GMAD, ME, SPMID</b>
8.2	The function pursuant to Section 24(2)(b) of the Act in circumstances where the Minister declines to confirm a road process order under Section 24(1) of the Act and has then provided written notice of that decision to the Council, to as soon as practicable give notice in writing of that decision -	<b>GMAD, ME, SPMID</b>
8.2.1	to any person who made an objection or application in relation to the proposed road process pursuant to Division 1 of Part 3 of the Act; and	
8.2.2	in addition, in the case of a proposed road opening - to any person who has an interest in land over which a road was proposed to be opened.	
<b>9</b>	<b>Compensation etc</b>	
9.1	The function pursuant to Section 31(1)(a) of the Act where a road is opened pursuant to the Act over land not owned by the Council to -	<b>GMAD</b>
9.1.1	serve notice in writing of the road process order on each person who had an interest in the land immediately before it vested in the Council by virtue of the road opening; and	
9.1.2	append to the notice an offer in writing stating the total amount of compensation that the Council proposes to pay to the person and dividing that amount, so far as is practicable, into its separable components.	
<b>10</b>	<b>Acquisition of additional land under Land Acquisition Act</b>	
10.1	The power pursuant to Section 33(1) of the Act in circumstances where a Council proposes to open a road over any land pursuant to the Act, to -	<b>REMAINS WITH COUNCIL</b>

10.1.1	consider that the acquisition of additional land adjoining or near to the land to which the road opening relates is appropriate; and	
10.1.2	proceed to acquire the land, whether or not the land is required in connection with the proposed road.	
10.2	The power pursuant to Section 33(4) of the Act, where additional land is acquired by the Council pursuant to Section 33 of the Act, to sell or otherwise deal with that land in such manner as the Delegate considers appropriate, and to use the proceeds from the sale of any such land toward defraying expenses incurred by the Council in connection with the road opening.	<b>REMAINS WITH COUNCIL</b>
<b>11</b>	<b>Function to fence</b>	
11.1	The function pursuant to Section 39 of the Act in any case in which a road is fenced along one or both of its boundaries and the road is altered or diverted, to ensure that the road as altered or diverted is fenced along its boundaries with a substantial fence of the same nature as the fence previously on the boundary of the road and the abutting land.	<b>GMAD, ME, SPMID</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**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**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Installation etc of traffic control devices – general provision</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 17(1) of the <i>Road Traffic Act 1961</i> ('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.	<b>GMAD, GMCB, MCS, ME, SPMID, TOT, TTL</b>
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.	<b>GMAD, GMCB, MCS, ME, SPMID, TOT, TTL</b>
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:	<b>GMAD, GMCB, MCS, ME, SPMID, TOT, TTL</b>
1.3.1 in relation to an area where persons are engaged in work or an area affected by works in progress; or	
1.3.2 in relation to a part of a road temporarily closed to traffic under the Act or any other Act; or	
1.3.3 for any temporary purposes.	

1.4 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.	
<b>2. Direction as to installation etc of traffic control devices</b>	
2.1 The function pursuant to Section 18(5) of the Road 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.	<b>GMAD, GMCB, MCS, ME, SPMID, TOT, TTL</b>
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.	<b>GMAD, GMCB, MCS, ME, SPMID, TOT, TTL</b>
<b>2B. Cost of traffic control devices and function to maintain</b>	
2B.1 The power pursuant to section 19A(3) of the Act for the Council to, where the Minister has served a notice on a person to pay for the installation, maintenance, alteration or operation of a traffic control device, recover the amount due to the Council in the notice.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
2B.2 The function pursuant to section 19A(3) of the Act for the Council to, where the Minister has served a notice on a person to pay for the installation, maintenance, alteration or operation of a traffic control device and the Council has recovered the amount due to it, apply the amount paid to the Council towards the cost of installing, maintaining, altering or operating the traffic control device to which the requirement relates.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
<b>3. Work areas and work sites</b>	
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.	<b>GMAD, GMCB, ME, SPMID, TOT, TTL</b>

3.2 The power pursuant to Section 20(4) of the Act to place speed limit signs on a road:	<b>GMAD, GMCB, ME, SPMID, TOT, TTL</b>
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	
3.2.2 if:	
3.2.2.1 the work is required to be undertaken by the Council as a matter of urgency; and	
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	
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	
3.2.2.4 the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under Section 20(9) of the Act; or	
3.2.3 if:	
3.2.3.1 the signs will not relate to any prescribed roads; and	
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.	<b>CWL, GMAD, GMCB, ME, MFS, SPMID, TTL</b>
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.	
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:	<b>CWL, GMAD, GMCB, ME, MFS, SPMID, TTL</b>
3.4.1 by telephone or any other manner prescribed by the regulations; and	
3.4.2 at least three hours before the end of that 24 hour period (unless the Minister is satisfied that there	

	were good reasons for a delay in making the application).	
<b>4.</b>	<b>Appeal to District Court</b>	
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.	<b>GMCB, GMAD</b>
<b>5.</b>	<b>Action to deal with false devices or hazards to traffic</b>	
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.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
<b>6</b>	<b>Road closing and exemptions for certain events</b>	
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.	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
<b>7.</b>	<b>Notice of removal of vehicle and disposal of vehicle if unclaimed</b>	
7.1	The function pursuant to Section 40P(3) of the Act and subject to Section 40P(4) of the Act to offer a vehicle, which was removed by an officer of the Council under Section 40N of the Act and for which there had been notice given according to Section 40P(2) of the Act and the owner 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.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>
7.3	The function pursuant to Section 40P(5) of the Act to apply the proceeds of the sale of a vehicle as follows:	<b>GMCB, MCS</b>

7.3.1	firstly, in payment of the costs of and incidental to the sale;	
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	
7.3.3	thirdly, in payment of the balance to the owner of the vehicle.	
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.	<b>GMCB, MCS</b>
<b>8</b>	<b>Council may determine that ticket for parking be obtained without fee</b>	
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):	<b>GMC, MCS</b>
8.1.1	determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or	
8.1.2	vary or revoke a determination made under Section 86 of the Act	
<b>9.</b>	<b>Compensation orders for damage to road infrastructure</b>	
9.1	The power, pursuant to Section 163ZC(2) of the Act and in accordance with Section 163ZC(5) of the Act to make an application for a compensation order.	
<b>10.</b>	<b>Assessment of compensation</b>	
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:	
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	



10.1.2	any certificate of the Council, as the road authority stating that the Council maintains the road concerned; and	
10.1.3	any other certificate of the Council as the road authority, such as a certificate:	
10.1.3.1	estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or	
10.1.3.2	estimating the cost of remedying the damage; or	
10.1.3.3	estimating the extent of the offender's contribution to the damage.	
<b>11. Service of certificates</b>		
11.1	The function, pursuant to Section 163ZE(1) of the Act, if the Council, as the road authority, proposes to use a certificate referred to in Section 163ZD in proceedings, to serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.	
<b>12. Council may grant exemptions from certain provisions</b>		
12.1	The power pursuant to Section 174C(1) of the Act to exempt any person, or persons of specified class, or any specified vehicle, or vehicles of a specified class, from compliance with a prescribed provision of the Act, subject to the payment of a fee and to conditions (if any) as the Delegate thinks fit and specifies in the exemption.	

**DELEGATIONS UNDER THE  
ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 2014**

<b>13. Event management plan</b>		<b>SUB DELEGATION</b>
13.1	The power pursuant to Regulation 6(2) of the <i>Road Traffic (Miscellaneous) Regulations 2014</i> to consult with an applicant in the preparation of an event management plan for the purpose of Section 33(1) of the Act.	<b>GMCB, MCA, MCS</b>
13.2	The power pursuant to Regulation 6(2) of the <i>Road Traffic (Miscellaneous) Regulations 2014</i> 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.	<b>GMCB, MCA, MCS</b>

**DELEGATIONS UNDER THE ROAD TRAFFIC (ROAD RULES – ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 2014**

14. Permit zones	SUB DELEGATION
14.1 The power pursuant to Regulation 17(2) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</i> to determine –	<b>GMAD, GMCB, MCS, ME, SPMID, TTL</b>
14.1.1 the class of permits required for vehicles to stop in a permit zone established by the Council;	
14.1.2 the persons entitled to such permits;	
14.1.3 any fees to be paid for such permits;	
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.	
14.2 The power pursuant to Regulation 17(3) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</i> to issue permits in respect of permit zones to persons entitled to them, on payment of a fee (if any) and subject to the conditions, determined by the Delegate.	<b>GMCB, MCS</b>
<b>15. Parking and parking ticket-vending machines or parking meters</b>	
15.1 The power pursuant to Regulation 22(2) of the <i>Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014</i> 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.	<b>GMCB, MCS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
Nil	Nil

**SUBDELEGATION TO THE CHIEF EXECUTIVE OFFICER**  
**UNDER THE ROAD TRAFFIC ACT 1961**  
**MADE IN ACCORDANCE WITH**  
**THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL**  
**DATED 22 AUGUST 2013**  
**FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**BACKGROUND**

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

This document contains delegations made by the Council to the Chief Executive Officer of the Council (and any person appointed to act in that position), pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

**POWER TO CLOSE ROADS AND GRANT EXEMPTION FOR EVENTS**

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

**CONDITIONS**

3. The subdelegate cannot direct the closure of a road or grant an exemption for an event on a road that, runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and
4. The subdelegate is subject to all conditions that are imposed on Council under Clause G of the Instrument, in relation to the closure of a road or the grant of an exemption for an event.

**AUTHORISATIONS**  
**UNDER THE ROAD TRAFFIC ACT 1961**  
**MADE BY THE COUNCIL IN ACCORDANCE WITH THE INSTRUMENT OF**  
**GENERAL APPROVAL AND DELEGATION TO COUNCIL DATED 22 AUGUST 2013**  
**FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**BACKGROUND**

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

This document contains Authorisations made by the Council pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

**CLAUSE A7 TRAFFIC IMPACT STATEMENT**

2. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

**Pamela Jackson General Manager Assets and Delivery**  
**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**

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

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**

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:

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**

**AUTHORISATIONS UNDER THE ROAD TRAFFIC ACT 1961 APPROVED BY THE  
CHIEF EXECUTIVE OFFICER OF THE COUNCIL IN ACCORDANCE WITH  
THE INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL  
DATED 22 AUGUST 2013  
FROM THE MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**BACKGROUND**

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

This document contains Authorisations made by the Council to Officers of the Council and approved by the Chief Executive Officer (and any person appointed to act in that position) on behalf of the Council, pursuant to the terms of the Instrument. The Instrument contains certain conditions, exceptions and requirements, and this document must be read in conjunction with the Instrument.

**AUTHORISATIONS**

**2. TRAFFIC CONTROL DEVICES**

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

**James Mitchell - Manager Engineering  
Rhys Skipper - Traffic and Transport Lead  
Bao Vo - Technical Officer Traffic**

### **3. SPEED LIMITS AT WORKS ON ROADS**

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

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**  
**Bill Blyth - Manager Field Services**

### **4. TRAFFIC CONTROL DEVICES SIGNS AT WORKS ON ROADS**

- 4.1 Pursuant to Clause C of the Instrument, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under the Act or any other Act, subject to the conditions specified in the Instrument.
- 4.2 Pursuant to Clause C.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause C of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 4.3 In accordance with Clause C.1 of the Instrument, I, as Chief Executive Officer of the Council approve on behalf of the Council the following Officer(s) to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause C of the Instrument, subject to the conditions specified in the Instrument in relation to Clause C of the Instrument:

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**  
**Bill Blyth - Manager Field Services**

### **5. TEMPORARY PARKING CONTROLS**

- 5.1 Pursuant to Clause D of the Instrument the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove a traffic control device for the purposes of imposing, varying or abolishing a parking

control on a temporary basis on a road or road which is under the Council's care, control or management subject to the conditions specified in the Instrument.

- 5.2 Pursuant to Clause D.1 of the Instrument, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council in Clause D of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 5.3 In accordance with Clause D.1 of the Instrument, I, as Chief Executive Officer of the Council approve, on behalf of the Council the following Officers to be AUTHORISED to exercise for and on behalf of the Council the powers conferred on the Council pursuant to Clause D of the Instrument, subject to the conditions specified in the Instrument in relation to Clause D of the Instrument:

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**  
**Bill Blyth - Manager Field Services**

## **6. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY**

- 6.1 Pursuant to Clause F of the Instrument the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the installation, maintenance, alteration, operation, or removal of a traffic control device in the municipality or district of the Council by a road authority, on, above, or near a road under the care control or management of the Council, subject to the conditions specified in the Instrument.
- 6.2 Pursuant to Clause F.1 of the Instrument, the Council may authorise any Officer(s) to exercise, for and behalf of the Council, the powers conferred on the Council in Clause F of the Instrument, provided that such authorisation is made by instrument in writing and is approved by the Chief Executive Officer of the Council.
- 6.3 In accordance with Clause F.1 of the Instrument, I, as Chief Executive Officer of the Council, approve on behalf of the Council, the following Officer(s) to be AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause F of the Instrument, subject to the conditions specified in the Instrument in relation to Clause F of the Instrument:

**James Mitchell - Manager Engineering**  
**Rhys Skipper - Traffic and Transport Lead**  
**Bao Vo - Technical Officer Traffic**  
**Bill Blyth - Manager Field Services**

.....  
Date

.....  
Signature

ROBERTO BRIA  
Chief Executive Officer



## **INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011**

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* are hereby delegated this [insert date] to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions or limitations indicated in the Schedule of Conditions contained in the Instrument of Delegation under the *Safe Drinking Water Act 2011* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

### **NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the [Insert Date].

### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1</b>	<b>Drinking water providers to be registered</b>	<b>SUB DELEGATION</b>
1.1	The power pursuant to Section 5(2)(a) and (b) of the <i>Safe Drinking Water Act 2011</i> (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister.	<b>GMCB, MCS, EHL</b>
<b>2</b>	<b>Conditions of registration</b>	
2.1	The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	<b>GMCB, MCS, EHL</b>
<b>3</b>	<b>Suspension of registration</b>	
3.1	The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	<b>GMCB, MCS, EHL</b>
3.2	The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	<b>GMCB, MCS, EHL</b>

3.3	The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.	<b>GMCB, MCS, EHL</b>
<b>4</b>	<b>Appeals</b>	
4.1	The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> of:	<b>GMCB, MCS</b>
4.1.1	a condition imposed by the Minister in relation to a registration under Part 2 of the Act;	
4.1.2	a variation of a condition of registration made by the Minister on the Minister's own initiative; or	
4.1.3	a decision of the Minister to refuse to grant an application to vary a condition of registration; or	
4.1.4	a decision of the Minister to suspend a registration under Part 2 of the Act.	
<b>5</b>	<b>Drinking water providers to prepare, implement and review risk management plans</b>	
5.1	The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:	<b>GMCB, MCS, EHL</b>
5.1.1	prepare a risk management plan in relation to the supply of drinking water to the public; and	
5.1.2	keep the plan under continuous review with a view to updating and improving it; and	
5.1.3	revise any aspect of the plan that is found, on review, to need revision.	
5.2	The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	<b>GMCB, MCS, EHL</b>

<b>6</b>	<b>Related matters</b>	
6.1	The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.	<b>GMCB, MCS</b>
6.1.1	The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	<b>GMCB, MCS</b>
6.2	The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> .	<b>GMCB, MCS</b>
<b>7</b>	<b>Appointment of authorised officers</b>	
7.1	The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	<b>GMAD, GMCB, GMSC</b>
7.2	The function pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised officers appointed by the Council.	<b>GMAD, GMCB, GMSC, MCS</b>
<b>8</b>	<b>Certificates of authority</b>	
8.1	The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.	<b>GMAD, GMCB, GMSC, MCS</b>
8.2	The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	<b>GMAD, GMCB, GMSC</b>
<b>9</b>	<b>Seizure orders</b>	
9.1	The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:	<b>GMCB, MCS, EHL, EHO</b>
9.1.1	authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or	

9.1.2 order that the thing seized be forfeited to the Council;	
9.2 The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	<b>GMCB, MCS, EHL, EHO</b>
<b>10 Notices</b>	
10.1 The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:	<b>GMCB, MCS, EHL, EHO</b>
10.1.1 securing compliance with a requirement imposed by or under the Act; or	
10.1.2 averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.	
10.2 The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.	<b>GMCB, MCS, EHL, EHO</b>
<b>11 Action or non-compliance with a notice</b>	
11.1 The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.	<b>GMCB, MCS, EHL, EHO</b>
11.2 The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.	<b>GMCB, MCS, EHL, EHO</b>
11.3 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.	<b>GMCB, MCS, EHL, EHO</b>
11.4 The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	<b>GMCB, MCS, EHL, EHO</b>
<b>12 Action in emergency situations</b>	
12.1 The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	<b>GMCB, MCS</b>

<b>13</b>	<b>Specific power to require information</b>	
13.1	The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	<b>GMCB, MCS, EHL, EHO</b>
<b>14</b>	<b>Appeals</b>	
14.1	The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.	<b>GMCB, MCS</b>
<b>15</b>	<b>Annual reports by enforcement agencies</b>	
15.1	The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.	<b>GMCB, MCS, EHL</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011, SOUTH AUSTRALIAN PUBLIC  
HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC  
HEALTH (WASTEWATER) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC  
HEALTH (GENERAL) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC  
HEALTH (FEES) REGULATIONS 2019**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Power to require reports</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 18(2) of the <i>South Australian Public Health Act 2011</i> (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	<b>GMCB, MCS, EHL</b>
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.	<b>GMCB, MCS, EHL</b>
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	<b>GMCB</b>
<b>2 Risk of avoidable mortality or morbidity</b>	
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.	<b>GMCB, MCS</b>
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:	<b>GMCB, MCS</b>
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.	
<b>3. Cooperation between councils</b>		
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.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>
<b>4 Power of Chief Public Health Officer to act</b>		
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	<b>GMCB, MCS</b>
<b>5 Council failing to perform a function under Act</b>		
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.	<b>GMCB</b>
5.2	The power pursuant to Section 41(6) of the Act to:	<b>GMCB</b>
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.	



<b>6 Transfer of function of Council at request of Council</b>	
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.	<b>GMCB</b>
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.	<b>GMCB</b>
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.	<b>GMCB</b>
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.	<b>GMCB</b>
<b>7 Local authorised officers</b>	
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.	<b>GMAD, GMCB, GMSC</b>
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.	<b>GMAD, GMCB, GMSC</b>
7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	<b>GMAD, GMCB, GMSC</b>
7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	<b>GMAD, GMCB, GMSC</b>
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:	<b>GMAD, GMCB, GMSC</b>
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	
7.6 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 area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	

<b>8. Identity cards</b>		
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:	<b>GMAD, GMCB, GMSC, MCS</b>
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.	
<b>9. Specific power to require information</b>		
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.	<b>EHO, GMCB, MCS, EHL</b>
<b>10 Regional public health plans</b>		
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)	<b>GMCB</b>
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.	<b>GMCB</b>
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:	<b>GMCB</b>
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 <i>Health Care Act 2008</i> 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	
10.4 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).	<b>GMCB</b>
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.	<b>GMCB</b>
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).	<b>GMCB</b>
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.	<b>GMCB</b>
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 <i>Local Government Act 1999</i> (and the power if the delegate thinks fit, incorporate a regional public health plan into the Council's strategic management plans under that Act).	<b>GMCB</b>
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.	<b>GMCB</b>
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.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>

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.	<b>GMCB, MCS</b>
<b>11 Reporting on regional public health plans</b>	
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	<b>GMCB</b>
<b>12 Action to prevent spread of infection</b>	
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.	<b>GMCB, MCS</b>
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.	<b>EHO, GMCB, MCS, EHL</b>
<b>13 Notices</b>	
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:	<b>EHO, GMCB, MCS, EHL</b>
13.1.1 securing compliance with a requirement imposed by or under the Act (including the function under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or	
13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.	
13.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to	

secure compliance with the general function under Part 6 of the Act:	<b>EHO, GMCB, MCS, EHL</b>
13.2.1 have regard to:	
(a) the number of people affected, or potentially affected, by the breach of the function.	
(b) the degree of harm, or potential degree of harm, to public health on account of the breach of the function;	
(c) any steps that a person in breach of the function has taken, or proposed to take, to avoid or address the impact of the breach of the function.	
and such other matters as the Delegate thinks fit; and	<b>EHO, GMCB, MCS, EHL</b>
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:	
(a) stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and	
(b) stating the reasons for the proposed action; and	
(c) inviting the person to show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).	
13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	<b>EHO, GMCB, MCS, EHL</b>
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:	<b>EHO, GMCB, MCS, EHL</b>
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.	
13.5 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	<b>EHO, GMCB, MCS, EHL</b>
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:	<b>EHO, GMCB, MCS, EHL</b>
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:	
	(a) is the owner or occupier of the premises; or	
	(b) has the management or control of the premises; or	
	(c) 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:	
	(a) 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;	
	(b) a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;	
	(c) 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;	
	(d) 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.	
	(e) 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;	
	(f) a requirement that the person undertake specified tests or monitoring;	
	(g) a requirement that the person furnish to a relevant authority specified results or reports;	
	(h) 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;	
	(i) a requirement prescribed under or for the purpose 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.	
13.7	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.	<b>EHO, GMCB, MCS, EHL</b>
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.	<b>EHO, GMCB, MCS, EHL</b>

<b>14 Action on non-compliance with notice</b>	
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.	<b>EHO, GMCB, MCS, EHL</b>
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	<b>EHO, GMCB, MCS, EHL</b>
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.	<b>EHO, GMCB, MCS, EHL</b>
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.	<b>GMCB, MCS</b>
<b>15 Action in emergency situations</b>	
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.	<b>GMCB, MCS</b>
<b>16 Review – notices relating to general function</b>	
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.	<b>EHO, GMCB, MCS, EHL</b>
16.2 The power pursuant to Section 95(15) of the Act to make an application to Review Panel to:	<b>GMCB, MCS, EHL</b>
16.2.1 dismiss or determine any proceedings that appear:	
(a) to be frivolous or vexatious; or	
(b) 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:	
(a) to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or	



(b) 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.	
<b>17.Appeals</b>	
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.	<b>GMCB, MCS</b>

**SOUTH AUSTRALIAN PUBLIC HEALTH**  
**(LEGIONELLA) REGULATIONS 2013**

<b>18. Function to register high risk manufactured water system</b>	<b>SUB DELEGATION</b>
18.1 The function pursuant to Regulation 5(3) of the <i>South Australian Public Health (Legionella) Regulations 2013</i> (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.	<b>EHO, GMCB, MCS, EHL</b>
18.2 The function pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or Delegate and payment of the prescribed fee to the Council, renew the registration of the high risk manufactured water system to which the application relates.	<b>EHO, GMCB, MCS, EHL</b>
<b>19 Register of high risk manufactured water systems</b>	
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.	<b>EHO, GMCB, MCS, EHL</b>
19.2 The function pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:	<b>EHO, GMCB, MCS, EHL</b>
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.	
<b>20. Annual inspection of microbiological testing</b>	
20.1 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:	<b>EHO, GMCB, MCS, EHL</b>
20.1.1 requiring the owner, within the period specified in the notice:	
(a) 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	
(b) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	
• of at least 1 sample of water taken from a cooling water system; and	
• 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	
20.2 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.	
<b>21. Power of council to require microbiological testing in other circumstances</b>	
21.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:	<b>EHO, GMCB, MCS, EHL</b>

21.1.1 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	
21.1.2 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:	
21.1.3 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	
21.1.4 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.	
<b>22. Fees relating to high risk manufactured water systems</b>	
22.1 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.	<b>EHO, GMCB, MCS, EHL</b>

**SOUTH AUSTRALIAN PUBLIC HEALTH  
(WASTEWATER) REGULATIONS 2013**

<b>23. Relevant authority</b>	<b>SUB DELEGATION</b>
23.1 The power pursuant to Regulation 6(1)(b) of the <i>South Australian Public Health (Wastewater) Regulations 2013</i> (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.	<b>EHO, GMCB, MCS, EHL</b>

<b>24. Public notification of proposed community wastewater management system</b>	
<p>24.1 The power and function pursuant to Regulation 8(1) of the Wastewater Regulations to, if the Council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, to give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.</p>	<b>EHO, GMCB, MCS, EHL</b>
<b>25. Connection to community wastewater management system</b>	
<p>25.1 The power pursuant to Regulation 9(1) of the Wastewater Regulations and subject to Regulation 9(2) on obtaining a wastewater works approval for a community wastewater management system, to, by written notice, require the operator of an on-site wastewater system:</p>	<b>EHO, GMCB, MCS, EHL</b>
<p>25.1.1 to connect the system to the community wastewater management system; and</p>	
<p>25.1.2 for that purpose, to complete and submit an application to the Council, within the period specified in the notice, for a wastewater works approval for:</p>	
<p>(a) the connection; and</p>	
<p>(b) necessary, consequential alterations to the on-site wastewater system.</p>	
<p>25.2 The power pursuant to Regulation 9(4) of the Wastewater Regulations, if the operator of an on-site wastewater system does not submit an application within the period specified in a notice under Regulation 9(1), to grant a wastewater works approval for the required wastewater works as if the application had been made.</p>	<b>EHO, GMCB, MCS, EHL</b>
<p>25.3 The power pursuant to Regulation 9(6) of the Wastewater Regulations, if wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9, to cause the requirements to be carried out (and a person authorised to do so by the Council may enter land at any reasonable time for the purposes of carrying out the relevant work).</p>	<b>EHO, GMCB, MCS, EHL</b>

25.4	The power pursuant to Regulation 9(6) of the Wastewater Regulations to if wastewater works are not carried out in accordance with a wastewater approval for the connection of an on-site wastewater system to a community wastewater management system required under Regulation 9, authorise a person to enter land at any reasonable time for the purpose of carrying out the relevant work.	<b>EHO, GMCB, MCS, EHL</b>
25.5	The power pursuant to Regulation 9(7) of the Wastewater Regulations to recover as a debt the costs and expenses reasonably incurred in exercising a power under Regulation 9(6) and the prescribed fee that would have been payable had the application been made as required under Regulation 9(1) of the Wastewater Regulations from the person who failed to comply with the notice.	<b>EHO, GMCB, MCS, EHL</b>
<b>26. Exemptions</b>		
26.1	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.	<b>EHO, GMCB, MCS, EHL</b>
26.2	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.	<b>EHO, GMCB, MCS, EHL</b>
<b>27. Exemptions from prescribed codes</b>		
27.1	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.	<b>EHO, GMCB, MCS, EHL</b>
27.2	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.	<b>EC EHO, GMCB, MCS, EHL</b>
<b>28. Application</b>		
28.1	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.	<b>EHO, GMCB, MCS, EHL</b>
<b>29. Determination of application</b>		
29.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:	<b>EHO, GMCB, MCS, EHL</b>

29.1.1	if the applicant fails to satisfy the Delegate of either or both of the following:	
	(a) that the technical specifications for the wastewater works comply with the prescribed codes;	
	(b) that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or	
29.1.2	for any other sufficient reason.	
29.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water reasonable opportunity to comment on the application and take into account any comments so made.	<b>EHO, GMCB, MCS, EHL</b>
<b>30.</b>	<b>Conditions of approval</b>	
30.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:	<b>EHO, GMCB, MCS, EHL, MDS</b>
30.1.1	any 1 or more of the following prescribed expiable conditions:	
	(a) 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;	
	(b) a condition that requires the display of specified notices on the premises on which the wastewater system is located;	
	(c) 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;	

(d) a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;	
(e) a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;	
(f) a condition that requires records of a specified kind to be created, maintained, and provided to the Council; or	
30.1.2 any other conditions including any 1 or more of the following:	
(a) a condition that requires decommissioning of the wastewater system:	
<ul style="list-style-type: none"> <li>• after a specified trial period; or</li> </ul>	
<ul style="list-style-type: none"> <li>• in specified circumstances; or</li> </ul>	
<ul style="list-style-type: none"> <li>• on written notice to the operator of the system;</li> </ul>	
(b) a condition that requires a wastewater system to be connected to a community wastewater management system;	
(c) 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;	
(d) 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);	
(e) 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;	
(f) a condition that otherwise specifies requirements relating to:	

<ul style="list-style-type: none"> <li>the installation of the waste water system; or</li> </ul>	
<ul style="list-style-type: none"> <li>the decommissioning of the wastewater system; or</li> </ul>	
<ul style="list-style-type: none"> <li>the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or</li> </ul>	
<ul style="list-style-type: none"> <li>the operation, servicing and maintenance of the wastewater system; or</li> </ul>	
<ul style="list-style-type: none"> <li>the reuse or disposal of wastewater from the wastewater system.</li> </ul>	
30.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:	<b>EHO, GMCB, MCS, EHL, MDS</b>
30.2.1 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	
30.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and	
30.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.	
30.3 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.	<b>EHO, GMCB, MCS, EHL, MDS</b>
30.4 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:	<b>EHO, GMCB, MCS, EHL, MDS</b>
30.4.1 the operator consents; or	



30.4.2	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.	
<b>31.</b>	<b>Expiry of approval</b>	
31.1	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.	<b>EHO, GMCB, MCS, EHL, MDS</b>
<b>32.</b>	<b>Registers of wastewater works approvals</b>	
32.1	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.	<b>EHO, GMCB, MCS, EHL</b>
32.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the Delegate.	<b>EHO, GMCB, MCS, EHL</b>
<b>33.</b>	<b>Requirement to obtain expert report</b>	
33.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if the Delegate suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	<b>EHO, GMCB, MCS, EHL</b>
33.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 are not complied with to obtain the required report and recover the costs and expenses reasonably incurred in doing so from the person who failed to comply with the notice, as a debt.	<b>EHO, GMCB, MCS, EHL</b>
33.3	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.	<b>EHO, GMCB, MCS, EHL</b>

## **SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

<b>34. Non-compliance with notices (section 93(6) of the Act)</b>	<b>SUB DELEGATION</b>
34.1 The power pursuant to regulation 5B(2) of the <i>South Australian Public Health (General) Regulations 2013</i> (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:	<b>GMCB, MCS</b>
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.	
34.2 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.	<b>GMCB, MCS</b>

## **SOUTH AUSTRALIAN PUBLIC HEALTH (FEES) REGULATIONS 2019**

<b>35. Refund and recovery of fees</b>	
35.1 The power pursuant to Clause 2(1) of Schedule 1 of the <i>South Australian Public Health (Fees) Regulations 2019</i> (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.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
STATE RECORDS ACT 1997**

**NOTES**

13.2.2.1 **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

13.2.2.2 The Council delegated to the Chief Executive Officer (head delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

	SUB DELEGATION
<b>1. Surveys of Official Records and Record Management</b>	
1.1 The function pursuant to Section 15(2) of the <i>State Records Act 1997</i> (the Act) to afford the Manager reasonable cooperation and assistance in the conduct of a survey under Section 15 of the Act.	<b>GMCS, MIT, IMS</b>
<b>2. Voluntary Transfer to State Records' Custody</b>	
2.1 The power pursuant to Section 18(1) of the Act to, subject to Section 18(2) of the Act, to deliver any of the Council's records into the custody of State Records.	<b>GMCS, MIT, IMS</b>
<b>3. Mandatory Transfer to State Records' Custody</b>	
3.1 The power pursuant to and subject to Section 19(1) of the Act, to deliver an official record of the Council into the custody of State Records (unless sooner delivered to State Records) or dispose of an official record of the Council in accordance with this Act):  3.1.1 when the Council ceases to require access to the record for current administrative purposes; or  3.1.2 during the year occurring 15 years after the record came into existence, whichever first occurs.	<b>GMCS, MIT, IMS</b>
3.2 The power pursuant to and subject to Section 19(3) of the Act, to postpone the delivery of records into the custody of State Records:	<b>GMCS, MIT, IMS</b>

<p>3.2.1 in accordance with record management standards issued by the Manager; or</p> <p>3.2.2 with the Manager's approval, in cases where the Manager is satisfied (after consultation with the Council) that the records are further required for current administrative purposes or should be retained for any other special reason.</p>	
3.3 The power pursuant to Section 19(3)(c) of the Act, to make submissions to the Manager for the delivery of records into the custody of State Records to be postponed.	<b>GMCS, MIT, IMS</b>
3.4 The power pursuant to Section 19(5) of the Act, to apply to the Manager for an exemption granted under Section 19(4) of the Act to be varied or revoked.	<b>GMCS, MIT, IMS</b>
<b>4. Keeping of Official Records in Premises Other than State Records' Premises</b>	
4.1 The power pursuant to Section 22(2) of the Act, to require an arrangement under Section 22(1) of the Act to be subject to such conditions as the Delegate may reasonably require.	<b>GMCS, MIT, IMS</b>
<b>5. Disposal of Official Records by Agency</b>	
5.1 The power pursuant to Section 23(1) of the Act, to dispose of official records in accordance with a determination made by the Manager with the approval of the State Records Council.	<b>GMCS, MIT, IMS</b>
5.2 The power pursuant to Section 23(2) of the Act, to request the Manager make a determination as to the disposal of official records.	<b>GMCS, MIT, IMS</b>
5.3 The power pursuant to Section 23(4) of the Act, if there is a dispute as to a determination under Section 23 of the Act to make an application to the Minister to determine the matter.	<b>GMCS, MIT, IMS</b>
<b>6. Disposal of Official Records by Manager</b>	
6.1 The power pursuant to Section 24(3) of the Act, to consent and make submissions to the Minister in relation to the disposal of a record under Section 24(1) of the Act.	<b>GMCS, MIT, IMS</b>
<b>7. Agency's Access to Records in Custody of State Records</b>	
7.1 The power pursuant to Section 25(1) of the Act, to have such access to, and make or direct such use of as the Delegate requires, official records in the custody of State Records for which the Council is responsible.	<b>GMCS, MIT, IMS</b>

7.2 The power pursuant to Section 25(3) of the Act, if there is a dispute as to access under Section 25 of the Act, to make an application to the Minister to determine the matter.	<b>GMCS, MIT, IMS</b>
<b>8. Public Access to Records in Custody of State Records</b>	
<p>8.1 The power pursuant to Section 26(1) of the Act, in relation to official records in the custody of State Records for which the Council is responsible, to, in consultation with the Manager:</p> <p>8.1.1 determine that access to the record (other than by the Council) is not subject to any restrictions other than those determined by the Manager under Section 26(2) of the Act; or</p> <p>8.1.2 determine conditions excluding or restricting access to the record.</p>	<b>GMCS, MIT, IMS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
STRATA TITLES ACT 1988****NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Application for amendment</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 12(2)(b) of the <i>Strata Titles Act 1988 (the Act)</i> , where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.	<b>GMSC, MDS</b>
1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.	<b>GMSC, MDS</b>
1.3 The power pursuant to Section 12(3a) of the Act, where:	<b>GMSC, MDS</b>
1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and	
1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.	
1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part, but not the whole, of an allotment within the meaning of Part 194AB of the <i>Real Property Act 1886</i> is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.	<b>GMSC, MDS</b>



<b>2. Application may deal with statutory encumbrances</b>	
2.1 The power pursuant to Section 12A of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	<b>GMSC, MDS</b>
<b>2A. Amendment by order of ERD Court</b>	
2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.	<b>GMSC, MDS</b>
2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.	<b>GMSC, MDS</b>
<b>3. Amalgamation of adjacent sites</b>	
3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.	<b>GMSC, MDS</b>
3.2 The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.	<b>GMSC, MDS</b>
<b>4. Cancellation</b>	
4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.	<b>GMSC, MDS</b>
4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.	<b>GMSC, MDS</b>
4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.	<b>GMSC, MDS</b>
4.4 The power pursuant to Section 17(4a) of the Act to make submissions to the Court in relation to the matter.	<b>GMSC, MDS</b>

<b>5. Application for division</b>	
5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.	<b>GMSC, MDS</b>
5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.	<b>GMSC, MDS</b>
<b>6. Articles of strata corporation</b>	
6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.	<b>GMSC, MDS</b>
<b>7. Certain articles may be struck out by Court</b>	
7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.	<b>GMSC, MDS</b>
<b>8. Offences</b>	
8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.	<b>GMSC, MDS</b>
8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:	<b>GMSC, MDS</b>
8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and	
8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.	
<b>9. Power to enforce duties of maintenance and repair</b>	
9.1 The power pursuant to Section 28(5) of the Act, where:	<b>GMSC, MDS</b>
9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and	

9.1.2	the circumstances out of which the work was required are attributable to the act or default of another person,	
	to recover those costs from that other person as a debt.	
<b>10.</b>	<b>Right of unit holders etc to satisfy themselves as to insurance</b>	
10.1	The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.	<b>GMSC, MDS</b>
<b>11.</b>	<b>Holding of general meetings</b>	
11.1	The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.	<b>GMSC, MDS</b>
11.2	The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.	<b>GMSC, MDS</b>
<b>12.</b>	<b>Voting at general meetings</b>	
12.1	The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.	<b>GMSC, MDS</b>
12.2	The power pursuant to Section 34(4) of the Act to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.	<b>GMSC, MDS</b>
<b>13.</b>	<b>Administrator of strata corporation's affairs</b>	
13.1	The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.	<b>GMSC, MDS</b>
<b>14.</b>	<b>Information to be furnished</b>	
14.1	The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:	<b>GMSC, MDS</b>
14.1.1	furnish:	
14.1.1.1	particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);	

14.1.1.2	particulars of the assets and liabilities of the corporation;	
14.1.1.3	particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;	
14.1.1.4	particulars in relation to any prescribed matter;	
14.1.2	provide copies of:	
14.1.2.1	the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;	
14.1.2.2	the statement of accounts of the corporation last prepared by the corporation;	
14.1.2.3	the articles for the time being in force;	
14.1.2.4	current policies of insurance taken out by the corporation;	
14.1.3	make available for inspection:	
14.1.3.1	a copy of the accounting records of the corporation;	
14.1.3.2	the minute books of the corporation;	
14.1.3.3	any other prescribed documentary material;	
14.1.4	if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;	
14.1.5	make available for inspection the register maintained under Section 39A of the Act.	
14.2	The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make application to a strata corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.	<b>GMSC, MDS</b>

<b>15. Persons who may apply for relief</b>	
15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.	<b>GMSC, MDS</b>
<b>16. Resolution of disputes, etc</b>	
16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.	<b>GMSC, MDS</b>
16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.	<b>GMSC, MDS</b>
16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.	<b>GMSC, MDS</b>
16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to:	<b>GMSC, MDS</b>
16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or	
16.4.2 state a question of law for the opinion of the Supreme Court.	
16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.	<b>GMSC, MDS</b>
<b>17. Unit holder's power of entry</b>	
17.1 Where the Council is the unit holder of a unit (Unit A) and:	<b>GMSC, MDS</b>
17.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or	
17.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and	
17.1.3 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,	

the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	
<b>17.2</b> Where the Council is the unit holder of a unit (Unit A) and	<b>GMSC, MDS</b>
17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or	
17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and	
17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,	
the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.	
<b>18. Dealing with part of unit</b>	
18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:	<b>GMSC, MDS</b>
18.1.1 if all of the units comprised in the strata scheme consist of non-residential premises; or	
18.1.2 where Section 44(2)(a) does not apply:	
18.1.2.1 if the lease or licence is granted to another unit holder; or	
18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.	
<b>19. Body Corporate may act as officer, etc</b>	
19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council.	<b>GMSC, MDS</b>

<b>20. Relief where unanimous resolution required</b>	
<p>20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.</p>	<b>GMSC, MDS</b>

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil



**INSTRUMENT OF DELEGATION UNDER THE  
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND  
SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

In exercise of the powers contained in section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* contained hereunder, are, subject to the conditions, limitations and provisos contained therein, hereby delegated this **[Insert Date]** to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) 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* and such powers and functions may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Appointment of authorised officers</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 21(1) of the <i>Supported Residential Facilities Act 1992</i> (the Act) to appoint a person to be an authorised officer under the Act;	<b>GMAD, GMCB, GMSC</b>
1.2 The function pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	<b>GMCB, MCS, EHL</b>
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.	<b>GMAD, GMCB, GMSC</b>
<b>2. Application for a licence</b>	
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.	<b>EHO, GMCB, MCS, EHL</b>

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.	<b>GMCB, MCS, EHL, EHO</b>
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the function where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence.	<b>EHO, GMCB, MCS, EHL</b>
2.4 Where an application for a licence is refused, the function pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.	<b>GMCB, MCS</b>
2.5 The function pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit.	<b>GMCB, MCS</b>
2.6 The function pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit.	<b>GMCB, MCS</b>
2.7 The function pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit.	<b>GMCB, MCS</b>
2.8 The function pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	<b>GMCB, MCS</b>
<b>3. Renewal of licence</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>
3.2 The function pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the function to state in the notice of refusal the reasons for the refusal and the rights of appeal that the applicant may have under the Act.	<b>GMCB, MCS</b>

3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled under the Act.	<b>GMCB, MCS</b>
<b>4. Licence conditions</b>	
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.	<b>GMCB, MCS</b>
4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:	<b>GMCB, MCS</b>
4.2.1 if imposed at the time of grant or renewal of the licence – the function to include them in the licence itself;	
4.2.2 if imposed during the currency of the licence – the function to impose them by notice in writing served on the holder of the licence;	
4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence.	
<b>5. Transfer and surrender of licence</b>	
5.1 The function pursuant to Section 30(4) of the Act, upon application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied the proposed transferee would be a suitable person to be granted a licence under the Act.	<b>GMCB, MCS</b>
<b>6. Cancellation of licence</b>	
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.	<b>GMCB, MCS</b>
6.2 The function pursuant to Section 31(2) of the Act, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow at least 28 days within which to make submissions in relation to the proposed action.	<b>GMCB, MCS</b>
6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence, to impose conditions to protect the interests of the residents of the facility.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS</b>

<b>7. Review of decision or order</b>	
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.	<b>GMCB, MCS</b>
7.2 The power pursuant to Section 32(4) of the Act to:	<b>GMCB, MCS</b>
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	
7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order.	
7.3 The function pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	<b>GMCB, MCS</b>
<b>8. Appointment of manager</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>
8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	<b>GMCB, MCS, EHL, EHO</b>
<b>9. Death of licensee</b>	
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.	<b>GMCB, MCS</b>
<b>10. Rescission of resident contract by proprietor</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>

<b>11. Disputes etc</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>
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.	<b>GMCB, MCS, EHL, EHO</b>
11.3 The function pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application.	<b>GMCB, MCS</b>
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.	<b>GMCB, MCS, EHL</b>
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.	<b>GMCB, MCS, EHL</b>
11.6 The power, pursuant to Section 43(12) of the Act -	<b>GMCB, MCS, EHL</b>
11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;	
11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	
11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	
11.7 The function pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	<b>GMCB, MCS, EHL</b>

<b>12.Attendance by health service providers etc.</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>
<b>13.Complaints</b>	
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.	<b>GMCB, MCS, EHL, EHO</b>
13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	<b>GMCB, MCS, EHL, EHO</b>
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.	<b>EHO, GMCB, MCS, EHL</b>
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.	<b>EHO, GMCB, MCS, EHL, EHO</b>
<b>14. Regulations</b>	
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 -	<b>GMCB, MCS</b>
14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	
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.	
14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:	<b>GMCB, MCS</b>
14.2.1 revoke an exemption under Section 57(5);	
14.2.2 vary or revoke a condition under Section 57(6)	

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES  
REGULATIONS 2009**

	SUB DELEGATION
<b>15. Licensing scheme</b>	
15.1 The function pursuant to Regulation 4(1) of the <i>Supported Residential Facilities Regulations 2009</i> (the Regulations) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	<b>GMCB, MCS, EHL</b>
15.2 The function pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	<b>GMCB, MCS</b>
<b>16. Prospectus</b>	
16.1 The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	<b>GMCB, MCS, EHL, EHO</b>
<b>17. Notification of certain events</b>	
17.1 The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	<b>GMCB, MCS, EHL, EHO</b>
<b>18. Acting managers</b>	
18.1 The power pursuant to Regulation 17(2) of the Regulations to approve an Acting Manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a Manager is absent from the duties of office or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	<b>GMCB, MCS, EHL, EHO</b>
<b>19. Management of Nursing Home</b>	
19.1 The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	<b>GMCB, MCS, EHL, EHO</b>

19.2 The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in 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.	<b>GMCB, MCS</b>
<b>20. Facilities, hygiene, maintenance etc</b>	
20.1 The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	<b>GMCB, MCS, EHL, EHO</b>
20.2 The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	<b>GMCB, MCS, EHL, EHO</b>
<b>21. Communication facility</b>	
21.1 The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	<b>GMCB, MCS, EHL, EHO</b>
<b>22. Indemnity fund</b>	
22.1 The function pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	<b>GMCB, MCS, EHL</b>



## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
UNCLAIMED GOODS ACT 1987**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. Unclaimed Goods	SUB DELEGATION
1.1 The power pursuant to Section 5(1)(b) of the <i>Unclaimed Goods Act 1987</i> (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance to an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	<b>GMCB, MCS, MCELS, MCW</b>
1.2 The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	<b>GMCB, MCS, MCELS, MCW</b>
1.3 The function pursuant to Section 5(2) of the Act, in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request - 1.3.1 states the address at which the goods are available for collection; and 1.3.2 contains a brief description of the goods; and 1.3.3 states the times at which, or the hours between which, the goods will be available for collection at that address; and	<b>GMCB, MCS, MCELS, MCW</b>
1.3.4 is made – 1.3.4.1 by post addressed to the last known address of the bailor; or 1.3.4.2 if the identity or whereabouts of the bailor is unknown – by notice in the prescribed form published in a newspaper circulating generally throughout the State.	<b>GMCB, MCS, MCELS, MCW</b>

1.4	The function pursuant to Section 5(3) of the Act to ensure a request made for the purposes of Section 5(1)(c) of the Act allows the bailor a reasonable opportunity to collect the goods to which it relates.	<b>GMCB, MCS, MCELS, MCW</b>
<b>2.</b>	<b>Sale or disposal of unclaimed goods</b>	
2.1	The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant <ul style="list-style-type: none"> <li>2.1.1 sell the goods; or</li> <li>2.1.2 if the value of the goods would be insufficient to defray the costs of sale – otherwise dispose of the goods.</li> </ul>	<b>GMCB, MCS, MCELS, MCW</b>
2.2	The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the function pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.	<b>GMCB, MCS, MCELS, MCW</b>
2.3	The function pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to – <ul style="list-style-type: none"> <li>2.3.1 give notice of the application to the Commissioner of Police; and</li> <li>2.3.2 give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.</li> </ul>	<b>GMCB, MCS, MCELS, MCW</b>
2.4	The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the function pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to <ul style="list-style-type: none"> <li>2.4.1 sell the goods by public auction; and</li> <li>2.4.2 give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale to the Commissioner of Police; and to the bailor.</li> </ul>	<b>GMCB, MCS</b>
2.5	The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.	<b>GMCB, MCS</b>

<b>3.</b>	<b>Claim made by bailor after commencement of proceedings under this Act</b>	
3.1	The function pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	<b>GMCB, MCS</b>
3.2	The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -	<b>GMCB, MCS</b>
3.2.1	the reasonable costs incurred by the Council in proceeding under the Act;	
3.2.2	the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;	
3.2.3	the amount of any lien that the Council has over the goods.	
3.3	The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.	<b>GMCB, MCS</b>
<b>4.</b>	<b>Proceeds of sale</b>	
4.1	The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -	<b>GMCB, MCS</b>
4.1.1	retain from those proceeds -	
	4.1.1.1 the reasonable costs of the sale and of proceeding under the Act; 4.1.1.2 the reasonable costs of storing and maintaining the goods prior to sale; 4.1.1.3 the amount of any lien that the Council had over the goods; and	
4.1.2	pay the balance to the Treasurer.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil

**INSTRUMENT OF DELEGATION UNDER THE  
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY  
REGULATIONS 2012**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (head delegation) and extends to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**.

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Water Planning</b>	<b>SUB DELEGATION</b>
a. The power pursuant to Section 6(6) of the <i>Water Industry Act 2012 (the Act)</i> , in relation to a proposal:	<b>GMAD</b>
i. to create the State Water Demand and Supply Statement; or	
ii. to undertake a comprehensive review of the State Water Demand and Supply Statement,	
to make written representations on the proposal to the Minister.	
<b>2. Application for Licence</b>	
2.1 The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	<b>GMAD</b>
<b>3. Licence fees and returns</b>	
3.1 The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to:	<b>GMAD</b>
3.1.1 in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and	

3.1.2	in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.	
<b>4 Variation of Licence</b>		
4.1	The power pursuant to Section 28(2) of the Act to:	<b>GMAD</b>
4.1.1	make application to the Commission to vary the terms or conditions of the Council's licence;	
4.1.2	agree to the variation of the terms or conditions of the Council's licence;	
4.1.3	make representations to the Commission about the proposed variation.	
<b>5 Transfer of Licence</b>		
5.1	The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	<b>GMAD</b>
5.2	The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	<b>GMAD</b>
<b>6 Surrender of Licence</b>		
6.1	The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.	<b>GMAD</b>
6.2	The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	<b>GMAD</b>
<b>7 Suspension or cancellation of Licences</b>		
7.1	The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	<b>GMAD</b>
<b>8 Standard terms and conditions for retail services</b>		
8.1	The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	<b>GMAD</b>

8.2	The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	<b>GMAD</b>
8.3	The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	<b>GMAD</b>
8.4	The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	<b>GMAD</b>
<b>9 Customer hardship policies</b>		
9.1	The power pursuant to Section 37(3) of the Act to:	<b>GMAD</b>
9.1.1	adopt a customer hardship policy published by the Minister under Section 37 of the Act; or	
9.1.2	with the written approval of the Commission, adopt such a policy with modifications.	
<b>10 Power to take over operations</b>		
10.1	The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	<b>GMAD</b>
<b>11 Appointment of operator</b>		
11.1	The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.	<b>GMAD</b>
<b>12 Appointment of water industry officer</b>		
12.1	The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	<b>GMAD</b>
12.2	The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	<b>GMAD</b>



<b>13 Conditions of appointment</b>		
13.1	The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	<b>GMAD</b>
13.2	The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	<b>GMAD</b>
<b>14 Identity cards</b>		
14.1	The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	<b>GMAD</b>
<b>15 Power to enter land to conduct investigations</b>		
15.1	The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	<b>GMAD</b>
15.2	The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	<b>GMAD</b>
15.2.1	give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and	
15.2.2	minimise the impact of work carried out by the Council on activities of others on the land; and	
15.2.3	comply with the conditions of the authorisation.	
<b>16 Power to carry out work on land</b>		
16.1	The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	<b>GMAD</b>
16.1.1	to construct, install, improve or add to any water/sewerage infrastructure; or	
16.1.2	to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or	
16.1.3	to lay pipes and install, operate or inspect pumps and other equipment; or	

16.1.4	to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or	
16.1.5	to obtain or enlarge a supply of water; or	
16.1.6	to protect, improve or restore the quality of water; or	
16.1.7	to protect any infrastructure or equipment connected with any water service or sewerage service; or	
16.1.8	to perform any other function brought within the ambit of Section 45 of the Act by the regulations.	
16.2	The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	<b>GMAD</b>
16.2.1	give the authority responsible for the management of public land not less than 12 hours' notice of the Council's intention to carry out work on the land; and	
16.2.2	secure the authority's agreement to the carrying out of the work;	
16.3	The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.	<b>GMAD</b>
16.4	The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	<b>GMAD</b>
16.5	The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	<b>GMAD</b>
16.6	The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	<b>GMAD</b>

16.7	The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	<b>GMAD</b>
16.8	The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	<b>GMAD</b>
16.9	The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	<b>GMAD</b>
16.10	The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	<b>GMAD</b>
16.11	The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	<b>GMAD</b>
16.12	The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	<b>GMAD</b>
<b>17 Acquisition of land</b>		
17.1	The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the Land Acquisition Act 1969.	<b>GMAD</b>
<b>18 Requirement to connect to infrastructure</b>		
Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).		
18.1	The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.	<b>GMAD</b>

18.2	The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.	<b>GMAD</b>
18.3	The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.	<b>GMAD</b>
18.4	The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.	<b>GMAD</b>
18.5	The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.	<b>GMAD</b>
18.6	The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	<b>GMAD</b>
<b>19 Encroachments</b>		
19.1	The power pursuant to Section 49(1) of the Act to consent to a person:	<b>GMAD</b>
19.1.1	constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or	
19.1.2	creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or	
19.1.3	obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or	
19.1.4	excavating or altering any land or structure supporting any water/sewerage infrastructure.	
19.2	The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	<b>GMAD</b>

19.2.1	at any reasonable time, enter land and carry out an inspection of any place; and	
19.2.2	as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.	
19.3	The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	<b>GMAD</b>
19.4	The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	<b>GMAD</b>
19.5	The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	<b>GMAD</b>
19.6	The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	<b>GMAD</b>
<b>20 Protection of infrastructure and equipment</b>		
20.1	The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	<b>GMAD</b>
20.1.1	at any reasonable time, enter any land and carry out an inspection of any place; and	
20.1.2	as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.	
20.2	The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	<b>GMAD</b>

20.3	The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	<b>GMAD</b>
20.4	The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	<b>GMAD</b>
20.4.1	on application to a court convicting the person of an offence against Section 50 of the Act; or	
20.4.2	by action in a court of competent jurisdiction.	
<b>21 Notice of work that may affect water/sewerage infrastructure</b>		
21.1	The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	<b>GMAD</b>
21.1.1	on application to a court convicting the person of an offence against Section 51 of the Act; or	
21.1.2	by action in a court of competent jurisdiction.	
<b>22 Give notice before paving a road etc</b>		
22.1	The power pursuant to Section 52(1) of the Act, before the Council begins:	<b>GMAD</b>
22.1.1	to first lay the pavement or hard surface in any road; or	
22.1.2	to relay the pavement or hard surface in any road; or	
22.1.3	to widen or extend the pavement or hard surface in any road; or	
22.1.4	to alter the level of any road; or	
22.1.5	to construct or alter any footpaths, gutters, kerbing or water tables in any road; or	
22.1.6	to construct or alter any drainage work in any road,	
	in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days' notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).	

22.2	The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	<b>GMAD</b>
22.3	The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:	<b>GMAD</b>
22.3.1	unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;	
22.3.2	in prescribed circumstances – an amount determined under the regulations.	
22.4	The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	<b>GMAD</b>
<b>23 Unlawful abstraction, removal or diversion of water or sewage</b>		
23.1	The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	<b>GMAD</b>
23.2	The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:	<b>GMAD</b>
23.2.1	on application to a court convicting the person of an offence against this Section; or	
23.2.2	by action in a court of competent jurisdiction.	
<b>24 Water meters</b>		
24.1	The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to	<b>GMAD</b>
24.1.1	allow a person authorised by the Council to enter land and fix a meter supplied by the Council;	

24.1.2	ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.	
24.2	The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.	<b>GMAD</b>
24.3	The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	<b>GMAD</b>
24.4	The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	<b>GMAD</b>
24.5	The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.	<b>GMAD</b>
24.6	The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.	<b>GMAD</b>
24.7	The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:	<b>GMAD</b>
24.7.1	on application to a court convicting the person of an offence against this section; or	
24.7.2	by action in a court of competent jurisdiction.	
24.8	The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.	<b>GMAD</b>



<b>25 Discharge of unauthorised material into water infrastructure</b>		
25.1	The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:	<b>GMAD</b>
25.1.1	on application to a court convicting the person of an offence against this Section; or	
25.1.2	by action in a court of competent jurisdiction.	
<b>26 Discharge of unauthorised material into sewerage infrastructure</b>		
26.1	The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	<b>GMAD</b>
26.1.1	on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or	
26.1.2	as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.	
26.2	The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	<b>GMAD</b>
26.3	The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.	<b>GMAD</b>
26.4	The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	<b>GMAD</b>
26.5	The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	<b>GMAD</b>

<b>27 Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure</b>		
27.1	The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:	<b>GMAD</b>
27.1.1	to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or	
27.1.2	to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,	
	by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.	
27.2	The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:	<b>GMAD</b>
27.2.1	install or construct in such locations as are specified in the notice;	
27.2.2	connect to the infrastructure;	
27.2.3	alter or replace;	
27.2.4	maintain, repair or cleanse;	
27.2.5	remove, block or disconnect,	
	such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.	
27.3	The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	<b>GMAD</b>
27.4	The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	<b>GMAD</b>

27.5	The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	<b>GMAD</b>
27.6	The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	<b>GMAD</b>
<b>28 Power to disconnect drains to restrict services</b>		
28.1	The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:	<b>GMAD</b>
28.1.1	is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or	
28.1.2	has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,	
	to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	
28.2	The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	<b>GMAD</b>
<b>29 Power to restrict or discontinue water supply</b>		
29.1	The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	<b>GMAD</b>
29.1.1	that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or	
29.1.1.1	that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or	

29.1.1.2	that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and	
29.1.2	that action under Section 59(1) of the Act is justified in the circumstances,	
	to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.	
29.2	The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:	<b>GMAD</b>
29.2.1	lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);	
29.2.2	prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;	
29.2.3	prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;	
29.2.4	prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;	
29.2.5	for such time or times as the delegate thinks proper, discontinue the supply of water.	
29.3	The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.	<b>GMAD</b>
29.4	The power pursuant to Section 59(4) of the Act, to:	<b>GMAD</b>
29.4.1	impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and	
29.4.2	vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.	

<b>30 Power to require the use of devices to reduce flow</b>		
30.1	The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.	<b>GMAD</b>
30.2	The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:	<b>GMAD</b>
30.2.1	to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and	
30.2.2	to use the device to reduce flow in those pipes during the periods specified in the notice.	
30.3	The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.	<b>GMAD</b>
30.4	The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.	<b>GMAD</b>
<b>31 Disconnection in an emergency</b>		
31.1	The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	<b>GMAD</b>
<b>32 Responsibilities of water industry entity</b>		
32.1	The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:	<b>GMAD</b>

32.1.1	prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and	
32.1.2	obtain the approval of the Technical Regulator to the plan and any revision; and	
32.1.3	comply with the plan as approved from time to time; and	
32.1.4	audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.	
<b>33 Responsibilities of Customers</b>		
33.1	The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	<b>GMAD</b>
<b>34 Enforcement notices</b>		
34.1	The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	<b>GMAD</b>
<b>35 Warning notices and assurances</b>		
35.1	The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	<b>GMAD</b>
35.2	The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	<b>GMAD</b>

<b>36 Injunctions</b>		
36.1	The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.	<b>GMAD</b>
36.2	The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	<b>GMAD</b>
<b>37 Review of decisions by Commission or Technical Regulator</b>		
37.1	The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	<b>GMAD</b>
37.1.1	the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or	
37.1.2	the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or	
37.1.3	the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or	
37.1.4	the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.	
<b>38 Appeals</b>		
38.1	The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:	<b>GMAD</b>
38.1.1	in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;	
38.1.2	in relation to an enforcement notice issued under Part 8 Division 4 of the Act.	

<b>Third Party Access Regime</b>	
Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.	
<b>38A. Information brochure</b>	
38A.1 The power pursuant to Section 86F(1) of the Act to determine:	
38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and	
38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and	
38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and	
38A.1.4 the standard access arrangement used by the Council.	
<b>38B. Specific information to assist proponent to formulate proposal</b>	
38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.	
38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.	
<b>38C. Access proposal</b>	
38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.	



38C.2	The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,	
38C.2.1	whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and	
38C.2.2	if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.	
38C.3	The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:	
38C.3.1	the name of the proponent and an address at which the proponent may be contacted; and	
38C.3.2	the name of the operator and an address at which the regulated operator may be contacted; and	
38C.3.3	the general nature of the access proposal.	
38C.4	The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.	
<b>38D. Function to negotiate in good faith</b>		
38D.1	The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.	
<b>38E. Existence of Dispute</b>		
38E.1	The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.	
<b>38F. Power to refer dispute to arbitration</b>		
38F.1	The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.	

<b>38G. Confidentiality of information</b>	
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.	
<b>38H. Formal requirements related to awards</b>	
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.	
<b>38I. Consent awards</b>	
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.	
<b>38J. Termination of variation of award</b>	
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.	
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.	
<b>38K. Appeal on question of law</b>	
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.	
<b>38L. Injunctive remedies</b>	
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.	
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.	
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.	
<b>38M. Compensation</b>	
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.	

<b>38N. Confidential information</b>	
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.	
<b>38O. Access by agreement</b>	
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.	
<b>38P. Review of Part</b>	
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.	
<b>39 Water conservation measures</b>	
39.1 The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	

### **WATER INDUSTRY REGULATIONS 2012**

<b>40 Information as to amounts already paid for retail services etc</b>	<b>SUB DELEGATION</b>
40.1 The power pursuant to Regulation 11(1) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	<b>GMAD</b>
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	<b>GMAD</b>
40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	<b>GMAD</b>

<b>41 Certificate as to encumbrance</b>	
41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> and the regulations under that Act and that are in favour of the Council.	<b>GMAD</b>
<b>42 Protection of infrastructure – planting of trees etc on public land</b>	
42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	<b>GMAD</b>
42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	<b>GMAD</b>
<b>43 Protection of infrastructure – action in relation to trees and shrubs</b>	
43.1 The power pursuant to Regulation 14(1) of the Regulations, if:	<b>GMAD</b>
43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or	
43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,	
to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.	

43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.	<b>GMAD</b>
43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	<b>GMAD</b>
<b>44 Protection of infrastructure – damage caused by trees or shrubs</b>	
44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	<b>GMAD</b>
44.1.1 the owner for the time being of the land on which the tree or shrub is, or was, situated; or	
44.1.2 in the case of land under the care, control or management of a Council – that Council.	
<b>45 Access to sewerage infrastructure</b>	
45.1 The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	<b>GMAD</b>
<b>46 Power to restrict or discontinue water supply</b>	
46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	<b>GMAD</b>
46.1.1 obtain the approval of the prescribed authority before acting; and	
46.1.2 notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):	
46.1.2.1 if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and	

46.1.2.2	in all cases:	
	<ul style="list-style-type: none"> <li>on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and</li> </ul>	
	<ul style="list-style-type: none"> <li>in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and</li> </ul>	
	<ul style="list-style-type: none"> <li>in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.</li> </ul>	
<b>47 Notices under Section 59 – Permits</b>		
47.1	The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.	<b>GMAD</b>
<b>48 Fittings etc to be flush with road surface</b>		
48.1	The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.	<b>GMAD</b>
48.2	The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	<b>GMAD</b>
48.3	The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	<b>GMAD</b>
<b>49 Pipes must not lie across allotment boundaries</b>		
49.1	The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation	<b>GMAD</b>

34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	
49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the <i>Strata Titles Act 1988</i> or in the same community parcel under the <i>Community Titles Act 1996</i> ), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	<b>GMAD</b>
49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.	<b>GMAD</b>
<b>50 Water meters – estimates</b>	
50.1 The power pursuant to Regulation 36 of the Regulations if:	<b>GMAD</b>
50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and	
50.1.2 a code or rules made under the <i>Essential Services Commission Act 2002</i> relating to the provision of retail services to customers does not apply to that supply of water,	
to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.	
<b>51 Charge where land not connected or service to land reduced or discontinued</b>	
51.1 The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:	
51.1.1 the land is not connected to infrastructure by which a retail service is provided by the Council; or	
51.1.2 the provision of a retail service to the land by the Council has been reduced or discontinued.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations
Nil	Nil



**INSTRUMENT OF DELEGATION UNDER THE  
WORK HEALTH AND SAFETY ACT 2012**

**NOTES**

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. The Council delegated to the Chief Executive Officer (Head Delegation) and extend to any person appointed to act in the position of Chief Executive Officer at its meeting on the **[Insert Date]**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

<b>1. Determination of work groups</b>	<b>SUB DELEGATION</b>
1.1 The power pursuant to Section 51(1) of the <i>Work Health and Safety Act 2012</i> (the Act), to, if a request is made under Section 50 of the Act, facilitate the determination of one or more work groups of workers.	
<b>2. Negotiations for agreement for work group</b>	
2.1 The power pursuant to Section 52(1) of the Act, and in accordance with Sections 52(2), (3) and (6) of the Act, to determine a work group by negotiation and agreement with the workers who will form the work group or their representatives.	
2.2 The power pursuant to Section 52(4) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement in accordance with Section 52(6) of the Act.	
<b>3. Failure of negotiations</b>	
3.1 The power pursuant to Section 54(1) of the Act to, if there is a failure of negotiations (including negotiations concerning the variation of an agreement), ask the regulator to appoint an inspector for the purposes of Section 54 of the Act.	
<b>4 Determination of work groups of multiple businesses</b>	
4.1 The power pursuant to Section 55(2) of the Act to determine the particulars of the work groups by negotiation and agreement, in accordance with Section 56 of the Act, between each of the persons conducting the businesses or undertakings and the workers.	

4.2	The power pursuant to Section 55(3) of the Act to, in relation to an agreement concerning the determination of a work group or groups, at any time, negotiate a variation of the agreement.	
<b>5</b>	<b>Negotiation of agreement for work groups of multiple businesses</b>	
5.1	The power pursuant to Section 56(3) of the Act to, if agreement cannot be reached on a matter relating to the determination of a work group (or a variation of an agreement) within a reasonable time after negotiations commence under Subdivision 3 of Division 3, Part 5 of the Act, ask the regulator to appoint an inspector to assist the negotiations in relation to that matter.	
<b>6</b>	<b>Withdrawal from negotiations or agreement involving multiple businesses</b>	
6.1	The power pursuant to Section 58(1) of the Act to, in relation to a negotiation for an agreement, or an agreement, concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, withdraw from the negotiation or agreement at any time by giving reasonable notice (in writing) to the other parties.	
6.2	The power pursuant to Section 58(2) of the Act to, if a party withdraws from an agreement concerning a work group under Subdivision 3 of Division 3, Part 5 of the Act, negotiate a variation to the agreement in accordance with Section 56 of the Act.	
<b>7</b>	<b>Disqualification of health and safety representatives</b>	
7.1	The power pursuant to Section 65(1) of the Act, to make an application to SAET to disqualify a health and safety representative on the ground that the representative has:	
7.1.1	exercised a power or performed a function as a health and safety representative for an improper purpose; or	
7.1.2	used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative,	
	where the Council is adversely affected by the exercise of a power or the performance of a function referred to in Section 65(1)(a) of the Act or the use or disclosure of information referred to in Section 65(1)(b) of the Act.	

<b>8 General obligations of person conducting business or undertaking</b>	
8.1 The power pursuant to Section 70(1) of the Act, to	<b>GMA, BFM, GMAD, GMCB, GMSC</b>
8.1.1 consult, so far as is reasonably practicable, on work health and safety matters with any health and safety representative for a work group of workers carrying out work for the Council; and	
8.1.2 confer with a health and safety representative for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group; and	
8.1.3 allow any health and safety representative for the work group to have access to information that the Council has relating to:	
8.1.3.1 hazards (including associated risks) at the workplace affecting workers in the work group; and	
8.1.3.2 the health and safety of the workers in the work group; and	
8.1.4 with the consent of a worker that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between the worker and:	
8.1.4.1 an inspector; or	
8.1.4.2 the Council or the Council's representative; and	
8.1.5 with the consent of one or more workers that the health and safety representative represents, allow the health and safety representative to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:	
8.1.5.1 an inspector; or	
8.1.5.2 the Council or the Council's representative; and	

8.1.6 provide any resources, facilities and assistance to a health and safety representative for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform his or her functions under the Act.	
8.1.7 allow a person assisting a health and safety representative for the work group to have access to the workplace if that is necessary to enable the assistance to be provided; and	
8.1.8 permit a health and safety representative for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works; and	
8.1.9 provide any other assistance to the health and safety representative for the work group that may be required by the regulations.	
<b>9 Exceptions for obligations under Section 70(1)</b>	
9.1 The power pursuant to Section 71(5) of the Act to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	<b>GMA,GMAD, GMCB, GMSC</b>
<b>10 Obligation to train health and safety representatives</b>	
10.1 The power pursuant to Section 72(1) of the Act to, consult with a health and safety representative in relation to the health and safety representative attending a course of training in work health and safety that is subject to Section 72(6), chosen by the health and safety representative.	<b>GMA,GMAD, GMCB, GMSC</b>
10.2 The power pursuant to Section 72(3) of the Act to:	<b>GMA,GMAD, GMCB, GMSC</b>
10.2.1 as soon as practicable within the period of 3 months after the request is made, allow the health and safety representative time off work to attend the course of training; and	
10.2.2 pay the course fees and any other reasonable costs associated with the health and safety representative's attendance at the course of training.	

10.3 The power pursuant to Section 72(6) of the Act to, if agreement cannot be reached between the Council or Council's delegate and the health and safety representative within the time required by Section 72(3) of the Act as to the matters set out in Sections 72(1)(c) and (3) of the Act, ask the regulator to appoint an inspector to decide the matter.	<b>GMA,GMAD, GMCB, GMSC</b>
<b>11 Obligation to share costs if multiple businesses or undertakings</b>	
11.1 The power pursuant to Section 73(1) of the Act to, if a health and safety representative, or deputy health and safety representative (if any), represents a work group of workers carrying out work for the Council and one or more other person conducting businesses or undertakings, agree that:	
11.1.1 the costs of the representative exercising powers and performing functions under the Act; and	
11.1.2 the costs referred to in Section 72(3)(b) of the Act,	
for which the Council or any of the other persons conducting those businesses or undertakings are liable, are to be apportioned between each of those persons otherwise than equally.	
11.2 The power pursuant to Section 73(2) of the Act, to vary an agreement to apportion the costs in another way, at any time by negotiation and agreement between each of the persons conducting the businesses or undertakings.	
<b>12 Health and safety committees</b>	
12.1 The power pursuant to Section 75(2) of the Act to, establish a health and safety committee for the workplace or part of the workplace.	<b>GMA,GMAD, GMCB, GMSC</b>
<b>13 Constitution of committee</b>	
13.1 The power pursuant to Section 76(1) of the Act and subject to Sections 76(2) to (4) of the Act, to agree the constitution of a health and safety committee with the workers at the workplace.	<b>GMA,GMAD, GMCB, GMSC</b>
13.2 The power pursuant to Section 76(5) of the Act to, if agreement is not reached under Section 76 within a reasonable time, ask the regulator to appoint an inspector to decide the matter.	<b>GMA,GMAD, GMCB, GMSC</b>
<b>14 Referral of issue to regulator for resolution by inspector</b>	
14.1 The power pursuant to Section 82(2) of the Act to, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	

<b>15 Alternative work</b>	
15.1 The power pursuant to Section 87 of the Act to, if a worker ceases work under Division 6, Part 5 of the Act, direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.	<b>BFM, GMA, MFA, MPCA, GMAD, GMCB, GMSC, MCA, MCE, MCS, MCW, MCEL, MDS, ME, MFS, MF, MIT, MPC, MPRUD, MSG, MAL</b>
<b>16 Request to regulator to appoint inspector to assist</b>	
16.1 The power pursuant to Section 89 of the Act to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue arising in relation to the cessation of work.	
<b>17 Request for review of provisional improvement notice</b>	
17.1 The power pursuant to Section 100(1) of the Act, to, within 7 days after a provisional improvement notice is issued to the Council or a worker who carries out work at the Council, ask the regulator to appoint an inspector to review the notice.	
<b>18 Application for assistance of inspector to resolve dispute</b>	
18.1 The power, pursuant to Section 141 of the Act, to, if a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry under the Act, ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	
<b>19 Authorising authority may deal with a dispute about a right of entry under this Act</b>	
19.1 The power pursuant to Section 142(4) of the Act to apply to the authorising authority to deal with a dispute where the dispute relates to the Council.	
<b>20 Return of seized things</b>	
20.1 The power pursuant to Section 180(1) of the Act to, if a seized thing has not been forfeited, and the Council is the person entitled to the thing, apply to the regulator for the return of the thing after the end of 6 months after it was seized.	<b>GMA, GMAD, GMCB, GMSC,</b>

<b>21 Access to seized things</b>	
21.1 The power pursuant to Section 181(1) of the Act to, until a seized thing is forfeited or returned, inspect it and, if it is a document, to make copies of it at all reasonable times.	<b>GMA, GMAD, GMCB, GMSC,</b>
<b>22 Application for internal review</b>	
22.1 The power pursuant to Section 224(1) of the Act, to, where the Council is an eligible person in relation to a reviewable decision, other than a decision made by the regulator or a delegate of the regulator, apply to the regulator for review (an internal review) in accordance with Section 224(2) of the Act, of the decision within:	
22.1.1 the prescribed time after the day on which the decision first came to the Council's notice; or	
22.1.2 such longer period as the regulator allows.	
<b>23 Application for external review</b>	
23.1 The power pursuant to Section 229(1) of the Act, to, where the Council is an eligible person, apply to SAET under Part 3 Division 1 of the South Australian Employment Tribunal Act 2014, in accordance with Section 229(2) of the Act, for a review of:	
23.1.1 a reviewable decision made by the regulator; or	
23.1.2 a decision made, or taken to have been made, on an internal review.	

## **SCHEDULE OF CONDITIONS**

### **CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<b>Paragraph(s) in instrument to which conditions/limitations apply</b>	<b>Conditions / Limitations</b>
Nil	Nil



**Item No:** 15.12

**Subject:** PRESCRIBED OFFICER DECLARATION

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## Summary

Section 111 of the *Local Government Act 1999* (the Act) invites councils to declare which officers will be bound by this part of the Act, which deals with the declaration of interests. These officers are known as ‘prescribed officers’. Presently, there are five prescribed officers within Council – the Chief Executive Officer and four General Managers.

The Act does not provide guidance on who councils should declare as prescribed officers. An examination of other councils’ practices and an evaluation of principles by which prescribed officers might be decided has resulted in a recommendation to maintain the status quo.

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## Recommendation

**That pursuant to section 111(b) of the *Local Government Act 1999 (the Act)*, Council declares that General Managers (including new positions with that title, as appointed from time to time) are subject to the operation of Part 4, Division 1, Subdivision 2 (Register of Interests) of the Act, effective from the date of this resolution.**

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## Background

Section 111 of the *Local Government Act 1999* (the Act) invites councils to declare which officers will be bound by this part of the Act, which deals with the declaration of interests. These officers are known as ‘prescribed officers’.

Prescribed officers are required to provide information to the Chief Executive Officer regarding their interests via primary and ordinary returns. The Chief Executive Officer must then maintain a Register of Interests which includes all the information supplied via the returns made by prescribed officers.

Presently, there are five prescribed officers within Council – the Chief Executive Officer and four General Managers.

## Report

The Act does not provide guidance on who councils should declare as prescribed officers.

An examination of practices by other councils shows disparities in how councils choose to apply this power. Figure 1 (courtesy of a study undertaken by the City of Onkaparinga) provides a comparison of numbers of prescribed officers across nine metropolitan councils.

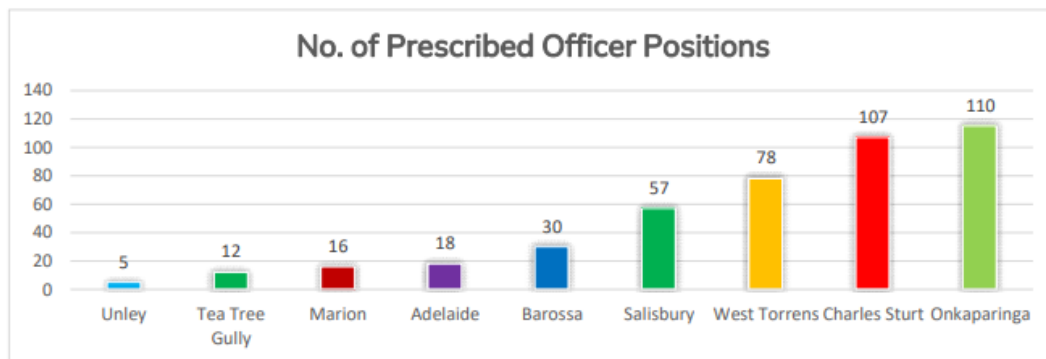


Figure 1 – Comparison with nine (9) other metropolitan SA councils

The purpose of registering interests is to enable the identification of potential conflicts of interest that decision-makers may have, and to proactively and transparently declare them.

Therefore, principles which could be used to determine who to nominate as a prescribed officer could include:

- level of authority
- delegations in place
- ability to make or influence decisions
- ability to make commitments on council's behalf
- ability to impact the community, and
- ability to expend or direct council's resources.

Having regard to the above matters, it is clear that the status of prescribed officer is sensibly limited to senior staff. The question then becomes at what level of seniority do these considerations become significant enough to warrant being declared a prescribed officer.

While a number of managers within the City of Holdfast Bay hold financial delegations, make certain decisions, expend or direct council's resources and/or directly impact the community, the extent of their powers are limited by legislative or policy instruments, and being directed by a General Manager and/or the Chief Executive Officer.

Furthermore, there are a number of other internal controls which further mitigate risks arising from conflicts of interest that staff may have. For example, employees are required to declare conflicts of interest before starting employment, employees are informed of conflict of interest requirements during induction, and there is a procedure for enabling and managing ongoing disclosures (Organisational Conflict of Interest Procedure). In addition, there are specific disclosure processes for officers involved in procurement activities.

With the extent of powers and existing internal controls in mind, it is considered unnecessary to include managers as a class of employee, or any specific management positions, as prescribed officers.

While General Managers are also subject to the same internal controls and legislative and policy constraints, the scope of their decision-making powers and delegations are much broader. As such, it is appropriate for General Managers to be prescribed officers.

Based on this evaluation, five employees will be required to complete the forms annually. This count of prescribed officers appears to be reasonable when compared to our workforce size, and as compared to other councils.

### **Budget**

Not applicable

### **Life Cycle Costs**

Not applicable

### **Strategic Plan**

Statutory compliance

### **Council Policy**

Not applicable

### **Statutory Provisions**

Not applicable

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**Written By:** Manager Strategy and Governance

**General Manager:** Strategy and Corporate, Sharon Wachtel