

# 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**

12 March 2024 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 J Fleming

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 27 February 2024 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

10.2.1 Old Kiosk Site at Seacliff – Councillor Lindop (Report No: 62/24)

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

**12. Motions on Notice**

12.1 Creation of Foundation for Glenelg Town Hall – Councillor Snewin (Report No: 68/24)

**13. Adjourned Matters**

13.1 Adjourned Report - Sturt River Linear Park Pathway (Report No: 63/24)

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

**15. Reports by Officers**

15.1 Items in Brief (Report No: 64/24)

15.2 Public Art and Monuments Policy (Report No: 67/24)

15.3 Regulation of Personal Watercrafts (Report No: 44/24)

15.4 Council Delegation Updates (Report No: 66/24)

**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 Code of Conduct (Report No: 65/24)

**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:**

- a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);



- 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.

**19. Closure**

**Roberto Bria**  
Chief Executive Officer

**Item No:** 10.2.1

**Subject:** QUESTION ON NOTICE – OLD KIOSK SITE AT SEACLIFF – COUNCILLOR LINDOP

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## Question

Councillor Lindop asked the following question:

***“Could Administration please give Council an update on the Old Kiosk site at Kingston Park and advise of the process to remediate this area. Is there any temporary measures or plans to help improve the amenity and look of the old slab and uneven pavers in this location?”***

## Background

The old Kingston Park Kiosk building was knocked down late 2023, and is currently cordoned off with orange bunting, star droppers and the orange bollards.

With the new Kiosk/Café “Nest” opening, and the area being a draw card it would be beneficial to assist the new business with keeping the area as attractive as possible while we are waiting to implement the larger Tjilbruke Spring/Kingston Park Reserve Masterplan.

## Answer – General Manager, Assets and Delivery

During the demolition of the old Kiosk site, the decision was made to remove all above ground infrastructure and structures, terminate services and retain the slab and pavers in situ. This was done to ensure no ground disturbance or excavation was required in the location which forms part of the Kingston Park Reserve and is adjacent the Tjilbruke Spring site. As a temporary measure, barrier mesh has been placed around the site to prevent unauthorised access to the site.

Administration has been in discussions with Kaurua in relation to the most appropriate ways to manage the cultural heritage of the Reserve rehabilitation site, and these discussions are ongoing. Updates will be provided to Council as these discussions progress.

Administration will investigate if there is further work that can be done to tidy up the site without disturbing groundworks while discussions regarding cultural heritage management continue.

**Item No:** 12.1

**Subject:** MOTION ON NOTICE – CREATION OF FOUNDATION FOR GLENELG  
TOWN HALL – COUNCILLOR SNEWIN

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## **Proposed Motion**

Councillor Snewin proposed the following motion:

### **That Administration**

- 1. investigate the feasibility and seek all relevant financial and legal advice for establishing a charitable foundation with a mission to support the redevelopment of the Glenelg Town Hall.**
  - 2. submits a report to council for consideration outlining the investigation findings.**
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**Item No:** 13.1

**Subject:** **ADJOURNED REPORT - STURT RIVER LINEAR PARK PATHWAY**

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## Summary

Council at its meeting held 14 November 2023 resolved to adjourn Report No: 349/23 *Sturt River Linear Park Pathway* to a future meeting of Council, to seek further information on funding from Federal Government Representatives.

Council needs to determine the outcome of the adjourned motion from the meeting held 14 November 2023 before any new motion can be considered, with the debate to commence at the point of interruption. *Councillors Abley, Smedley, Bradshaw and Fleming spoke to the motion, Councillor Abley has the right of reply as the mover.*

Following the 14 November 2023 Council meeting, Administration met with Mr David Elliot, Chair of Bike Adelaide, and Mr Reggie Martin MLC to discuss the Sturt River Linear Pathway project in more detail and Council's commitment thus far. The outcome of the meeting was that while the cantilever option for the path behind the properties along Bridge Street, Glenelg North, would be a better long-term option, without funding commitments from either the State and/or Federal Governments for the design of that option, council would need to continue with current plans.

Administration will finalise the current plans to 100% detailed design, and if any additional design funding is made available through the State Government or other sources, then these plans will be integrated into the current plans.

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## Motion

**From Council Meeting 14 November 2023:**

**That Council:**

1. **notes the report; and**
2. **approves Administration to proceed with detailed design to retain the endorsed path alignment but with diversion of all cyclists and pedestrians in the section between David Avenue / Fisher Terrace and Bridge Street, Glenelg North through Bridge Street as per Option 3 listed in this report.**

## Recommendation

**That Council:**

1. **approves Administration to proceed with finalising design documentation as per Option 2 outlined in this report, to retain the endorsed path as documented but removing the on-street diversion for cyclists; and**

2. **notes that Administration will continue to liaise with funding partners to pursue Option 4 outlined in this report to investigate cantilever design for approximately 50m of path to increase distance between the proposed pathway and residential properties.**

## Background

On 14 December 2021, Council approved the following motion:

Motion C141221/2503

1. *approves the concept report for the proposed Sturt River Linear Park Pathway for the purposes of community consultation; and*
2. *approves Administration to proceed to the next phase of the project and undertake community consultation on the concept report.*

A concept was produced for community consultation highlighting the path route, path location options through Fordham Reserve, key areas of biodiversity and other amenities. Community engagement on the proposed concept was undertaken between the 17 February and 10 March 2022. The results of community consultation were presented at a Council workshop held 16 April 2022.

On 24 May 2022, Council approved the following motion:

Motion: C240522/2607

1. *notes the Engagement Summary Report regarding community consultation on the two concepts for the Sturt River Linear Park pathway; and*
2. *approves the concept design for Sturt River Linear pathway, including Option 1 as the preferred path route through Fordham Reserve, and endorses Administration to proceed with detailed design for the project based on the key design moves from stakeholder engagement.*

Since this meeting, detailed design commenced, reaching 50-75% design documentation. In April 2023, a resident contacted Administration with concerns relating to the path alignment, proposing to realign the path from behind their properties due to privacy and security concerns.

At a Council workshop held 19 September 2023, these investigations were considered, along with options to progress and finalise a design for the project. Following the workshop, options were presented to Council on 14 November 2023 proposing to divert the pathway on street, via David Avenue / Fisher Terrace and Bridge Street in Glenelg North. At this Council meeting, a deputation was received by Mr Trevor Tiller opposing the proposed alignment that would divert pathway users via David Avenue and Bridge Street. This deputation included information that residents had met with Ms Lousie Miller-Frost MP, Member for Boothby and Mr Stephen Patterson MP, Member for Morphett to discuss further options, including funding for a cantilever structure. The item was adjourned for two months to seek further information on funding from Federal Government Representatives.



In late January 2024, the resident opposing the alignment of the pathway being behind the properties has consulted with other residents of Bridge Street and conceded that the continuation behind the properties is a better outcome than diverting the pathway on street. This resident would like Option 4 to be pursued.

Administration has subsequently met with Mr Reggie Martin MLC to discuss the project and potential funding particularly regarding Option 4 to fund the design of a cantilever. No response was received from Ms Louise Miller-Frost MP following Administration's request for a meeting to discuss funding options.

## Report

### Design Options

Options considered at a Council workshop held 19 September 2023 and at Council on 14 November 2023 included:

1. Retain endorsed path as documented and finalise detailed design.
2. Retain endorsed path as documented but removing the on-street diversion for cyclists.
3. Retain endorsed path as documented but diverting all pedestrians and cyclists through Bridge Street and removing the section of path at the rear of the impacted properties.
4. Investigate cantilever design option for approximately 50m of path to increase distance from properties.



An analysis of these options and the risks associated are presented in the adjourned report from the 14 November 2023 Council meeting.

*Refer Attachment 1*

Whilst at the time it was recommended to proceed with Option 3, to divert path users on-street, residents have since agreed that this option would be more problematic. The resident who made an original submission due to concerns about security and privacy with Option 2 has also agreed that whilst the pathway continuing behind their residential property isn't favourable, it would be better than implicating the other residents of Bridge Street. It is therefore now their preference that Option 4 is pursued before finalising the design as per Option 2.

As part of the design, if Option 2 or 4 is pursued, higher fencing and screening options to prevent vandalism and access to the fences will be essential to maintain privacy and security of the two properties. The resident of 8 Bridge Street has requested that at least two skylights be installed in their property to maintain sunlight as part of the project.

### ***Funding Options***

In discussions with the residents who attended a meeting with Ms Louise Miller-Frost MP and Mr Stephen Patterson MP, Member for Morphett, there were no specific funding commitments or outcomes, other than encouraging Council to seek external funding for the design of the cantilever option with the intent to achieve best practice. If, based on site investigations and engineering advice this is not feasible, the preference for a narrower path would be supported (continuing the path behind the residents on SA Water land) instead of diverting path users via Fisher Terrace and Bridge Street. Since this meeting, Administration met with Mr David Elliot from Bike SA, who is also advocating for the same resolution.

The State Bicycle Fund (up to \$200,000) has no rounds currently open. In addition, the State Government's Open Space Grant Program no longer funds open space design projects.

Administration met with Mr David Elliot, Chair of Bike Adelaide, and Mr Reggie Martin MLC to discuss the project and Council's commitment thus far. It was agreed at this meeting that a cantilever option would be a better long-term option for the pathway, however this would need to be funded by State and or Federal Governments. Whilst there is support for design of a cantilever to be undertaken, no formal commitment towards funding could be made at this time. Administration also reiterated that Council has not committed any funding towards construction, however, has capital renewal budget for the replacement of the Fordham Reserve playspace which is adjacent the proposed shared use path.

### ***Implications***

Whilst SA Water support investigating a cantilever option there is no guarantee that a design can be achieved without implicating SA Water infrastructure and determining constructability. These designs will need to be done in partnership with SA Water. If a design can be achieved, there will also be cost implications to the total construction budget. A high-level cost estimate for the project in 2022 was nearing \$3M and it is likely that a cantilever option will increase the total construction costs to be more than \$4M.

### ***Next Steps***

Administration will finalise designs as per Option 2, undertake cost estimations for the project and table this information at Council. Administration will continue to seek additional design funding for Option 4 that can be overlayed onto the final design should State or Federal Governments provide financial contributions towards this design option.

Administration will continue to work through the design with Department of Infrastructure and Transport and SA Water. Maintenance responsibilities and land use agreements will be drafted with SA Water.

## Budget

The detailed design budget for the Sturt River Linear Park is \$100,000, with \$35,000 remaining to be spent on finalising the design as per Option 2 and undertaking cost estimates.

To pursue external funding as per Option 4, to 'Investigate cantilever design option for approximately 50m of path to increase distance from properties', it is estimated that a minimum \$75,000 is required for a design engineer.

## Life Cycle Costs

Not applicable at this stage. Life cycle costs will need to be considered during detailed design, construction and implementation.

## Strategic Plan

Our Holdfast 2050+ highlights 'Good health and economic success and a community that supports wellbeing' with an aspiration that by 2040 'We will have the highest physical activity rates in Greater Adelaide (as reported in the National Health Survey) by facilitating active transport options such as walking and cycling, and supporting sports and recreation infrastructure and programs.' In addition, sustainability objectives 2020 – 2030 include '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'.

## Council Policy

Not applicable

## Statutory Provisions

Regulation 19, *Local Government (Proceedings at Meetings) Regulations 2013*

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**Written By:** Recreation and Sport Planning Lead

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

# Attachment 1

**Item No:** 15.2

**Subject:** STURT RIVER LINEAR PARK PATHWAY

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## Summary

This report provides a summary of the options and a recommendation for the proposed alignment of the Sturt River Linear Path in the section between David Avenue / Fisher Terrace and Bridge Street, Glenelg North.

This section of the proposed new Sturt River Linear Path has been subject to consultation with local residents, discussions with the contracted engineering and design team along with a recent Council workshop to help inform Elected Members of the design options.

In order to finalise the detailed designs, enable plans to be fully costed and then apply for grant funding to assist in the construction of the path, Administration is seeking Council approval to alter the route of this section of path that was originally endorsed in May 2022.

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## Recommendation

**That Council:**

1. **notes the report; and**
  2. **approves Administration to proceed with detailed design to retain the endorsed path alignment but with diversion of all cyclists and pedestrians in the section between David Avenue / Fisher Terrace and Bridge Street, Glenelg North through Bridge Street as per Option 3 listed in this report.**
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## Background

On 14 December 2021, it was resolved (Motion C141221/2503) that Council:

1. *approves the concept report for the proposed Sturt River Linear Park Pathway for the purposes of community consultation; and*
2. *approves Administration to proceed to the next phase of the project and undertake community consultation on the concept report.*

Since that time, Administration have proceeded with design work and undertaken community consultation. The results of consultation were presented to Council in May 2022, subsequently approving Administration to proceed with design based on the approved concept. The design is now nearing 75 per cent design development.

A concept was produced for community consultation highlighting the path route, path location options through Fordham Reserve, key areas of biodiversity and other amenities. Community engagement on the proposed concept was undertaken between 17 February and 10 March 2022.



The results of community consultation were presented at a Council workshop on the 16 April 2022. At a Council meeting on 24 May 2022, it was resolved (Resolution Number C240522/2607) that Council:

1. *notes the Engagement Summary Report regarding community consultation on the two concepts for the Sturt River Linear Park pathway; and*
2. *approves the concept design for Sturt River Linear pathway, including Option 1 as the preferred path route through Fordham Reserve, and endorses Administration to proceed with detailed design for the project based on the key design moves from stakeholder engagement.*

### **Community Engagement**

Community consultation was open for three weeks between 17 February to 10 March 2022. The project website was visited 2877 times by 833 visitors. 70 people provided feedback via the engagement survey, 69 of which were received online and one hard copy was received. Written submissions were received by 15 community members via email. One survey response received by a resident highlighted concerns with privacy through this section of path where the residential properties back onto the proposed pathway. The proposed treatment included fencing and biodiversity screening as part of the design to ensure this concern is addressed.

In late March 2023, a resident living adjacent to the proposed pathway in Bridge Street contacted Administration with concerns regarding privacy and security of the path going directly behind his property. In April, this resident made a formal submission objecting the project in its current design and proposed some alternatives to lessen the potential impact on his property.

Whilst this feedback submission was not received during the formal consultation period, it had already been identified by another resident that these abutting properties would require privacy screening and other design initiatives to lessen any negative impacts it may have. With the feedback from residents in mind, options relating to the scope of the project now require consideration by Council prior to continuing with design.

One option proposed by the resident was to design a cantilever pathway over the Sturt River to achieve greater separation from his back fence. This option has significant cost impacts for design, engineering and construction and is not recommended for further investigation.

At a Council workshop on 19 September 2023 these investigations were considered, along with other options to progress and finalise a design for the project. Council discussed the various options for the path alignment at the workshop and were shown what the alternative path locations are in the short section of path in question.

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## **Report**

### **Realignment Proposal**

In April 2023, one year after community engagement concluded, a different resident contacted Administration with concerns relating to the path alignment, opposing the design between David Avenue and Kibby Avenue as per image below.



This resident submitted written feedback outlining risks with the existing design, proposing an alternative route for the path. The proposal included re-route of the design, increasing the width of the existing footbridge at Fordham Reserve and the width of the Kibby Avenue bridge, diverting the path along Shannon Avenue on the northern side of the river.

*Refer Attachment 1*

This proposal has been investigated and would impact several significant trees and plant species in comparison to the southern side. Further, additional design budget would be required to fund the engineering designs for the bridges (approximately \$70,000-100,000) plus additional construction costs (approximately \$1.2M).

Another option was discussed at a meeting with the local residents on 1 June 2023, being a cantilever option to increase the distance and space between the properties and the pathway, also providing the opportunity to increase the path width. To fund the engineering design for the cantilever option, additional budget would be required (approximately \$35,000). Construction costs for this option are unknown.

### **Design Options**

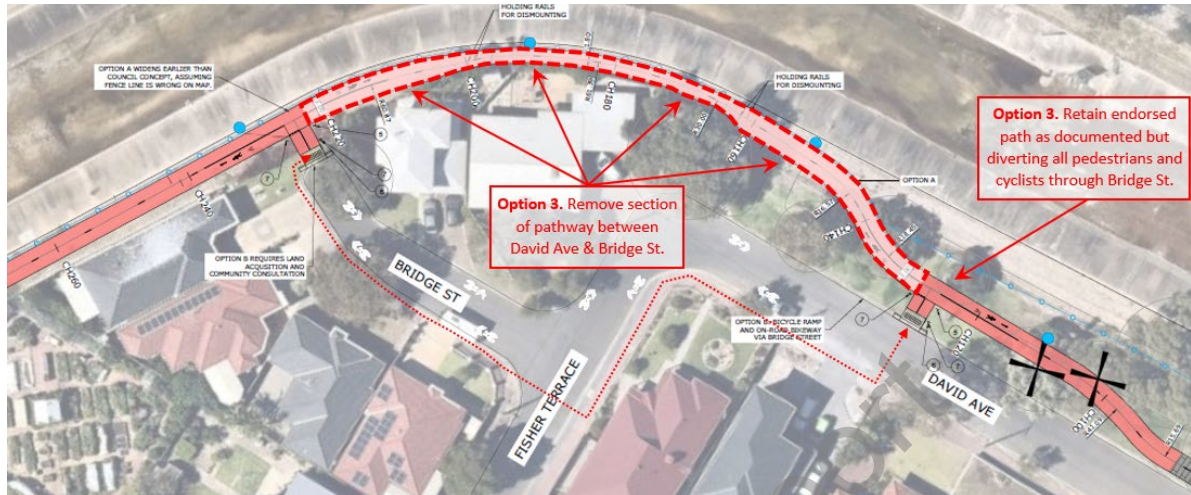
All the path alignment options for this section of the proposed path between David Avenue / Fisher Terrace and Bridge Street, Glenelg North were discussed and considered at an Elected Members workshop held on 19 September 2023. Each option listed below has been investigated and reviewed by the project design team and subject matter experts.

1. Retain endorsed path as documented and finalise detailed design.
2. Retain endorsed path as documented but removing the on-street diversion for cyclists.
3. Retain endorsed path as documented but diverting all pedestrians and cyclists through Bridge Street and removing the section of path at the rear of the impacted properties.
4. Investigate cantilever design option for approx. 50m of path to increase distance from properties.

An analysis of these options and the risks associated are presented in the table below.

Option	Treatments	Benefits	Risks
1. Retain endorsed path as documented and finalise detailed design	<ul style="list-style-type: none"> <li>• Include designs for new fence and barriers between pathway and adjacent properties.</li> <li>• Traffic calming/slowing initiatives and messaging at the narrow point (1.8m).</li> <li>• Restrict on-street car parking at crossing points to preserve sight lines.</li> <li>• Implement on-street cycle way markings (sharrows)</li> </ul>	<ul style="list-style-type: none"> <li>• No scope/budget change.</li> </ul>	<ul style="list-style-type: none"> <li>• High privacy screening restricts natural light entering into properties.</li> <li>• Safety/security concerns.</li> <li>• Possible safety impacts with cyclists being diverted on-street.</li> <li>• Introducing multiple conflict points between cyclists and cars.</li> <li>• Opposition from nearby residents.</li> </ul>
2. Retain endorsed path as documented but removing the on-street diversion for cyclists through Bridge Street.	<ul style="list-style-type: none"> <li>• Include in design new fence and barriers between pathway and properties.</li> <li>• Traffic calming / slowing design features at the 1.8m width.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced safety issues with on-street diversion.</li> <li>• Reduced scope.</li> </ul>	<ul style="list-style-type: none"> <li>• High privacy screening restricts natural light entering into properties.</li> <li>• Safety/security concerns of nearby residents</li> <li>• Narrow one-way path and possible pinch point for two way cyclists</li> <li>• Concerns raised of de-valuing properties.</li> </ul>
3. Retain endorsed path as documented but diverting all pedestrians and cyclists through Bridge St. (removing section of path behind some residential properties)	<ul style="list-style-type: none"> <li>• Restrict on-street car parking around crossing points to preserve sight lines.</li> <li>• Implement on street cycle way markings (sharrows).</li> <li>• Enhancements to pedestrian crossing points including new pram ramps.</li> <li>• Possible Give Way signage at Bridge Street.</li> <li>• Footpath improvements to Bridge Street.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes privacy / security concerns for residents adjoining the proposed path</li> <li>• Removes narrowing of pathway avoiding conflict of two way cyclists at narrow point.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased traffic with cyclists and pedestrian movements in Bridge St (currently a cul-de-sac).</li> <li>• Additional pedestrian crossing points on David Avenue and Fisher Terrace.</li> <li>• Introducing multiple conflict points between cyclists and cars, particularly for turning.</li> <li>• Reducing convenience by removal of on-street car parking.</li> </ul>
4. Investigate cantilever design option to increase distance between path and properties	<ul style="list-style-type: none"> <li>• 50m of cantilever structure required.</li> <li>• Increase space to design physical barrier of biodiversity between path and properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Increases privacy.</li> <li>• Reduces safety/ security concerns.</li> <li>• Can maintain safe shared path width.</li> <li>• Resident's preferred option.</li> </ul>	<ul style="list-style-type: none"> <li>• Scope change</li> <li>• Significant budget implications for design, engineering and construction.</li> <li>• Budget impacts (\$35,000 required for design, construction costs unknown).</li> <li>• Doesn't eliminate the privacy, safety concerns of abutting residents.</li> </ul>

Taking all factors into consideration, including the concerns of all residents, key project objectives, project budget, best practice design principles and feedback from Elected Members, Administration is recommending that Council proceeds with 'Option 3' as shown below.



Option 3 will divert cyclists from the pathway onto the road along David Avenue, Fisher Terrace and Bridge Street, returning to the pathway at the end of Bridge Street. Pedestrians will be required to cross David Avenue and Fisher Terrace to access the footpaths. Subsequent to diverting pathway users, Option 3 will require the implementation of traffic engineering recommendations such as:

- Enhancements to pedestrian crossings, with the addition of two new pram ramps to cross Fisher Terrace and an additional pram ramp on David Avenue (in addition to the pram ramps shown in the existing design).
- Footpath improvements to David Avenue, Fisher Terrace and Bridge Street.
- Investigation to potentially include some protuberances to narrow a section of road to enable safe navigation around trees for pedestrian access along the footpath in Bridge Street. It is unlikely that DDA access will be achieved via this proposed footpath.
- Restrict on-street car parking near crossing points to preserve sight lines and safe crossing.
- On-street cycle way markings (sharrows) and additional signage.
- Possible 'Give Way' signage at the intersection of Bridge Street and David Terrace.
- Removal of a portion of fencing and screening vegetation along the fence line at the end of the cul-de-sac of Bridge Street. Noting this section of land is Council owned but screening vegetation was planted by the adjoining resident.

The items above will be factored into final designs and cost estimations, ensuring council can apply for funding for a complete package of works that can be tendered without further design costs.



**Other considerations***Strategic Alignment*

The Sturt River Linear Park Pathway Masterplan was initiated in 2006, aiming to create a continuous public open space link from the Patawalonga Basin in Glenelg North to Frank Smith Park in Coromandel Valley with links to the Belair National Park. The Sturt River Linear Park is an identified target in the 30 Year Plan for Greater Adelaide and is a key component of Adelaide's Metropolitan Open Space System (MOSS) providing a strategic link in the open space network from the Adelaide Hills to the Coast. The last remaining section to be implemented is between Pine Avenue and Tapleys Hill Road, in the City of Holdfast Bay.

*Usage and Demand*

It is difficult to accurately predict the likely usage the new path will generate, however statistics collected by the City of Marion can give some indication of the levels of use this section of path may experience once completed.

The City of Marion recently conducted bicycle counts further upstream along the Sturt River Linear Park pathway and also at the Mike Turtur Bikeway (a connector from the Sturt River Linear Park Pathway into the City). Counts were done on 7 March 2023 between 7.00 and 9.00am (commuter time) and the results from these bicycle counts are as follows:

Pathway	Recording Location	Number of cyclists
Sturt River Linear Park Pathway	Oaklands Road Crossing at the Oaklands Wetlands / Warradale Barracks (Morphettville)	81
Sturt River Linear Park Pathway	Pedestrian crossing, Finniss Street (Marion)	55
Mike Turtur Bikeway	Tram Stop (Plympton Park)	121

The section of path in the City of Holdfast Bay that we are looking to complete, will join Pine Avenue with Tapleys Hill Road, where the popular Reece Jennings Bikeway starts. It is anticipated that in joining these paths up, that commuters and recreational cyclists and pedestrians will utilise this rather than the current route which diverts through the network of back streets.

**Next Steps**

On endorsement of the amended path alignment, Administration will finalise designs and cost estimations. The final design and cost estimates will be tabled at Council prior to applying for grant funding and any subsequent new initiative proposal in upcoming draft budget processes.

Administration will continue to work through the design with Department of Infrastructure and Transport and SA Water. Maintenance responsibilities and land use agreements will be finalised with SA Water.

**Budget**

The detailed design budget for the Sturt River Linear Park is \$100,000.

The construction of the Sturt River Linear Path is unfunded, and it is anticipated that partial grant funding would be sought to assist in project delivery.



## Life Cycle Costs

Not applicable at this stage. Life cycle costs will need to be considered following construction and implementation.

## Strategic Plan

Our Holdfast 2050+ highlights 'Good health and economic success and a community that supports wellbeing' with an aspiration that by 2040s 'We have the highest physical activity rates in Greater Adelaide (as reported in the National Health Survey) by facilitating active transport options such as walking and cycling, and supporting sports and recreation infrastructure and programs.' In addition, sustainability objectives 2020 – 2030 include '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'.

## Council Policy

Not applicable

## Statutory Provisions

Not applicable

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**Written By:** Recreation and Sport Planning Lead

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

**Item No:** 15.1

**Subject:** ITEMS IN BRIEF

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## Summary

This item is presented for the information of Members.

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

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## Recommendation

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

- 1. Adelaide Festival Baleen Moondjan**
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## Report

- 1. Adelaide Festival Baleen Moondjan**

As part of the Adelaide Festival, Glenelg Beach was the stage for the world premiere of Baleen Moondjan, a contemporary ceremony from creative visionary Stephen Page in his first major commission since leaving Bangarra Dance Theatre. The set, designed to resemble giant whale bones on the beach, formed a striking backdrop to a performance inspired by a story told to Page by his grandmother celebrating First Nations' relationships between baleen whales and communities' totemic systems. The event's dramatic stagecraft and captivating performances had audiences spellbound, with the show receiving multiple four-star reviews.

The performance was held over four nights from 28 February to 2 March. Prior to the opening night's performance, the Mayor hosted a VIP reception at Glenelg Town Hall to formally launch the 2024 Adelaide Festival. Joining Mayor Wilson in speaking at the reception was Tracey Whiting AM, Chair, Adelaide Festival, The Hon Andrea Michaels MP, Minister for Arts and Ruth Mackenzie CBE, Artistic Director, Adelaide Festival.

The City of Holdfast Bay was a major sponsor of Adelaide Festival 2024 and a presenting partner for Baleen Moondjan.

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**Written By:** Executive Support Officer

**Chief Executive Officer:** Mr R Bria

**Item No:** 15.2**Subject:** PUBLIC ART AND MONUMENTS POLICY

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## Summary

Monuments in the form of plaques, commemorative busts or other installations are valued in the community as evidenced by at least one being commissioned each year over the past six years. Currently there is no dedicated policy or procedure outlining a strategic and structured approach to the selection of monuments including identification of suitable locations, budget allocation, asset management and maintenance. It is proposed that Council's Public Art policy be updated and expanded to specifically address the selection and management of monuments, with an associated procedure outlining processes and selection criteria for the purchase, commissioning or receipt of donated monuments.

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## Recommendation

**That Council approves the new Public Art and Monuments Policy subject to minor revisions of a typographical nature.**

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## Background

Each year, Council endorses the installation of several memorial plaques and/or memorials dedicated to honouring public figures and events of historical importance across the City of Holdfast Bay. Currently there are an estimated 300-600 plaques across the City of Holdfast Bay, installed between 1940 to the present, and an unknown number of memorials (streets, reserves, buildings, artworks etc) dating from the 1920s through to the present.

Council has an existing Public Art Policy, which is provided for information, however the current policy does not cover commemorative monuments.

*Refer Attachment 1*

This gap means that there is currently no guidance to support Administration when considering proposals for monuments, or administering their development, delivery, maintenance, management and deaccessioning.

## Report

In the past six years, at least one monument or plaque has been dedicated in the City of Holdfast Bay each year. This indicates that our community still values these forms of memorialisation. Monuments help create Holdfast Bay's unique identity and history and create a tangible link to the past. Council should therefore continue to maintain these memorials to continually better understand and honour what past generations have valued, whilst keeping our City and assets presentable.

The last public monument endorsed by Council was the Jimmy Melrose bust, installed in 2022. Over the last six years, Council has endorsed several plaques and memorials and/or in collaboration with the community, including:

- Hug Here Plaque, Kingston Park (2023)
- Foot Constable Albert Ring Plaque, Moseley Square (2022)
- Robert Bungey Memorial Plaque, Somerton Park (2020)
- Susan Grace Benny Memorial Bust (2019)
- Mary Thomas Plaque, Old Gum Tree (2018)

This does not include plaques dedicated to new buildings and infrastructure across the City. Though all the named plaques and memorials have been entered into council's Asset Register, the majority of plaques and memorials have not been. Currently, 396 plaques and memorials are listed in Council's Asset Register, however, it is believed this represents just half of all plaques that have been installed in various locations across the City of Holdfast Bay. This has meant that operational costs for the upkeep of these assets have not been able to be tracked or adequately budgeted for.

### ***Public Art and Monuments Policy and Procedures***

Commemorative plaques, busts and other installations can be considered as a form of public art. While several have been commissioned as artworks in accordance with Council's Public Art Policy and Guidelines, the existing policy is silent on how commemorative installations will be selected, managed and maintained.

A revised Public Art and Monuments policy with track changes marked is provided as Attachment 2. This policy provides a strategic and structured approach to the management of public art and monuments, including identification of suitable locations, annual budget allocation, quality asset management and maintenance protocols. The policy addresses new commissions for memorials and plaques and assists in the management and maintenance of the 396 plus assets currently identified as memorials and plaques within the City of Holdfast Bay. Endorsement of the policy will bring the City of Holdfast Bay in line with other South Australian Local Governments, including City of Adelaide, City of Onkaparinga and City of Charles Sturt.

*Refer Attachment 2*

A final version of the revised Public Art and Monuments Policy is provided as Attachment 3.

*Refer Attachment 3*

For clarity, it is recommended that the term 'monument' is used to identify artworks, plaques and other installations to commemorate a noteworthy individual or event. This is to distinguish them from 'memorials', a term also used for commemorations of private individuals which more typically take the form of benches, tree plantings, etc.

An audit is required to consider and assess the condition of plaques and monuments to inform prioritisation for maintenance and any required deaccessioning. Though physical plaques and memorials are expected to highlight a schedule of maintenance that will incur cost, survey of all other forms of memorialisation is expected to be an exercise in procuring information only.

## Budget

Maintenance costs identified as an outcome of the audit will be identified as part of the annual budgeting process.

## Life Cycle Costs

Not applicable

## Strategic Plan

Wellbeing: Arts and Culture create vibrancy, celebrate creativity, and encourage people to connect with country, place, and each other.

## Council Policy

Public Art Policy

## Statutory Provisions

Not applicable

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**Written By:** Manager City Activation

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



# Attachment 1

Trim Container	<b>FOL/20/801</b>
Trim Document Number:	<b>DOC/20/47113</b>
First Issued / Approved:	<b>1/9/2020</b>
Last Reviewed:	<b>1/9/2020</b>
Next Review:	<b>1/9/2025</b>
Responsible Officer:	<b>Public Art and Culture Coordinator</b>
Date Placed on Intranet::	<b>11/9/2020</b>

## **1. PREAMBLE**

### **1.1 Background**

The City of Holdfast Bay values the role that art plays in enhancing and celebrating the unique identity, rich heritage and vibrant culture of the city and recognises that public art has an important part in contributing to civic identity and people's connection to place.

In 2019 the Creative Holdfast: Arts & Culture Strategy was developed to provide a five year framework to guide the coordination and investment in arts and culture across Holdfast Bay with a vision to be a leading creative and cultural city.

This policy confirms the commitment to the Creative Holdfast: Arts & Culture Strategy and complements the Creative Holdfast Public Art Guidelines 2020 – 2025. The Guidelines and Policy have been developed in conjunction with one another and are inter-related.

### **1.2 Purpose**

The Public Art Policy and Public Art Guidelines will direct the future of public art into public spaces and capital projects for the City of Holdfast Bay through an appropriate and considered process. Public art reflects the identity of place and increases the liveability and cultural richness of city.

Continual investment in public art will reinforce Council's commitment to create distinctive places and precincts, cultivate creative values and strengthen our rich cultural heritage. It will also foster the development and growth of creative and cultural industries.

The objectives of the Public Art Policy are:

- 1.2.1. Provide a strategic approach for the commissioning of quality public art that will enrich the city's unique environment and add vibrancy and interest to public space.
- 1.2.2. To establish a consistent and effective process for the procurement, maintenance and management of public art.
- 1.2.3. To implement a streamlined and considered approach to the commissioning of public art in the city and ensure a quality outcome in both the process and delivery.

- 1.2.4 Provide opportunities for the public to engage with and increase their awareness, appreciation and knowledge of public art.
- 1.2.5 Promote and encourage collaborative partnerships between design professionals (urban and landscape architects, planners, builders) and artists and integrate art into a variety of public spaces.
- 1.2.6 Ensure a commitment to excellence, innovation and diversity in keeping with the aesthetic and cultural significance of the city's public domain.
- 1.2.7 Provide opportunities for artists at all levels and career stages.
- 1.2.8 Encourage and facilitate the provision of public art and the adoption of integrated art, design and planning processes by all levels of government and the private sector.

### **1.3 Scope**

This policy applies to all existing and future public artworks across Council and guides the approach for the management, procurement and commissioning of public art and arts activations in the city. This includes any area of public space that is deemed appropriate by Council, including parks, streetscapes, plazas, public buildings, and other public recreation spaces.

### **1.4 Definitions**

Public art is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.

### **1.5 Strategic Reference**

#### **Our Place 2030 Community Plan**

Community: Building a healthy, active and resilient community

Community: Celebrating culture and diversity

Community: Providing welcoming, accessible facilities

Community: Fostering and engaged, contributing community

Placemaking: Creating lively and safe places

Placemaking: Developing walkable, connected neighbourhoods

Placemaking: Building character and celebrating history

## 2. PRINCIPLES

- 2.1 Value the role of artists and creativity in our city.
- 2.2 Ensure the implementation process for all forms of public art follows the appropriate guidelines and procedures.
- 2.3 Supports artistic excellence, innovation and diversity.
- 2.4 Ensure that Kaurua heritage and culture is considered at the inception of the project and ongoing.
- 2.5 Ensure that public art is in keeping with any surrounding built or natural heritage.
- 2.6 Ensure that public art enhances economic development and cultural tourism.
- 2.7 Ensure that inclusivity and universal access are considered at the initial stage of the project conception through to delivery.

## 3. REFERENCES

### 3.1 Legislation

- *Local Government Act 1999*

### 3.2 Other References

- Creative Holdfast Public Art Guidelines 2020 - 2025
- Creative Holdfast: Arts & Culture Strategy 2019 - 2024

# Attachment 2



# Public Art and Monuments

Council Policy

## 1. Purpose

The purpose of this policy is to ~~direct~~guide the ~~future~~selection, location and prioritisation of public art and monuments into public spaces and capital projects for the City of Holdfast Bay.

## 2. Scope

This policy applies to all existing and future public artworks and monuments across Council and guides the approach for the procurement, commissioning and management of public art and monuments in the city. This includes any area of public space that is deemed appropriate by Council, including parks, streetscapes, plazas, public buildings, and other public recreation spaces.

In the context of this policy, the term "monument" pertains to objects like commemorative busts and plaques honouring notable individuals and events. This distinction is important to clarify its separation from the term "memorial," which can also encompass plaques, tree plantings, benches, and similar items dedicated to the memory of private individuals. Memorials are subject to a separate policy and procedures.

## 3. Roles and Responsibilities

Council Members	Adoption of the policy principles, and <del>adherence to</del> <u>appropriate application of</u> them when making investment and other decisions about public art and monuments.
Chief Executive Officer	Allocation of resources and ensuring that all public art/monument activities are consistent with the objectives of Council's strategic plan, the budget process and the long-term financial plan.
All General Managers and Managers	Accountable for the management of public art and monuments within their areas of responsibility (as determined under the public art and monument procedures).
Employees	Awareness of this policy and compliance when relevant.
<u>Manager City Activation</u>	<u>Is accountable for implementing relevant procedures, procurement, commissioning, maintenance and decommissioning of public art and monuments, providing professional advice and comment to other departments of Council in relation to public art/monument management and developing and maintaining a public art/monument register.</u>
<del>Manager City Activation</del> <u>Manager City Activation</u>	<del>Is accountable for the procedures, procurement, commissioning, maintenance and decommissioning of public art and monuments, providing professional advice and comment to other departments of Council in relation to public art/monument management and developing and maintaining a public art/monument register.</del>

## 4. Policy Statement

4.1 This Policy affirms Council's commitment to:

- Increasing the liveability and cultural richness of the City of Holdfast Bay
- Commemorating appropriate historical event/events or person/persons of significance ~~who has lived in or contributed to the local community~~
- Recognising that an event may result in a spontaneous community reaction, which may be one of grief or celebration
- Creating distinctive places and precincts
- Strengthening our rich cultural heritage
- Developing and growing creative and cultural industries
- Ensuring that Kaurna heritage and culture is considered at the inception of the project and ongoing
- Ensuring that public art reflects the diversity of the community, both in the range of artists whose works are featured and the types/styles/topics of artworks selected, commissioned or purchased.
- Ensuring that inclusivity and universal access are considered at the initial stage of the project conception through to delivery-

- Ensuring that public art is in keeping with any surrounding built or natural heritage

4.2 4.2 Funding for the commissioning and maintenance of public art will be allocated/prioritised through Council's annual budget cycle and as part of capital works projects, leveraging where possible additional support through grants or private sector contributions.

4.3- Public art that is commissioned, purchased or otherwise acquired by Council ~~will~~should be guided by the following criteria:

- The installation adds to the character and distinctiveness of the site chosen
- The work is sufficiently high quality, robust and safe for installation in the public realm
- Suitable opportunities are offered to local and emerging artists as well as established artists
- The capacity for public art to prompt public engagement and dialogue will be encouraged
- A diversity of artists, artistic styles and media will be encouraged to the extent that is practicable
- Artistic experimentation will be encouraged where appropriate
- The costs of commissioning and maintenance of the work (where applicable) are reasonable in relation to the prominence and impact of the proposed artwork.

4.4 Preference will be given to monuments that can meet the following criteria:

- The monument pertains to an individual and/or event with a clear link to the City of Holdfast Bay
- There is evidence of community sentiment in support of memorialising the individual/event
- Consent can be sought from descendants/family members or next of kin (where applicable)
- The contribution of the individual /event is noteworthy on a local, state or national level
- ~~The individual / event is not commemorated in existing ways (e.g. existing installations or the naming of a place or reserve)~~
- The monument adds to the diversity of representation of all community groups across the City of Holdfast Bay
- A suitable and sympathetic location for the monument can be identified
- The costs of commissioning and maintenance of the monument (where applicable) are reasonable in relation to the prominence and impact of the proposed monument

- The quality of the monument contributes to the overall amenity of the area.

4.5 The selection of a suitable location for a piece of public art or monument will be subject to Council approval and be guided by the following criteria:

- Sympathetic relationship of the site to a proposed artwork's/ monument's subject
- Sufficient space to accommodate installation while maintaining public safety and access
- Installation will not unduly limit use of community spaces
- Location is conducive to the artwork / monument being appreciated by passers by
- Site conditions are appropriate for the care and maintenance of the installation.
- Where appropriate, consideration is given to the equitable distribution of public art across the council area

4.6 Cultural mapping and site sensitivity analysis is to be conducted prior to the finalisation of any installation in a given site.

4.7- Selection and location of artworks will consider environmental impacts, urban greening and life cycle impacts of materials used.

4.8 Where applicable, the creation of artworks will respect Indigenous Cultural and Intellectual Property (ICIP) protocols.

4.9 Commissioning and acquisition of artworks and monuments will be in accordance with selection and procurement processes that are documented in organisational procedures. At least one Elected Member will be included on selection panels for public art to ensure community representation.

4.10 The location,- distribution and density of public artwork across the City of Holdfast Bay will be subject to periodic review. This may result in recommendations for relocation or deaccession of specific works as appropriate.

4.11 Decommissioning Works may be temporarily removed from their locations for the purpose of maintenance or if they present a safety risk. Formal decommissioning and/or disposal of public art and monuments will be subject to approval of the General Manager Community and Business in accordance with relevant procedures Council.

## 5. Definitions

Key term or acronym	Definition
Public <del>art</del> Art	Public art is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.
Monument	Pertains to objects like commemorative busts and plaques honouring notable individuals and events.

## 6. Administration Use Only

Reference Number:	
-------------------	--

Strategic Alignment:	<p>This policy supports the:</p> <ul style="list-style-type: none"> <li>- 2030s Wellbeing Aspiration &gt; Local arts and culture are celebrated and supported, while barriers to participation (such as costs, infrastructure, access to audiences, etc) are lowered, to encourage typically excluded demographics to participate</li> <li>- 2040s Wellbeing Aspiration &gt; The City of Holdfast Bay is recognised as the most vibrant arts and culture hub outside of Adelaide city centre</li> <li>- 2030s Innovation Aspiration &gt; The Kaurna people's cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.</li> </ul>
Strategic Risk:	<p>This policy assists in mitigating:</p> <ul style="list-style-type: none"> <li>- Strategic Risk CB05 - Poor or inadequate Economic Development and Tourism Management</li> <li>- Strategic Risk SC05 - Lack of strategic alignment</li> <li>- Strategic Risk AD02 - Insufficient or ineffective Asset Management Planning</li> </ul>
Responsible Officer(s):	Manager, City Activation
First Issued / Approved:	
Minutes Date <del>and</del> Council Resolution Number:	
Last Reviewed:	
Next Review Date:	
Applicable Legislation:	
Related Policies:	Council's Memorials Policy
Other Reference Documents:	Public Art Procedure Monument Procedure

# Attachment 3

# Public Art and Monuments

Council Policy

## 1. Purpose

The purpose of this policy is to guide the selection, location and prioritisation of public art and monuments into public spaces and capital projects for the City of Holdfast Bay.

## 2. Scope

This policy applies to all existing and future public artworks and monuments across Council and guides the approach for the procurement, commissioning and management of public art and monuments in the city. This includes any area of public space that is deemed appropriate by Council, including parks, streetscapes, plazas, public buildings, and other public recreation spaces.

In the context of this policy, the term "monument" pertains to objects like commemorative busts and plaques honouring notable individuals and events. This distinction is important to clarify its separation from the term "memorial," which can also encompass plaques, tree plantings, benches, and similar items dedicated to the memory of private individuals. Memorials are subject to a separate policy and procedures.

## 3. Roles and Responsibilities

Council Members	Adoption of the policy principles, and appropriate application of them when making investment and other decisions about public art and monuments.
Chief Executive Officer	Allocation of resources and ensuring that all public art/monument activities are consistent with the objectives of Council's strategic plan, the budget process and the long-term financial plan.
All General Managers and Managers	Accountable for the management of public art and monuments within their areas of responsibility (as determined under the public art and monument procedures).
Employees	Awareness of this policy and compliance when relevant.
Manager City Activation	Is accountable for implementing relevant procedures, procurement, commissioning, maintenance and decommissioning of public art and monuments, providing professional advice and comment to other departments of Council in relation to public art/monument management and developing and maintaining a public art/monument register.

## 4. Policy Statement

4.1 This Policy affirms Council's commitment to:

- Increasing the liveability and cultural richness of the City of Holdfast Bay
- Commemorating appropriate historical events or persons of significance
- Recognising that an event may result in a spontaneous community reaction, which may be one of grief or celebration
- Creating distinctive places and precincts
- Strengthening our rich cultural heritage
- Developing and growing creative and cultural industries
- Ensuring that Kaurua heritage and culture is considered at the inception of the project and ongoing
- Ensuring that public art reflects the diversity of the community, both in the range of artists whose works are featured and the types/styles/topics of artworks selected, commissioned or purchased.
- Ensuring that inclusivity and universal access are considered at the initial stage of the project conception through to delivery
- Ensuring that public art is in keeping with any surrounding built or natural heritage.

4.2 Funding for the commissioning and maintenance of public art will be prioritised through Council's annual budget cycle and as part of capital works projects, leveraging where possible additional support through grants or private sector contributions.

4.3 Public art that is commissioned, purchased or otherwise acquired by Council should be guided by the following criteria:

- The installation adds to the character and distinctiveness of the site chosen
- The work is sufficiently high quality, robust and safe for installation in the public realm
- Suitable opportunities are offered to local and emerging artists as well as established artists
- The capacity for public art to prompt public engagement and dialogue will be encouraged
- A diversity of artists, artistic styles and media will be encouraged to the extent that is practicable
- Artistic experimentation will be encouraged where appropriate
- The costs of commissioning and maintenance of the work (where applicable) are reasonable in relation to the prominence and impact of the proposed artwork.

4.4 Preference will be given to monuments that can meet the following criteria:

- The monument pertains to an individual and/or event with a clear link to the City of Holdfast Bay
- There is evidence of community sentiment in support of memorialising the individual/event
- Consent can be sought from family members or next of kin (where applicable)
- The contribution of the individual /event is noteworthy on a local, state or national level
- The monument adds to the diversity of representation of all community groups across the City of Holdfast Bay
- A suitable and sympathetic location for the monument can be identified
- The costs of commissioning and maintenance of the monument (where applicable) are reasonable in relation to the prominence and impact of the proposed monument
- The quality of the monument contributes to the overall amenity of the area.

4.5 The selection of a suitable location for a piece of public art or monument will be subject to Council approval and be guided by the following criteria:

- Sympathetic relationship of the site to a proposed artwork's/ monument's subject
- Sufficient space to accommodate installation while maintaining public safety and access
- Installation will not unduly limit use of community spaces
- Location is conducive to the artwork / monument being appreciated by passers by
- Site conditions are appropriate for the care and maintenance of the installation
- Where appropriate, consideration is given to the equitable distribution of public art across the council area.



- 4.6 Cultural mapping and site sensitivity analysis is to be conducted prior to the finalisation of any installation in a given site.
- 4.7 Selection and location of artworks will consider environmental impacts, urban greening and life cycle impacts of materials used.
- 4.8 Where applicable, the creation of artworks will respect Indigenous Cultural and Intellectual Property (ICIP) protocols.
- 4.9 Commissioning and acquisition of artworks and monuments will be in accordance with selection and procurement processes that are documented in organisational procedures. At least one Elected Member will be included on selection panels for public art to ensure community representation.
- 4.10 The location, distribution and density of public artwork across the City of Holdfast Bay will be subject to periodic review. This may result in recommendations for relocation or deaccession of specific works as appropriate.
- 4.11 Works may be temporarily removed from their locations for the purpose of maintenance or if they present a safety risk. Formal decommissioning and/or disposal of public art and monuments will be subject to approval of Council.

## 5. Definitions

Key term or acronym	Definition
Public Art	Public art is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.
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## 6. Administration Use Only

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Strategic Risk:	This policy assists in mitigating: <ul style="list-style-type: none"> <li>- Strategic Risk CB05 - Poor or inadequate Economic Development and Tourism Management</li> <li>- Strategic Risk SC05 - Lack of strategic alignment</li> <li>- Strategic Risk AD02 - Insufficient or ineffective Asset Management Planning</li> </ul>
Responsible Officer(s):	Manager, City Activation
First Issued / Approved:	
Minutes Date & Council Resolution Number:	
Last Reviewed:	
Next Review Date:	
Applicable Legislation:	
Related Policies:	Council's Memorials Policy
Other Reference Documents:	Public Art Procedure Monument Procedure

**Item No:** 15.3

**Subject:** REGULATION OF PERSONAL WATERCRAFTS

---

## Summary

Every summer, council receives nuisance and safety complaints about the use of jet skis (personal watercrafts) along the City of Holdfast Bay's coast.

A Motion on Notice was endorsed by Council at the 24 October 2023 meeting (Resolution No: C240123/7581) to explore what enforcement mechanisms were available to mitigate resident concerns.

In November 2023, the Department of Infrastructure and Transport commenced a review on the myriad of current restrictions for recreational watercrafts, along the South Australian coastline, with a view to simplify and strengthen the laws and to improve safety.

This report highlights the Department of Infrastructure and Transport's review as an opportunity to influence enforcement mechanisms to address the jet ski's complaints received.

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## Recommendation

**That Council endorses the letter included as Attachment 2, subject to minor amendments and typographical errors, to the Department of Infrastructure and Transport's review of current restrictions and controls contained in *Schedule 5 of the Harbors and Navigation Regulations 2023*.**

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## Background

In 2023, several complaints were received regarding excessive noise of jet skis and proximity to swimmers in the water.

On 24 October 2023 Council endorsed the Motion on Notice C241023/7581:

*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.*

## Report

While investigating the current legislation that applies to jet skis (personal watercrafts) in the City of Holdfast Bay area, it was brought to Administration's attention that the Department for Infrastructure and Transport ("the Department") were to review the existing restricted areas and controls which apply to council areas within Schedule 5 of the *Harbors and Navigation Regulations 2023*.

*Refer Attachment 1*

As part of this process, the Department asked relevant councils to review the current restrictions and controls contained within this Schedule which currently exist within their council electorate.

The SA Recreational Boating Safety Strategy provided to Administration by the Department details the five areas from Glenelg to Kingston Park which have different controls for each.

With a complex array of controls, communicating the changing restrictions along the coast to recreational watercraft users is a challenge. Furthermore, the City of Charles Sturt has an Aquatic Activity Licence (AAL) to restrict personal watercraft within defined areas of their council's electorate, which is not the intention of the AAL.

AALs are commonly issued for recreational events, such as swimming, regattas, and fireworks events for new year's celebrations etc. When an AAL is granted, the applicant then takes full responsibility for the control of the waterways.

*"...releases, indemnifies and discharges the Minister for Infrastructure and Transport and the Crown in the right of the State of South Australia and their employees and agents (those indemnified) from and against any loss (including legal costs and expenses) or liability incurred or suffered by any of those indemnified as a result of any suit, demand, action, claim or proceeding brought by any person against those indemnified arising from the issue of this exemption for the above event."*

*Quote provided by Aquatic Activity License condition - Marine Safety SA - Department of Infrastructure and Transport)*

Officers can be authorised for this AAL option and general marine compliance however it is resource intensive and takes officers away from other duties increasing Council's liability.

The review from the Department is an opportunity to simplify the restriction across the coast, taking into consideration common problems, such as safety and noise complaints, which can then be communicated and enforced by the Department.

Therefore, rather than exploring new expiation mechanisms such as an AAL, which is time consuming and costly, the City of Holdfast Bay is in a fortunate position to take advantage of this review, voice any concerns to develop legislation which is consistent across the coast and can be enforced by the appropriate enforcement agency. If after the review the problems still exist, council can explore additional controls.

In addition to the *Harbors and Navigation Act 1993*, which is the mechanism to enforce problems associated with personal watercrafts, Administration also explored the *Local Nuisance and Litter Control Act* regarding noise complaints. Whilst reviewing this legislation, it was determined that vehicle noise is outside the council's remit. Therefore, moving personal watercrafts further away from the shore, under the *Harbors and Navigation Act* appears to be the best enforcement tool to treat noise and safety complaints.

The recommendation is for Administration to provide feedback to Marine Safety SA of the following themes as reflected in the letter:

- Noise complaints
- Swimmer safety
- Increased patrols/enforcement from the Department.

*Refer Attachment 2*

Currently jet skis (personal watercrafts) and other powered vessels can operate their vehicle within 200 metres from the high watermark in Glenelg (except Area 3), however, they must travel at four knots or less. South of Glenelg, all powered vessels are prohibited from Kingston to Somerton within 100 metres of the high watermark. There is an area of water in the Kingston Park area which is culturally protected for the Kaurna people as reflected in Appendix 2 of Attachment 2 called the Figure 18 in the Heritage Research and Procedures Report – City of Holdfast Bay Council 2018.

Area 3 in Glenelg is an exclusion zone for soil ground from dredging near the entrance to the Patawalonga River.

Part of Administration's feedback has included exploring the feasibility of preventing personal watercrafts and other powered vessels near popular swimming areas. Surf club representatives have reported areas around both the Brighton and Glenelg Jetties to be the most popular swimming areas.

Administration is proposing an exclusion zone to reflect 200 metres starting from the high watermark outwards and within 200 metres from any jetty. However, any motorised vessel, will be able to still be allowed to moor on the jetty, under the current legislation (*Harbors and Navigation Act 1993*). Council's By-laws (By-law 3 – 9.8.1) prevent people swimming within 5 metres from any jetty, therefore there is scope to introduce this exclusion zone. In addition, Administration recommends that rescue vessels will be exempt.

For the remainder of the coast, except the culturally protected areas, a consistent control of four knots for all power vessels 200 metres from the high watermark would assist the Marine and Harbour Officers with compliance.

If these changes do not deliver improved safety and noise control, Administration can explore alternative mechanisms.

In the interim, while the review is in progress, the Department has offered to increase patrols and commence discussions around installing CCTV cameras into our existing infrastructure. This will enable them to identify offenders by using the watercraft's registration plates.

## **Budget**

Not applicable

## **Life Cycle Costs**

Not applicable

## **Strategic Plan**

Wellbeing – safer environment for residents and visitors

## **Council Policy**

Not applicable

## **Statutory Provisions**

*Harbors and Navigation Act 1993*  
*Harbors and Navigation Regulations 2023*  
*Local Nuisance and Litter Control Act 2016*  
*City of Holdfast Bay Bylaw 3 – 9.8.1*

---

**Written By:** Manager, Community and Safety

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

# Attachment 1





Government  
of South Australia

Department for Infrastructure  
and Transport

In reply please quote #21009237  
Enquiries to Simon Schwerdt 0481 908 749

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**MARINE SERVICES**

GPO Box 1533  
Adelaide SA 5001  
DX 171

[marinesafety.sa.gov.au](http://marinesafety.sa.gov.au)

ABN 92 366 288 135

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**Build. Move.  
Connect.**

City of Holdfast Bay  
Governance Team

Dear City of Holdfast Bay,

SA Recreational Boating Safety Strategy

As part of the initial consultation to develop the SA Recreational Boating Safety Strategy ([South Australian Recreational Boating Safety Strategy \(marinesafety.sa.gov.au\)](http://marinesafety.sa.gov.au)). The Department for Infrastructure and Transport ("the Department") is in the process of reviewing the existing restricted areas and controls applying to council areas within Schedule 5 of the *Harbors and Navigation Regulations 2023*. As part of this process, we are asking relevant councils to please review the current restrictions and controls contained within Schedule 5 of the *Harbors and Regulations 2023*, that currently exist within their council electorate.

The restrictions and controls applying to the City of Holdfast Bay electorate are detailed below.

Brighton Area 1-5. (pg. 161-162 Regulations)

➤ Control(s)

- #9 - a person must not operate a vessel fitted with an engine in the specified waters.

**Area 1:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the north boundary of the City of Brighton adjoining the sea coast and its production seaward;
- on the south by a straight line being the production seaward of the north alignment of Whyte Street;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 2:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the south alignment of Harrow Road;
- on the south by a straight line extending seaward of the High Water Mark and being 200 m north of and parallel to the north alignment of Gladstone Road;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 3:** the portion of the waters of Gulf St. Vincent bounded as follows:

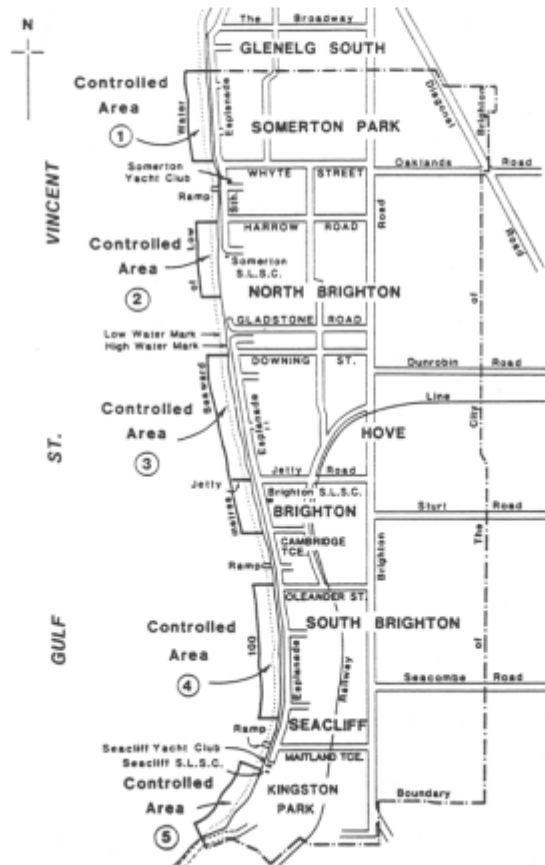
- on the north by a straight line being the production seaward of the south alignment of Downing Street;
- on the south by a straight line being the production seaward of the south alignment of Cambridge Terrace;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 4:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the north alignment of Oleander Street;
- on the south by a straight line extending seaward of the High Water Mark and being 200 m north of the centre of the boat ramp at Maitland Terrace and parallel to the north alignment of Maitland Terrace;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 5:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line extending seaward from the south extremity of the Seacliff Surf Life Saving Club building;
- on the south by a straight line, being the south boundary of the City of Brighton adjoining the sea coast, and its production seaward;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.



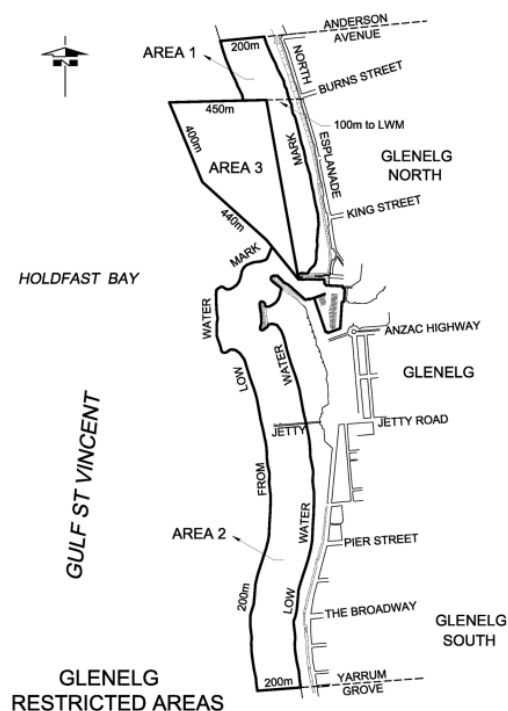
Glenelg Area 1. (pg. 172 Regulations)

➤ Control(s)

- #3 - a person must not operate a vessel in the specified waters at a speed in excess of 4 knots or in a planing attitude
- #5 - a person must not ski, aquaplane or be towed in any other manner by a vessel in specified waters at a speed in excess of 4 knots.

**Area 1:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing at a point being the production seaward of the northern alignment of Anderson Avenue, Glenelg North, for a distance of 200 m from the Low Water Mark;
- then generally southerly along a line 200 m from and parallel to the Low Water Mark to the intersection of a line between the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East and the West Cardinal navigational marker at latitude 34°58'01.08" South, longitude 138°30'11.28" East;
- then generally easterly along that line to the St. Andrews Cross navigational marker;
- then generally southerly to the Port hand navigational marker at latitude 34°58'28.11" South, longitude 138°30'33.94" East;
- then generally easterly to the intersection of the Low Water Mark on the northern breakwater;
- then generally northerly along the Low Water Mark to the production of the northern alignment of Anderson Avenue;
- then generally westerly to the point of commencement.



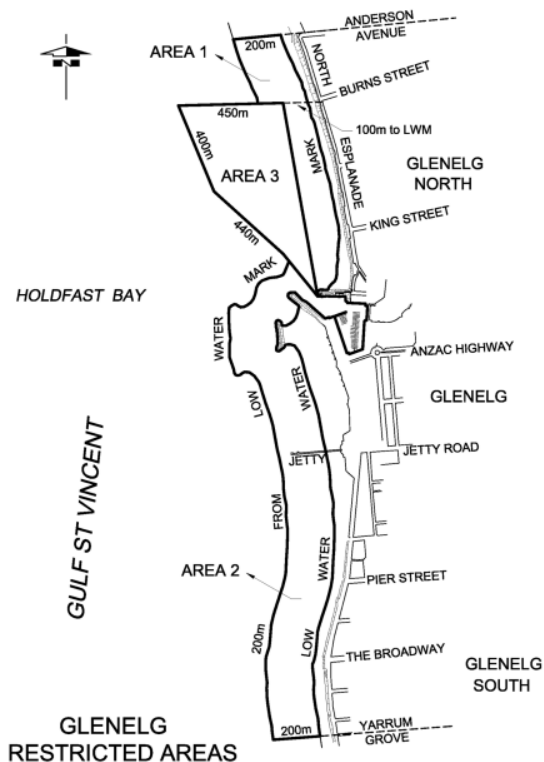
#### Glenelg Area 2. (pg. 172 Regulations)

##### ➤ Control(s)

- #3 - a person must not operate a vessel in the specified waters at a speed in excess of 4 knots or in a planing attitude
- #5 - a person must not ski, aquaplane or be towed in any other manner by a vessel in specified waters at a speed in excess of 4 knots.

**Area 2:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing at a point being the production seaward of the northern alignment of Yarrum Grove, Glenelg South, for a distance of 200 m from the Low Water Mark;
- then generally northerly along a line 200 m from and parallel to the Low Water Mark to the Port hand navigational marker at latitude  $34^{\circ}58'22.07''$  South, longitude  $138^{\circ}30'28.30''$  East;
- then generally south-easterly to the Port hand navigational marker at latitude  $34^{\circ}58'28.11''$  South, longitude  $138^{\circ}30'33.94''$  East;
- then generally easterly to the intersection of the Low Water Mark on the northern breakwater;
- then generally easterly, southerly and north-westerly along the Low Water Mark around the Holdfast Shores Marina and the southern breakwater;
- then generally southerly along the Low Water Mark to the production of the northern alignment of Yarrum Grove;
- then generally westerly to the point of commencement.



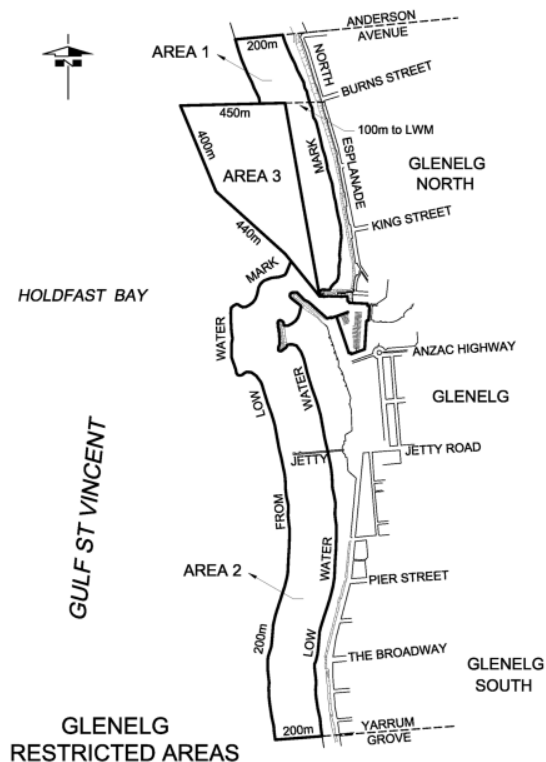
### Glenelg Area 3. (pg. 173 Regulations)

#### ➤ Control(s)

- #1 - a person must not take a vessel into the specified waters or cause or permit a vessel to enter or remain in the specified waters
- #4 - a person must not ski, aquaplane or be towed in any other manner by a vessel in the specified waters
- #9 - a person must not operate a vessel fitted with an engine in the specified waters

**Area 3:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing on the north approximately 150 m from the High Water Mark of the coast to the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East and extending seaward in a westerly direction for approximately 450 m to the West Cardinal navigational marker at latitude 34°58'01.08" South, longitude 138°30'11.28" East;
- on the west by a straight line drawn in a generally southerly direction from latitude 34°58'01.08" South, longitude 138°30'11.28" East, to the West Cardinal navigational marker at latitude 34°58'13.14" South, longitude 138°30'16.92" East, then south-easterly to the Port hand navigational marker at latitude 34°58'22.07" South, longitude 138°30'28.30" East;
- then continuing from latitude 34°58'22.07" South, longitude 138°30'28.30" East in a south-easterly direction to the Port hand navigational marker at latitude 34°58'28.11" South, longitude 138°30'33.94" East;
- on the east by a straight line drawn in a generally northerly direction and approximately parallel to the shore from latitude 34°58'28.11" South, longitude 138°30'33.94" East to the point of commencement at the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East.



Can you please review the current restricted areas and controls in Schedule 5 and consider the following:

- Whether the current controls are still necessary/required?
- Whether the current boundaries of the restricted areas need to be extended/amended?
- Whether there are any additional restricted areas you would like to investigate?
- Whether any additional controls are required to address any safety concerns or regulate an on-water activity within your council area?
- Whether there are any on water activities that council has currently regulated/included within its By-Laws which may be more appropriately regulated under the *Harbors and Navigation Regulations 2023*.

If there are additional restricted areas your council would like to explore further, a community consultation led by council will be necessary. This involves engaging both land and water-based stakeholders, as well as the local community. The submission can then be presented to the Department for consideration.

It would be appreciated if you could please provide comment on these, along with any other areas of concern where heightened risk for public safety may exist **by COB Thursday 29 February 2024.**

Please feel free to contact me if you have any questions.

Kind Regards,

Marine Services,  
Marine Safety and Compliance.



# Attachment 2

6 March 2024

Mr Simon Schwerdt  
Marine Safety  
GPO Box 1533  
Adelaide SA 5001 DX 171

Dear Mr Schwerdt

**SA Recreational Boating Safety Strategy – Reference #21009237**

Thank you for writing to Council requesting feedback on the SA Recreational Boating Safety Strategy.

Council supports the need for a more consistent set of laws across the coast to assist with communication to all recreational boat users, which should improve compliance.

The main concerns raised from our residents are noise and swimmer safety. Both concerns are related to the proximity of personal watercrafts to the foreshore / swimmers.

Residents, visitors, and staff regularly observe personal watercrafts (Jet skis) travelling at high speeds near swimmers and the foreshore.

In response to your questions (below), we have consulted your department and surf lifesaving club representatives. The following answers have taken into consideration concerns raised, around noise and safety.

**Question 1**

**Can you please review the current restricted areas and controls in Schedule 5 and consider the following:**

**A) Whether the current controls are still necessary/required?**

*Council's response:*

Currently, the areas between Somerton Park and Kingston prohibit the use of all powered vessels within 100 metres of the high watermarks. The remaining coastal area - further north in the Holdfast Bay area - allow powered vessels however, these vessels must only travel 4 knots at 200 metres from the high watermark.

The exclusion of powered vessels in the Kingston Road, Somerton area is not necessary for the low swimmer density areas however there would be need when the density increases. The Surf clubs indicate the Jetty areas are the busiest areas for swimmers and Brighton and Glenelg Jetty areas are some of the busiest areas in the State.

In addition, the City of Holdfast have waters of cultural significance to the Kaurna people, beyond the high watermark in the Kingston area. Please refer to Appendix A which is sourced from the Heritage Research Procedures Report, City of Holdfast Bay Council, Adelaide SA, 21 December 2018 by David Mott)

Therefore, this area will need to remain an exclusion zone.

Regarding Area 3 in Glenelg, we have no objection for this to remain as it is a designated area for dredging to ensure the entrance to the Patawalonga is clear.

**B) Whether the current boundaries of the restricted areas need to be extended/amended?**

*Council's response*

Council is amenable to maintaining a consistent boundary with restricted areas across the coast (Kingston to Glenelg) of 200 metres at 4 knots – which currently applies in Glenelg - apart from Jetty areas (discussed in part c) and culturally protected areas.

**C) Whether there are any additional restricted areas you would like to investigate?**

*Council's response*

Council would like to introduce restricted areas, 200 metres from the high watermark, for powered vessels in popular swimming areas. Surf club representatives believe Brighton and Glenelg Jetties are the most popular areas for swimmers.

Council understands the current legislation (Harbors and Navigation Regulations 2023) allows for vessels to moor on Jetty's and to remove this ability is problematic. However, our bylaw (bylaw 3 – 9.8.1) prohibits swimming within 5 metres of any jetty.

Therefore, Council proposes restricted areas of 200 metres on either side of any jetty and 200 metres from the highwater mark. As our bylaw prohibits swimmers near Jetty's, the proposed restricted area will also allow for mooring. However, it is worth noting that mooring is exceedingly rare at both our Jetties.

In addition, we would like to include an exception for emergency services, for example the surf clubs power vessels for rescue.

**D) Whether any additional controls are required to address any safety concerns or regulate on water activity within your council area?**

*Council's response:*

Additional controls are not necessary however council would like to see increased enforcement from Marine and Harbours officers. Council supports the use of our CCTV network within our policy to help with enforcement.

**E) Whether there are any on water activities that council has currently regulated/included within its By-Laws which may be more appropriately regulated under the Harbors and Navigation Regulations 2023.**

*Council's response:*

There are no by-laws that currently regulate water activities other than swimming as discussed. Therefore, this is not applicable.

**Question 2.**

**If there are additional restricted areas your council would like to explore further, a community consultation led by council will be necessary. This involves engaging both land and water-based stakeholders, as well as the local community. The submission can then be presented to the Department for consideration.**

*Council's response*

If required and or appropriate Council can assist with consulting the community.

Thank you for considering our feedback. Council is happy to discuss our responses. Glenelg and Brighton are high density swimming areas, and these proposed changes will ensure our waters are safe for residents and visitors.

Yours sincerely

**Roberto Bria**  
Chief Executive Officer

*Ref: Appendix A*

## Appendix A

### Heritage Research & Procedures Report for the City of Holdfast Bay Council Jurisdiction, South Australia



**Figure 18** Aboriginal Desktop Heritage Assessment (South)



**Item No:** 15.4

**Subject:** COUNCIL DELEGATION UPDATES

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## Summary

Due to recent legislative updates, an update to Council's Delegations Framework is required.

This report recommends the revocation of existing delegations pursuant to the *Local Government Act 1999*, which are contained in Appendix 22 of the Delegations Register, and a subsequent replacement of that Appendix with new delegations. Three sections are being amended, which are detailed in herein.

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## Recommendation

It is recommended that, on the basis of ongoing review of Council's Instruments of Delegation in accordance with section 44(6a) of the *Local Government Act 1999*, Council:

1. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the *Local Government Act 1999*.
  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 *Local Government Act 1999*, specified in the proposed Instruments of Delegation and marked Appendix 22 are delegated this 27 February 2024 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 the proposed Instruments of Delegation included as Attachment 1 to this Report.
    - 2.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- 

## Background

At its meeting on 24 October 2023, Council resolved, having conducted its comprehensive review of the Council's Instruments of Delegations in accordance with section 44(6a) of the *Local Government Act 1999* (the Act) to revoke its previous delegations under certain legislation, and adopt updated Instruments of Delegation.

As a result of ongoing review and amendments since that time made by the *Statutes Amendment (Local Government Review) Act 2021*, updates are required to Council's Instrument of Delegation under the *Local Government Act 1999* (the Act).

## Report

A publicly available Delegations Register that lists all delegations made by the Council, and sub-delegations made by the Chief Executive Officer, is required to be kept in accordance with Section 44(6) of the Act.

Key changes recommended as a result of the review include the addition of the following delegations, resulting from legislative changes. For clarity, where a sub-delegation is blank, it vests with the Chief Executive Officer.

24A Behavioural Standards		SUB-DELEGATION
24A.1	The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards.	REMAINS WITH COUNCIL
24A.2	The power under section 120A(4) to alter or substitute employee behavioural standards.	REMAINS WITH COUNCIL
24A.3	The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards.	
24A.4	The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.	
24A.5	The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election.	REMAINS WITH COUNCIL

25 Strategic management plans		SUB-DELEGATION
25.1	In conjunction with the development of the plans required under section 122(1) of the Act, within the prescribed period, to	GMSC, MF, MSG, GMAD, ME
25.1.1	provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority in accordance with Section 122(1c) of the Act;	
25.1.2	provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;	



25.1.3	ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;	
25.1.4	provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.	
25.1.5	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.	

The amendment of the following delegations, to correct a drafting error relating to the ability to reduce, waive or refund administrative fees and charges.

<b>73. Fees and charges</b>		<b>SUB-DELEGATION</b>
73.2	The power pursuant to section 188(3) of the Act to provide for –	<b>ASCO, FORP, GMSC, GMA, GMAD, GMCB, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA, RA, PDJRP</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 factors;	
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.	

The full delegations register is provided in Attachment 1 and a list of the position acronyms is provided for reference in Attachment 2.

*Refer Attachments 1 and 2*

## Budget

No budget allocation is required.

## Life Cycle Costs

Not applicable

## Strategic Plan

Statutory compliance

## Council Policy

Not applicable

## Statutory Provisions

Delegations are the powers delegated by Council to the Council Assessment Panel and to various staff members, enabling the delegate to conduct activities within their authorisation without referring back to Council. Section 44 of the Act provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.

Delegations made by the Council under section 44 of the Act can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person. Other Acts may specify different delegates than the *Local Government Act 1999*.

A delegation made pursuant to section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.

The Act requires that a publicly available Delegations Register that lists all delegations made by the Council, and sub-delegations made by the Chief Executive Officer, is required to be kept in accordance with section 44(6) of the Act.

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**Written By:** Strategy and Governance Lead

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

# Attachment 1

**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 **[DATE]**<sup>1</sup>.

**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).	

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<sup>1</sup> Reviewed and updated by resolution of the Council at its meeting of **[DATE]**, last review and adoption 24 October 2023

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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 power 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 power 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 power 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 power 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	<b>REMAINS WITH COUNCIL</b>

member of a Committee.	
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 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 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 Prudential requirements for certain activities</b>	
<p>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 -.</p>	<b>GMSC, MSG</b>
<p>10.1.1 Acts with due care, diligence and foresight; and</p> <p>10.1.2 Identifies and manages risks associated with a project; and</p> <p>10.1.3 Makes informed decisions; and</p> <p>10.1.4 Is accountable for the use of Council and other public resources.</p>	
<p>10.2 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:</p>	<b>GMSC</b>
<p>10.2.1 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):</p>	
<p>10.2.1.1 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</p>	
<p>10.2.1.2 where the expected capital cost of the project over the ensuring five years is likely to exceed \$4,000,000.00 (indexed) or</p>	
<p>10.2.1.3 where the Council or delegate considers that it is necessary or appropriate.</p>	
<b>11 Contracts and tender policies</b>	
<p>11.1 The power pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</p> <p>11.1.1 obtaining value in the expenditure of public money; and</p>	<b>GMSC, MSG</b>

11.1.2 providing for ethical and fair treatment of participants; and	
11.1.3 ensuring probity, accountability and transparency in procurement operations.	
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 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>		
15.1	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	<b>EO &amp; A MAYOR</b>

purposes) incurred in performing or discharging official functions and duties.	
<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>24A Behavioural Standards</b>	
24A.1 The power under section 120A(1) of the Act to prepare and adopt employee behavioural standards.	<b>REMAINS WITH COUNCIL</b>
24A.2 The power under section 120A(4) to alter or substitute employee behavioural standards.	<b>REMAINS WITH COUNCIL</b>

24A.3	The power under section 120A(5) of the Act to consult with any registered industrial association that represents interests of employees of councils before adopting, altering or substituting employee behavioural standards.	
24A.4	The power under section 120A(6)(a) of the Act to Review the operation of the employee behavioural standards.	
24A.5	The power under section 120A(6)(b) of the Act to consider whether to adopt employee behavioural standards within 6 months of a periodic election.	<b>REMAINS WITH COUNCIL</b>
<b>25. Strategic management plans</b>		
25.1	In conjunction with the development of the plans required under Section 122(1) of the Act, within the prescribed period, to	<b>GMSC, MF, MSG, GMAD, ME</b>
25.1.1	provide information relating to long-term financial plan and infrastructure and asset management plan to designated authority un accordance with Section 122(1c) of the Act;	
25.1.2	provide to the designated authority all relevant information on the matters specified in this section in accordance with guidelines determined by designated authority in accordance with Section 122(1e) of the Act;	
25.1.3	ensure advice provided by designated authority and any response of the Council is published in the Council's annual business plan (draft and adopted) in the relevant financial year and subsequent financial year (until next relevant financial year) in accordance with section 122(1h) of the Act;	
25.1.4	provide to the designated authority within time and in manner specified in notice information the designated authority reasonably requires in accordance with Section 122(1j) of the Act.	
25.1.5	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>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.	<b>REMAINS WITH COUNCIL</b>



31.2	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>
31.2.1	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between -	
31.2.1.1	remuneration payable for the annual audit of the Council's financial statements; and	
31.2.1.2	other remuneration;	
31.2.2	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;	

<p>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.</p>	
<p><b>34. Annual report to be prepared and adopted</b></p>	
<p>34.1 The function pursuant to Section 131(5) of the Act to submit a copy of the annual report to:</p>	<p><b>GMSC, MSG</b></p>
<p>34.1.1 the Presiding Member of both Houses of Parliament; and</p>	
<p>34.1.2 to the persons or body prescribed by the Regulations,</p>	
<p>on or before the date determined under the Regulations.</p>	
<p>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.</p>	<p><b>GMSC, MSG</b></p>
<p><b>35. Access to documents</b></p>	
<p>35.1 The function pursuant to Section 132(1) of the Act to:</p>	<p><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, PDJRP</b></p>
<p>35.1.1 publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and</p>	
<p>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).</p>	
<p>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)).</p>	<p><b>GMA, GMAD, GMCB, GMSC, BFM, EO&amp;PA MAYOR, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MF, MIT, MPCA, MPC, MPRUD, MRSA,</b></p>

	<b>MSG, PDJRP</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, PDJRP</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 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 differential rate and to decide objections to any of those attributions.	<b>GMSC, MF, RS, MAL</b>
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;	
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:	<b>GMSC, MF, MAL, RS</b>

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	<b>GMSC, MAL, RS</b>

accordance with Section 167(3), (4) and (5) of the Act, to adopt -	
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	<b>GMSC, MF, MAL, RS, FORP</b>

owner or occupier of the relevant land, a rates notice, as soon as practicable after –	
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	<b>GMSC, MF</b>

	held because the land is held from the Crown under a lease, licence or agreement to purchase.	
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, PDJRP</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 -	<b>ASCO, FORP, GMSC, GMA, GMAD, GMCB, MF, MCA, MCE, MCS, MCW, MCELS, MDS, ME, MFS, MFA, MIT, MPCA, MPC, MPRUD, MRSA, RA, PDJRP</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 factors;	
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, PDJRP</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, PDJRP</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>		
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.	<b>GMSC, MDS</b>
<b>80. Management plans</b>		
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 –	<b>GMSC, MDS</b>
80.1.1	identifies the land to which it applies; and	
80.1.2	states the purpose for which the land is held by the Council; and	
80.1.3	states the Council's objectives, policies (if any) and proposals for the management of the land; and	
80.1.4	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	
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 –	<b>GMSC, MDS</b>
80.2.1	identify the owner of the land; and	
80.2.2	state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and	
80.2.3	contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	



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.	<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 initiative, or to revoke an order if satisfied that it is appropriate to do so.	<b>ACSO, CSO, GMCB, MCS, CSOL</b>
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 amount must be paid and, if the amount is not paid by the person within that period -	<b>GMCB, MCS</b>
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>		
6	126.1 The power under Section 262B(1) to prepare and adopt a behavioural management policy.	<b>REMAINS WITH COUNCIL</b>
7	126.2 The power under section 262B(6) to alter or substitute a behavioural management policy.	<b>REMAINS WITH COUNCIL</b>
8	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>
9	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.	
10	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: 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.	<b>GMSC, MSG</b>
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	<b>GMAD, ME</b>

regional NRM board or boards; and 145.1.3 is prepared in accordance with any other procedures or requirements prescribed by the Regulations.	
<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 – (a) fix posts, stakes or other markers on the land; and (b) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (c) remove samples for analysis;	
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 building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	<b>GMSC, MF</b>
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



# Attachment 2

## CITY OF HOLDFAST BAY

### Delegations Register - Position Acronyms

ACSO	Administration Community Safety Officer
AMC	Alwyndor Management Committee
APO	Assets and Project Officer
BFM	Building Facilities Manager
CWL	Civil Works Lead
CS	Commercial Specialist
CSO	Community Safety Officer
CSOL	Community Safety Officer Lead
CAP	Council Assessment Panel
CEO	Chief Executive Officer
DAA	Development Administration Assistant
DAdminL	Development Administration Lead
DAL	Development Assessment Lead
DAO	Development Administration Officer
DOB	Development Officer - Building
DOP	Development Officer – Planning
DSPBL	Development Services (Planning and Building) Lead
ECL	Environment and Coast Lead
EHL	Environmental Health Lead
EHO	Environmental Health Officer
EO & A MAYOR	Executive Officer and Assistant to Mayor
FAL	Financial Accountant Lead
FORP	Finance Officer – Rates & Payroll
GMA	General Manager Alwyndor
GMAD	General Manager Assets and Delivery

GMCB	General Manager Community and Business
GMSC	General Manager Strategy and Corporate
IMS	Information Management Specialist
LLL	Library Learning Lead
LCL	Library Collections Lead
LOL	Library Operations Lead
MCA	Manager City Activation
MCE	Manager Communications and Engagement
MCELS	Manager Customer Experience and Library Services
MCS	Manager Community Safety
MCW	Manager Community Wellbeing
MDS	Manager Development Services
ME	Manager Engineering
MF	Manager Finance
MFA	Manager Finance Alwyndor
MFS	Manager Field Services
MIT	Manager Innovation and Technology Services
MPC	Manager People and Culture
MPCA	Manager People and Culture Alwyndor
MPRUD	Manager Public Realm and Urban Design
MRSA	Manager Residential Services Alwyndor
MSG	Manager Strategy and Governance
OFSO	Operations and Fleet Support Officer
OSL	Open Space Lead
PO	Property Officer
RA	Rates Specialist
RRCCL	Rapid Response / City Cleansing Lead
SFWOS	Senior Field Worker Open Space

SGL	Strategy and Governance Lead
SPMID	Senior Project Manager Infrastructure Delivery
SUFO	Senior Urban Forest Officer
TOT	Technical Officer Traffic
TTL	Traffic and Transport Lead
UFO	Urban Forrester Officer